

Consultation Response:

Improving protections in the justice system for women and girls

Zero Tolerance for Scottish Government, 10th August 2026

Questions

Question 1: Do you agree with the Scottish Government view on the benefits arising from the operation of current law in relation to non-fatal strangulation?

We are a primary prevention organisation, so the answer to this question does not fall within our funded remit. We defer to the expertise of our sister organisations such as Rape Crisis Scotland and Scottish Women's Aid.

We express views in response to Question 4 regarding steps needed to address the dangers of non-fatal strangulation through a primary prevention approach.

Question 3: Do you have views on how best public awareness can be improved as to the dangers of non-fatal strangulation?

Please refer to our response to Question 4.

Question 4: Do you have any other views on steps to address the dangers of non-fatal strangulation?

Zero Tolerance is Scotland's expert organisation on the primary prevention of men's violence against women and girls (VAWG). Primary prevention is a long-term strategy to prevent violence before it starts by addressing the root cause – gender inequality. Non-fatal strangulation is considered one of the most reliable predictors of domestic homicide (Glass, Nancy, et al., 2008). In a sample of UK Domestic Homicide Reviews, 59% of those killed by strangulation had experienced non-fatal strangulation prior to their death (Institute for Addressing Strangulation (IFAS), 2025.) This is a gendered

issue which is disproportionately and overwhelmingly perpetrated by men and boys against women and girls.

There are inherent immediate physical health risks associated with non-fatal strangulation for the recipient (Conte, I., Sharman, L.S. and Douglas, H, 2025).

There is no legal defence of consent for non-fatal strangulation in Scotland, it is therefore considered to be assault regardless of consent (Criminal Justice Committee 2025). It is notable that research from the UK indicated that only 55% of female respondents who experienced non-fatal strangulation during sex had always agreed to participate in this act in advance (Smailes, H. and McGowan, M, 2024). A large percentage of these women had at some time therefore experienced non-fatal strangulation, legally considered in Scotland to be assault, during sex without prior agreement to do so.

It is a significant concern that normalising this practice can directly lead to an increase in the prevalence of unhealthy relationships characterised by gender-based violence and gender inequality.

One key factor in the normalisation of non-fatal strangulation is the ease of access and normalisation of online pornography in which this act is or is depicted to be taking place. This form of pornography, along with other sexually violent content, is increasingly available and being widely accessed by young people under the age of 18 (Children's Commissioner for England, 2023). Pornographic content of this kind is often promoted through the intentional design of social media platforms and other online spaces, and children are often exposed to this content accidentally (Children's Commissioner for England, 2025).

As a result, there is an increasing pressure and expectation for non-fatal strangulation to feature as a typical part of sex and relationships at a young age. This is a vulnerable stage at which children and young people are initially exploring relationships and/or sex. In practice, this typically presents as significant peer pressure and expectation for young women and girls to be subject to violence from men and boys, as if it is a typical part of a relationship (Children's Commissioner for England. 2023).

“If strangulation during sex is becoming (or has become) expected, consent for this act specifically - at least by some - may not be perceived as required.”

(Smailes, H. and McGowan, M, 2024)

We must not lose sight of the fact that this also sits amidst a wider social context in Scotland of prevalent misogyny, gender inequality, and gender-based violence. Whether online or offline, this broader context also feeds into the problem. We cannot focus on particular forms of online pornography and platform design alone and expect to dismantle systems of oppression which rely on and are expressed through gender inequality and violence towards women and girls. Systemic oppression must be addressed through a systemic approach. Though particularly prevalent at this time especially amongst a younger age demographic, non-fatal strangulation and sexual coercion are by no means new problems for women and girls in Scotland or confined to one age demographic. We must also look critically at underlying deeply entrenched social attitudes and inequalities, and work constructively in partnership with people of all genders to address these.

RSHP education does not currently address non-fatal strangulation. Young people are therefore not being equipped to navigate these topics and their personal boundaries as individuals and within relationships. This leaves young people, particularly women and girls, vulnerable to coercion into participating in this act, which is often termed ‘choking’ or ‘breath-play’, when they do not wish to do so. It also leaves young people especially vulnerable to harm as they do not receive education regarding the physical risks of these practices, especially when undertaken without an understanding of how to mitigate those risks. It must be noted, however, that it is widely accepted that there is no truly safe way to engage in non-fatal strangulation and that in some cases negative health impacts may only develop or become apparent sometime after it has occurred (Conte, I., Sharman, L.S. and Douglas, H. 2025).

Another key factor underpinning the prevalence of non-fatal strangulation in relationships, particularly those of young people, is the prevalence of misogynistic content and beliefs promoted through intentional design of social media platforms and other online spaces. This online environment is often referred to as ‘the manosphere’. This harmful content constructs and promotes masculine ideals defined

by controlling and aggressive behaviour towards women and girls, including in sexual relationships. This is contributing significantly to gender-inequality and gender-based violence. This online content does not exist in a vacuum, and again it must be acknowledged that misogyny and gender inequality are also prevalent in offline society and a role in influencing the beliefs and behaviours of young people.

Scotland must invest in primary prevention work that looks upstream to change the conditions currently resulting in gender-based violence because of the normalisation of non-fatal strangulation, to prevent this violence before it occurs.

Zero Tolerance makes the following urgent calls:

- **RSHP education must address 'choking' and 'breath-play' explicitly.** Relationships, Sexual Health and Parenthood Education in Scottish schools needs to equip young people to understand that non-fatal strangulation should not be expected of them or by them as part of typical sexual practice and that it is not a safe sexual practice. This education must give them language and frameworks for understanding risk and recognising coercion. We call for timely statutory education on relationships and sex for young people, rooted in a whole-school approach to equality and human rights.
- **Education and engagement, particularly with young men and boys, must be prioritised to challenge misogynistic beliefs.** Research demonstrates that the harmful attitudes of men and boys, including normalised sexual aggression, are learned and preventable (Zero Tolerance, 2024). These attitudes can be challenged and overcome through education and engagement. Safe spaces must be created for men and boys to openly discuss masculinity, gender, and relationships. This can free them from the pressures of restrictive gender norms, and at the same time increase their empathy and respect for women and girls (Duffy et al., 2024). We are calling for community-based prevention programmes with men and boys to be piloted, to create these safe spaces that enhance men's and boys' wellbeing and prevent harm and violence against women and girls.
- **The connection between non-fatal strangulation and the misogynistic content promoted by 'manosphere' content must be acknowledged.** Research shows

that young men in Scotland are encountering misogynistic content through mainstream platforms (Zero Tolerance, 2024). The normalisation of strangulation is part of this radicalisation pipeline of misogynistic content leading to gender-based violence and domestic abuse in relationships; it does not exist in isolation from the broader online and offline culture of misogyny.

- **Tech platform providers must face greater accountability for content promoted to users through intentional design of technologies, platforms and features.** Please refer to our response to Question 12 for more details on this point.

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Question 7: Do you have any views on (a) how public awareness can be improved as to the dangers of spiking and (b) how to encourage individuals to report a spiking offence?

We note that the wording of this question “how to encourage individuals to report a spiking offence” risks putting the onus on victims and potential victims. Spiking is a form of violence against women and girls, disproportionately perpetrated by men and boys. This violence is rooted in misogyny and gender inequality, and it is preventable. Any public awareness work should:

- Acknowledge spiking as a form of violence against women and girls (VAWG).
- Target potential perpetrators. Women and girls are typically already very much aware of the dangers of spiking and take what precautionary measures are possible. They must never be held responsible for the violence inflicted by perpetrators. We must focus on preventing this violence from occurring in the first place by robustly challenging the misogynistic beliefs, behaviours, and systems which underpin VAWG. To be effective, this work must focus on long-term, evidence-based engagement with men and boys.
- Be consistent with other Scottish Government Campaigns on VAWG.

Question 8: Do you agree for a new aggravation in relation to offences committed against pregnant women by a partner or ex-partner?

Zero Tolerance does not agree with a new aggravation in relation to these offences. Legal analysis commissioned by Engender found that no “new offences would be required to capture the particular wrongs of causing a woman to miscarry, either through violence or ingestion of substances” and that existing or amended criminal law in Scotland sufficiently covers offences committed against pregnant women by a partner or ex-partner (Engender, 2024).

Additionally we are also concerned that the introduction of such an offence could become a ‘foot in the door’ for fetal personhood in the law. The stated concern of this consultation is with increased risk of harm for women and girls in pregnancy. However,

language of “the unborn child” is used with no frame of reference to the legal framework. Under Scots law the fetus is not a separate person with legal rights. Such legal status would undermine women’s rights to health, reproductive rights and a wide range of other human rights. It could lead to devastating regression in access to abortion as has been seen in some parts of the United States.

Zero Tolerance forms part of the steering group and organisational membership for the Let’s change the Act campaign, which calls for the full decriminalisation of abortion, and a modernised health-based system of abortion care in line with international health and human rights standards. The introduction of an aggravation would serve to undermine the extensive positive work of this campaign.

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Question 12: Do you agree with the Scottish Government proposal for a creation offence?

Yes

No

Please give reasons for your answer:

As noted in the research for this consultation, Scottish Government polling (Public Insights Monitor, 2025) found:

- 38% of women in Scotland have experienced online abuse, rising to 55% of 18–44-year-olds.
- The most common forms: sexually explicit messages (20%); online misogyny (18%); cyberflashing (14%).
- 69% of women and 82% of men aged 18–34 have witnessed online abuse of women, predominantly sexual harassment, inappropriate comments, and misogyny.

- 770 intimate image offences were recorded in Scotland in 2024–25.

This is not a peripheral problem. It is a mainstream, everyday experience for women and girls in Scotland, and it is rapidly getting worse. Previous research from The Open University found a 17% online abuse prevalence rate for women in Scotland (Open University 2023). The 2025 figure of 38% suggests the problem has more than doubled in two years.

It is clear from this evidence that online and technology-assisted gender-based violence is being perpetrated against women and girls in Scotland at substantial rates. This is amidst a context of prevalent misogyny and gender inequality. These are not separate issues: they are intrinsically connected. Non-consensual deepfake intimate images are part of this context.

"Deepfakes are not just a disturbing by-product of technological advancement; they are a malign expression of extreme misogyny and part of a continuum leading to real-world violence." (Queen Mary University of London, 2025).

When considering the proposal of offences for creation, requesting creation, and supply of deepfake intimate images, it is vital that the gendered nature of these offences remains firmly in focus. These are offences disproportionately committed by men and boys against women and girls.

Technology may be the mechanism, but it is misogyny and gender inequality which are the driving factors behind the actions of perpetrators. Whilst it would represent a positive development in holding perpetrators accountable, a legislative approach is only part of the solution. We must also prevent the offences from occurring in the first place. The issues of misogyny and gender inequality must be robustly and systemically addressed to effectively tackle the root cause behind these forms of violence against women and girls (VAWG).

Online environments and technologies which encourage misogynistic behaviours and facilitate VAWG must be similarly addressed.

Misogyny and gender inequality are currently given the opportunity to thrive through the intentional design of online platforms which both host and actively promote misogynistic content. Young men in Scotland are encountering 'manosphere' content

through mainstream platforms including YouTube, TikTok and Instagram, and this content is shaping attitudes to gender, sex, and violence (Zero Tolerance, 2024).

The manosphere is not separate from technology-facilitated VAWG. It is the ideological infrastructure that makes the creation of deepfakes feel acceptable, that normalises online harassment of women, and that drives the attitudes which are expressed through VAWG. Algorithmic amplification of misogynistic content is a radicalisation mechanism, one that operates at population scale.

The Parliamentary Office of Science and Technology confirms that the manosphere has become more mainstream, with algorithms actively amplifying misogynistic content, and that girls face direct exposure to violent pornography and deepfake abuse online (Riaz, A. and Mutebi, N., 2025).

We make three prevention-grounded recommendations to accompany the proposed legislative approach to image creation:

- **Scotland must engage in more extensive data collection.** Given the rapid and recent growth of the problem, which is assisted by rapidly evolving technologies such as AI, we call for Scotland-specific, gendered data collection on all forms of technology-facilitated VAWG. This will ensure the scale of the problem is visible, more accurately reflects the lived experiences of women and girls in Scotland, and that prevention investment can be targeted.
- **Accountability for tech platforms must accompany criminalisation for perpetrators.** Criminalising individual perpetrators without holding platforms accountable for the content they host and algorithmically amplify leaves the infrastructure of harm intact. Ofcom can now fine platforms up to 10% of global turnover for failures to proactively detect non-consensual intimate images (Ofcom, 2026); Scotland should call for this to be rigorously enforced.
- **Education must be prioritised as a counterpart to legislation.** The proposed legal changes address harm after it occurs. Scotland also needs gender-competent digital literacy education, in schools, through RSHPE and other programmes, which equips young people to understand image-based abuse as VAWG with serious real-world consequences for victims and perpetrators. Young people should be equipped to recognise gender inequality and

misogynistic beliefs and behaviours. Similar initiatives must also engage with demographics outwith school settings to ensure greater understanding amongst the wider Scottish population. Though prevalent amongst younger demographics, technology-assisted VAWG is far from exclusive to this demographic. Men and boys should have opportunities to engage in conversations around gender equality and healthy masculinity, and to reflect upon, challenge, and change their own misogynistic beliefs and those of their peers.

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Question 13: Do you agree with the proposal for a requesting creation offence?

Yes

No

Please give reasons for your answer

Please refer to our previous answer to question 12.

Question 14: Do you agree with the proposal for a new production, supply and offering to supply offence?

Yes

No

Please give reasons for your answer

Please refer to our previous answer to question 12

Question 16: Do you have any views to offer on further steps to reduce online and technology-facilitated harm?

A legislative approach through the creation of offences within the scope of this consultation is one part of the picture of reducing technology-facilitated harm. This approach, however, primarily addresses harm once it has already occurred. In conjunction we must also work urgently to prevent the harm occurring in the first place.

At the time of responding to this consultation there is currently also significant discussion and a consultation at a UK legislative level regarding the online world, social media, and technology-facilitated harm. This consults on a range of topics including proposals to restrict access to online spaces, social media, and AI technology based on age. We must be mindful of these discussions when considering further steps to reduce online and technology-facilitated harm.

Current evidence from other countries which have introduced minimum age restrictions for social media and online spaces does not suggest that this is an effective approach in preventing access (Brookings Institution, 2025), (UNICEF, 2025). Furthermore, restricting access would fail to address the key risks and harms at their root cause: gender inequality and platform/technology design. Misogyny, gender inequality, and VAWG are promoted through intentional design of platforms, technologies, features and the behaviours of some content creators and users.

We therefore reiterate the call we have made in response to other relevant consultations that an effective solution must take a primary prevention approach.

An effective solution must:

- Hold tech platforms accountable in robustly addressing harmful platform and technology design and content which is not suitable regardless of age
- Tackle the root cause of VAWG and misogyny through online and offline education and engagement

Ensure adequate provision of safer offline services and spaces for all children and young people. These services and spaces must be designed with VAWG prevention as a priority and built to be systemically and intersectionally inclusive for especially marginalised groups including those who are:

- Care-experienced
- Socioeconomically disadvantaged
- Disabled and for whom offline services and spaces may not be accessible
- Neurodivergent and for whom offline services and spaces may not be accessible
- Part of racialised communities and minoritised ethnic groups
- LGBTQ+ communities – particularly those in rural environments in Scotland

Children and families need help with media literacy and education around identifying misogynistic content online and on social media. This will help people to avoid becoming radicalised and empower them to report unacceptable content. It will also support young women and girls to identify abusive behaviours and beliefs, for instance in relationships and other dynamics and engage with appropriate support services.

As an example of an education programme of this kind, Scotland has invested in the Equally Safe at School programme, a whole-school approach to preventing gender-based violence in secondary schools, now under formal RCT evaluation (Hamilton, Coral et.al, 2025). This programme addresses the attitudinal foundations that make online misogyny possible.

Likewise, content which engages with boys and men by exploring and encouraging healthy masculinity, and tackling misogynistic views learned from both online and offline contexts, is an essential part of the solution.

Additionally, RSHPE programmes in schools should include digital literacy content on gender equality, healthy relationships, and critical engagement with online content. We re-iterate our call on the Scottish Government to introduce statutory RSHPE education.

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For Further Information

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About Us

Zero Tolerance is a Scottish charity working to end men's violence against women by tackling its root cause: gender inequality.