

Scottish Women's Convention
response to the Scottish
Parliament's Consultation on:

Protections in the Justice System for Women and Girls



6th August 2026

Premise

The Scottish Government's *Improving Protections in the Justice System for Women and Girls* consultation is considering how the law could better protect women and girls from violence, abuse and harassment. It is seeking views in areas including non-fatal strangulation, spiking, abuse during pregnancy, non-harassment orders and online harms such as intimate deepfake images. Their aim is to identify where changes to criminal law and justice policy could help strengthen protection and help reduce violence against women and girls.

Bearing this in mind, and in order to fully reflect the current views and opinions of women across Scotland, we held roundtable sessions, both in person and online, and conducted a survey to gather evidence on some of the more specific questions included within the consultation.

Our organisation has consistently highlighted the importance of listening directly to women's lived experience when shaping criminal justice reform. The women we have spoken to over the years have repeatedly raised concerns about the prevalence of domestic abuse, coercive control, online harms, sexual violence, intimidation and the barriers they face in reporting offences or accessing justice.

This consultation response therefore draws from these findings, in addition to our previously published positions, alongside current Scottish Government policy and wider statistical evidence relating to violence against women and girls (VAWG).

The Scottish Women's Convention (SWC) is funded to engage with women across Scotland to ensure that their views are represented in policy and decision-making processes. The SWC uses the views of women to respond to a variety of parliamentary, governmental, and organisational consultation papers at Scottish, UK and international levels. The SWC gathers information using different methods, including roadshows, thematic conferences, surveys, and both in-person and online roundtable events. This submission presents the views of a range of women, reflecting their opinions, ideas and lived experience. Working together with many other equalities organisations and community groups, we use our broad network to ensure that women from a range of backgrounds are heard and acknowledged. We are continually reviewing innovative ways of engaging with women and developing our trauma-informed and culturally sensitive practice to support vital contributions from as many women as possible.

“Criminal law is designed by men for men...let's design it for women.”¹
(*Violence against Women and Girls* (2022))

¹ Scottish Women's Convention *Violence Against Women and Girls* (2022)
<https://www.scottishwomensconvention.org/resources/vawg-conference-final.pdf>

Non-Fatal Strangulation

Question 1: Do you agree with the Scottish Government view on the benefits arising from the operation of current law?

Although the Scottish Women's Convention (SWC) recognises that there are already legal frameworks in place which allow for existing offences to be taken into consideration when prosecuting non-fatal strangulation, these laws do not accurately reflect the fact that violent behaviour is often not being properly identified, prosecuted or even recorded.

"The police will just say 'Well it hasn't happened yet so there's nothing we can do about it'."²

Many of the survivors of domestic abuse we spoke told us that they feel the current justice system often fails to recognise the serious nature of coercive control and violent behaviour. They expressed the fact that non-fatal strangulation commonly forms part of a continued pattern of control and intimidation and is strongly linked to a heightened risk of homicide.³

"Non-fatal strangulation became a normality, a daily thing in my life...I could be cooking tea and I'd be strangled."⁴

"Eighty-nine percent of young women [have] experienced non-fatal strangulation."⁵

These same women also voiced their concerns about the fact that violence without any signs of visible injury is sometimes disregarded despite its potentially fatal consequences.

"It is often regarded as violent assault rather than attempted murder. Violence to restrict breathing should be regarded as an attempt on someone's life."⁶

The SWC believes that a clearer legal framework, which explicitly recognises non-fatal strangulation, would help improve understanding across policing and judicial systems, whilst also helping to increase confidence amongst survivors that these incidents of abuse will be taken seriously.

"Women shouldn't have to prove they are traumatised in the 'right' way."⁷

Question 2: Do you agree with the Scottish Government view for better recording of criminal cases where non-fatal strangulation arises?

Yes. Improved recording would also help support:

² Scottish Women's Convention *Violence Against Women and Girls Roundtable Report* (2026) <https://www.scottishwomensconvention.org/resources/vawg-roundtable-report.pdf>

³ Scottish Women's Convention *Misogyny – The Manosphere and Online Content* (2025) <https://www.scottishwomensconvention.org/resources/misogyny-call-for-evidence.pdf>

⁴ Scottish Women's Convention *Violence Against Women and Girls Roundtable Report* (2026) <https://www.scottishwomensconvention.org/resources/vawg-roundtable-report.pdf>

⁵ Ibid

⁶ Scottish Women's Convention *Survey on Violence Against Women and Girls* (2026) <https://www.scottishwomensconvention.org/resources/vawg-survey-2026.pdf>

⁷ Scottish Women's Convention *Violence Against Women and Girls Roundtable Report* (2026) <https://www.scottishwomensconvention.org/resources/vawg-roundtable-report.pdf>

- The identification of repeat offenders and patterns of escalating abuse.
- More accurate regional and national data collection.
- Enhanced risk assessment and safeguarding for victims.
- Better understanding of links between non-fatal strangulation and domestic homicide.
- Stronger evidence-based policy making.

Through our various consultations with women, we identified significant data gaps which often obscure the actual scale of gender-based violence. More robust recording mechanisms would help improve consistency across institutions such as Police Scotland, the Crown Prosecution Service and other judicial bodies.⁸

“If they’re not the ‘perfect victim’, they don’t get treated properly.”⁹

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

Public awareness campaigns should explain that:

- There is no safe way to strangle a woman
- Serious internal injuries can happen even when there are no visible marks
- Symptoms can appear hours or even days later
- Strangulation can be a warning sign that abuse is becoming more serious
- Anyone who has been strangled should seek urgent medical help
- Consent is not a defence when someone has carried out a dangerous assault

Information should be made available in such areas as schools, colleges and universities, GP surgeries and hospitals, maternity and sexual-health services, pharmacies, pubs, clubs and other hospitality venues, domestic abuse facilities and other community organisations.

Awareness campaigns should be trauma informed, fully accessible and available in multiple languages and formats. Training should also be strengthened for police officers, healthcare staff, teachers, social workers, prosecutors and the wider judiciary and women’s support services.

The SWC has previously raised concerns about the link between pornography, the sexualisation of women and how strangulation is normalised and so any public education should also include these issues.¹⁰

“They all just felt it was normal...that’s just what sex is.”¹¹

⁸ Scottish Women’s Convention *Prevention of Domestic Abuse (Scotland) Bill* (2025) <https://www.scottishwomensconvention.org/resources/prevention-of-domestic-abuse-scotland-bill-final.pdf>

⁹ Scottish Women’s Convention *Violence Against Women and Girls Roundtable Report* (2026) <https://www.scottishwomensconvention.org/resources/vawg-roundtable-report.pdf>

¹⁰ Scottish Women’s Convention *Misogyny – The Manosphere and Online Content* (2025) <https://www.scottishwomensconvention.org/resources/misogyny-call-for-evidence.pdf>

¹¹ Scottish Women’s Convention *Violence Against Women and Girls Roundtable Report* (2026) <https://www.scottishwomensconvention.org/resources/vawg-roundtable-report.pdf>

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

Further measures should include such things as compulsory training programmes for police, prosecutors, healthcare professionals, social workers and support workers to enable them to recognise the signs of possible strangulation, helping to ensure a better understanding on the possibility of delayed injuries and recognising the need for appropriate questioning.

We would also call for improved access to forensic medical examinations (whether injuries are visible or not), improved referral pathways into advocacy and support services and increased funding for specialist women's services.¹²

Police and domestic-abuse risk assessments should treat strangulation as a serious warning sign. It should be taken into account when decisions are being made about bail, protective orders, child protection and further prosecution.

The Scottish Government should also ensure any reforms are aligned with Equally Safe and Scotland's wider violence against women strategies.

Spiking

Question 5: Do you have views on how the offence of spiking is addressed under existing laws?

Current legislation can be used to prosecute spiking offences, including assault, drugging offences and offences under the Sexual Offences (Scotland) Act 2009. However, many victims remain unaware that these protections exist or at least understand what offences fall under this category. For example, spiking can include not only putting drugs into a woman's drink but also adding extra alcohol without her knowledge, putting something in her food and interfering with her medication without her knowledge.

There are also concerns around underreporting, barriers to obtaining accurate evidence and low public confidence in the likelihood of a successful prosecution. The women and girls we have spoken to often have a fear of not being believed or are concerned that their behaviour prior to the incident will mean that they are not believed and they can often be made to feel as though it was their fault that they were targeted.

"We've had women telling us about them being spiked, but then when they've went to hospital, it was like well, what have you had to drink? And it's almost as if you were out drinking, it's your fault you've been spiked."¹³

A clearer and more publicly understood legal framework may improve confidence and encourage the reporting of crimes involving spiking.

¹² Scottish Women's Convention *Male Violence Against Women and Girls* (2022)
<https://www.scottishwomensconvention.org/resources/vawg-roundtable-survey-report-final.pdf>

¹³ Scottish Women's Convention *Violence Against Women and Girls Roundtable Report* (2026)
<https://www.scottishwomensconvention.org/resources/vawg-roundtable-report.pdf>

Question 6: Do you have views on the benefits of developing a standalone spiking offence?

On balance, we support a separate offence of spiking, as long as it is clearly written and works alongside existing Scots law.

A separate offence could make the law easier to understand, encourage victims to report spiking, support more consistent decisions made by police and prosecutors, improve national data statistics and make it abundantly clear that spiking is a serious crime.

The offence should cover situations where someone deliberately gives someone alcohol, drugs or other substances without their consent and where this is intended to affect their ability to make decisions for themselves. Any intention to make a woman vulnerable, frighten or overpower her or otherwise affect her physical or mental state should also be included.

A standalone offence should also be broad enough to cover any new substances and methods in the future.

However, any new offence should not be used to replace or reduce the protections which already exist in Scots law. Prosecutors should still be able to use more serious charges, such as assault or sexual offences, where these better reflect what happened.

The SWC has long championed the fact that any new offence must be clear, practical and useful for police and prosecutors, rather than simply symbolic.¹⁴

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?

“Public awareness campaigns should be the same as drink driving”¹⁵

Public awareness information should clearly explain what spiking is, the possible signs and symptoms, what someone should do straight away if they believe they have been spiked, where to get medical help, and how to preserve any possible evidence of the crime.

Campaigns should never place responsibility on women to prevent spiking and keeping themselves safe by telling them to watch their drinks. The blame lies entirely with the person who carries out the spiking with venues and other organisations also playing a role in keeping women safe.

¹⁴ Scottish Women’s Convention *Reforming the Criminal Law to Address Misogyny* (2022) <https://www.scottishwomensconvention.org/resources/reforming-the-criminal-law-to-address-misogyny-final.pdf>

¹⁵ Scottish Women’s Convention *Survey on Violence Against Women and Girls* (2026) <https://www.scottishwomensconvention.org/resources/vawg-survey-2026.pdf>

“There’s lots of awareness in toilets and pubs, but very little actual education.”¹⁶

Pubs, clubs, festivals, universities and transport providers should have trained staff and clear protocols in place as well as access to a clear reporting process for contacting the police if needed.

Women and girls should also have different ways to report spiking, including online or by phone, through a support organisation, or even anonymously if they preferred. Hospitals and Police Scotland should work more closely together, and victims should have immediate access to appropriate testing, regular updates on their report, and support from advocacy services when needed.

“Victims need a separate helpline from mainstream policing to report if they have been, or believe that they may have been raped or sexually assaulted following spiking of their food or drink”¹⁷

Women should still be able to get medical care even if they are not ready to report the incident to the police. Victims should never be blamed, doubted or criticised because they had been drinking alcohol.

“I had an experience when I was in uni when I was spiked... it took time for me to even accept what had happened.”¹⁸

In our publications, the SWC has consistently highlighted that many women do not report violence because they fear being retraumatised or do not have confidence in the police or justice system. It has called for specialist advocacy and trauma-informed practice to be used as standard.¹⁹

Statutory Aggravation – Offences Committed Against Pregnant Women

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

Pregnancy can increase a woman’s vulnerability to domestic abuse, and in our recent consultation on domestic abuse, we specifically highlighted that pregnant women may be at an even greater risk.²⁰

¹⁶ Scottish Women’s Convention *Violence Against Women and Girls Roundtable Report* (2026) <https://www.scottishwomensconvention.org/resources/vawg-roundtable-report.pdf>

¹⁷ Scottish Women’s Convention *Survey on Violence Against Women and Girls* (2026) <https://www.scottishwomensconvention.org/resources/vawg-survey-2026.pdf>

¹⁸ Scottish Women’s Convention *Violence Against Women and Girls Roundtable Report* (2026) <https://www.scottishwomensconvention.org/resources/vawg-roundtable-report.pdf>

¹⁹ Scottish Women’s Convention *Violence Against Women and Girls* (2022) <https://www.scottishwomensconvention.org/resources/vawg-conference-final.pdf>

²⁰ Scottish Women’s Convention *Prevention of Domestic Abuse (Scotland) Bill* (2025) <https://www.scottishwomensconvention.org/resources/prevention-of-domestic-abuse-scotland-bill-final.pdf>

“I experienced abuse while heavily pregnant at the hands of a partner. Pregnant women are more physically and emotionally vulnerable and often unable to escape.”²¹

The aggravation should apply where a woman was pregnant during some or all of the offending. She should not have to prove that the abuse caused a miscarriage, premature birth, injury to the pregnancy or any other medical outcome. Demanding this information could place an unfair burden on women and may force them to have to share private medical information that they are mentally not in a position to be open about.

Any aggravation should remain focused on the violence and harm experienced by the pregnant woman without suggesting that a foetus has a separate legal status, as this could have a wider bearing on women’s reproductive rights.

There should also be clear guidance for cases where the accused says they had not been made aware that the woman was pregnant. This may be relevant when sentencing, but it should not prevent the court from recording that the abuse was committed against a pregnant woman.

Prosecutorial Powers to Impose Non-Harassment Orders (NHOs)

Question 9: Do you agree that COPFS should be given a power to make an NHO against a person when offering an alternative to prosecution?

We agree in principle, but strong safeguards would be needed.

A non-harassment order made at an early stage could help protect a victim without requiring her to go through a long and distressing court process. This may also reduce the risk of further trauma through the justice system.²²

However, this approach should not be used in a way that downplays serious domestic abuse, stalking or sexual violence. An alternative to prosecution should only be considered after a full risk assessment of the victim and of the wider public interest.

Also, this approach would not normally be appropriate in cases involving serious physical or sexual violence, non-fatal strangulation, stalking, coercive control, repeated or escalating abuse, offending against children, previous breaches of court orders, or where there is an ongoing potential risk to the victim.

The victim’s views and safety should always be considered but she should not be held responsible for deciding whether the accused is prosecuted or not.

The accused should have to agree to both the alternative to prosecution and the conditions of the non-harassment order. Any breach of the order should remain a

²¹ Scottish Women’s Convention *Survey on Violence Against Women and Girls* (2026)

<https://www.scottishwomensconvention.org/resources/vawg-survey-2026.pdf>

²² Scottish Women’s Convention *Improving Victims’ Experiences of the Justice System* (2022)

<https://www.scottishwomensconvention.org/resources/improving-victims-experience-of-the-justice-system.pdf>

criminal offence, and the order should be recorded so it can be considered in any future risk assessments and relevant domestic abuse disclosure decisions.

The SWC is encouraged to note that the SG consultation already recognises that although this approach could potentially offer quicker protection it could also be viewed as a weaker response if not implemented carefully.²³

Question 10: Do you agree on how applications to vary or revoke an NHO made by COPFS should be handled with court involvement suggested for any appeals?

We agree that the Crown Office should be involved, but both the victim and the accused should also be able to ask a court to review the decision.

The Crown Office could consider requests to change or cancel an order in the first instance. However, the victim should always be told that an application has been made, be given the chance to provide all relevant information, be offered specialist support and be able to ask for an independent court review.

An order should never be cancelled simply because the accused says the relationship has restarted or that the couple have reconciled. Domestic abuse can involve pressure, manipulation and repeated cycles of separation and reconciliation, so a fresh risk assessment should always be carried out.

“Too many women have been murdered when this has been ignored.”²⁴

If the victim does not wish the order to be cancelled, or if changing it would significantly reduce her protection, the matter should normally be decided by a court.

The reasons for any decisions made should also be clearly recorded and explained.²⁵

Question 11: Do you agree an NHO made by COPFS as part of an alternative to prosecution should have a maximum time period of 12 months?

The SWC believes that a maximum period of 12 months may be appropriate in some cases, but flexibility should remain available where there are ongoing safety concerns.

When deciding how long the period should be, it is important to look at the nature and severity of the behaviour, whether it is a repeat offence, whether domestic abuse is

²³ Scottish Government *Protections in the Justice System for Women and Girls* (2026)
<https://consult.gov.scot/justice/protections-in-the-justice-system-women-and-girls/>

²⁴ Scottish Women's Convention *Survey on Violence Against Women and Girls* (2026)
<https://www.scottishwomensconvention.org/resources/vawg-survey-2026.pdf>

²⁵ Scottish Women's Convention *Prevention of Domestic Abuse (Scotland) Bill* (2025)
<https://www.scottishwomensconvention.org/resources/prevention-of-domestic-abuse-scotland-bill-final.pdf>

involved, whether the situation could escalate and what the victim needs in order to stay safe.²⁶

Victims should also be supported to access civil protection orders where appropriate.

“None of [this] works and tinkering round the edges is a waste of time and money while women and girls continue to live in fear, are terrorised and die by male violence.”²⁷

Online and Technology-Facilitated Harm – Intimate Images and Deepfakes

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

Absolutely yes.

Creating an intimate image of a woman without her consent is a serious invasion of her privacy and dignity, even if the image is never shared. The harm begins when the image is created, as it could be used to humiliate, threaten or even blackmail someone.

“Men know it is morally repugnant, that is why they are doing it. There are already too few consequences for their behaviour.”²⁸

The SWC has listened to the experiences of women and girls affected by sexually explicit images that have been digitally altered. This includes cases where girls’ photos were uploaded to allow others to undress them. We have also reported that fear of this kind of abuse is making some girls less willing to go online.²⁹

“Image-based abuse requires images to be of a sexual nature, leaving minority ethnic women unprotected when non sexual images are shared without consent...exposing them to honour based abuse and forced marriage risks.”³⁰

We believe that the offence should apply from when someone deliberately creates this type of image without consent and without reasonable belief that consent was given. It should cover photos, films, realistic fake images and similar types of content that may be developed in future.³¹

²⁶ Scottish Government *Protections in the Justice System for Women and Girls* (2026) <https://consult.gov.scot/justice/protections-in-the-justice-system-women-and-girls/>

²⁷ Scottish Women’s Convention *Survey on Violence Against Women and Girls* (2026) <https://www.scottishwomensconvention.org/resources/vawg-survey-2026.pdf>

²⁸ Ibid

²⁹ Scottish Women’s Convention *Misogyny – The Manosphere and Online Content* (2025) <https://www.scottishwomensconvention.org/resources/misogyny-call-for-evidence.pdf>

³⁰ Scottish Women’s Convention *Violence Against Women and Girls Roundtable Report* (2026) <https://www.scottishwomensconvention.org/resources/vawg-roundtable-report.pdf>

³¹ Scottish Government *Protections in the Justice System for Women and Girls* (2026) <https://consult.gov.scot/justice/protections-in-the-justice-system-women-and-girls/>

There may need to be limited exceptions when these are being used for legitimate purposes however these should be carefully defined so this cannot be used as a loophole for commercial abuse or content being passed off as a joke.

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

Strongly agree.

Without this offence, a person could avoid liability by commissioning another person or service to create an image. The offence should apply whether the request is made to an individual, a company, an automated service or any other system.

"Technology is moving so fast. It can be really difficult for laws to be put in place, for people to be trained on them and then for them to be enacted."³²

The offence should apply to both general requests and more specific instructions about how the victim should appear or what intimate act or situation they should be shown in.

Liability should not depend on whether the image is actually completed. This way the proposed offence would address demand as well as production.

"The whole technology should be banned to prevent harm to women, children and other vulnerable people."³³

Online and Technology-Facilitated Harm – Nudify Apps

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

Strongly agree

Tools that are designed mainly to create intimate images of identifiable women can make this form of sexual abuse much easier. The law should therefore cover the creation, adaptation, supply and the offer to supply these tools. This would place responsibility on those who develop or profit from them, rather than focusing only on victims or individual users.

The words "solely or principally" are important. The law should not accidentally cover ordinary photo-editing, filmmaking, medical or accessibility software that has genuine uses.

The law should apply to both individuals and companies, whether the service is free or paid for. The Scottish Government should also work with the UK Government,

³² Scottish Women's Convention *Violence Against Women and Girls Roundtable Report* (2026)
<https://www.scottishwomensconvention.org/resources/vawg-roundtable-report.pdf>

³³ Scottish Women's Convention *Survey on Violence Against Women and Girls* (2026)
<https://www.scottishwomensconvention.org/resources/vawg-survey-2026.pdf>

regulators, app stores, search engines, payment providers and hosting companies to block access to banned tools and have them removed quickly.

“No-one needs this technology.”³⁴

Evidence from our roundtable sessions with women show that parental controls are not enough on their own. Young people can still easily find websites and social media content that can be used to sexualise or alter images of girls.³⁵

Online and Technology-Facilitated Harm – General Criminal Law

Question 15: Do you consider that there are any specific changes to the current criminal law that would improve how the justice system are able to respond to technology-facilitated and online harms?

Any review of Scots criminal law should look at whether it clearly and consistently covers different forms of digital abuse. This should include cyberstalking across different accounts and platforms, secretly tracking someone’s location or monitoring their accounts, using spyware as part of domestic abuse, taking over or impersonating someone online, and sharing personal information to cause harm, sometimes known as “doxxing”.

The review should also consider newer forms of abuse, such as fake sexual audio, threats to create or share intimate material, and repeated online behaviour that may seem minor when each incident is looked at on its own. It should also cover abuse carried out through automated systems or services based overseas.

The law should be flexible enough to deal with new technology as it develops. It should also allow police and prosecutors to look at the full pattern of controlling or abusive behaviour, rather than treating each message or incident separately.

Police and prosecutors also need effective ways to preserve digital evidence before it is deleted and to obtain evidence from different platforms and countries, while still protecting privacy and following proper legal safeguards.

The SWC has called for stronger action on digital abuse and better police training on how technology can be used as part of coercive control. (Male violence against women and girls) We have also stressed that laws need to work in practice, be properly resourced and recognise that women and girls may experience misogyny and abuse in different and overlapping ways.³⁶

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

³⁴ Scottish Women’s Convention *Survey on Violence Against Women and Girls* (2026)
<https://www.scottishwomensconvention.org/resources/vawg-survey-2026.pdf>

³⁵ Scottish Women’s Convention *Misogyny – The Manosphere and Online Content* (2025)
<https://www.scottishwomensconvention.org/resources/misogyny-call-for-evidence.pdf>

³⁶ Scottish Women’s Convention *Reforming the Criminal Law to Address Misogyny* (2023)
<https://www.scottishwomensconvention.org/resources/reforming-the-criminal-law-to-address-misogyny-final.pdf>

Criminal law is only one part of the response to online abuse. More also needs to be done to prevent abuse, support victims and challenge the attitudes that allow it to happen.

This should include age-appropriate education on consent, image-based abuse, pornography, misogyny and healthy relationships. Police, prosecutors, teachers and support workers should also receive better training on digital abuse, and there should be stronger national support for investigating online harm and preserving digital evidence.

Victims need quick and practical help, including support to remove harmful images, recover accounts, report abuse to online platforms and understand what action has been taken. They should also have access to specialist advocacy, legal advice and mental health support.

Prevention should also include work with men and boys to challenge misogyny and harmful attitudes, as well as programmes for perpetrators that address both online and offline abuse. Better data is also needed to understand who is affected and how, alongside long-term funding for specialist women's and children's organisations.

The women we have spoken to told us that online misogyny can limit their participation in public and online affecting their mental health at school and at work. Our findings have called for earlier education, wider cultural change within formal institutions and reliable funding for services supporting women affected by violence and abuse.³⁷

Impact Assessments

Question 17: Do you have any views on potential impacts of the proposals in this consultation on human rights?

The proposals could help protect women's safety, privacy and dignity, and help ensure the government and judiciary takes action to protect women from serious violence and abuse.

Any limits on free speech, software development or private behaviour should be clearly explained and only go as far as is necessary. The law should also be clear about what counts as consent and intimate content.

A victims' privacy should be protected throughout the process. Medical records, intimate images, digital evidence, addresses and contact details should be kept secure, and victims should not have to share more personal information than is needed in order to be protected.

Question 18: Do you have any views on potential impacts of the proposals in this consultation on equalities and protected characteristics?

The proposals are likely to particularly benefit women and girls, who are more likely to experience domestic abuse, intimate-image abuse and online misogyny. The

³⁷ Ibid

pregnancy aggravation would also help recognise abuse during pregnancy, which is often overlooked.

It is important to recognise that women's experiences are not all the same. Disabled women, minority-ethnic women, migrant and refugee women, LGBT women, younger and older women, and women living in poverty or remote areas may face different forms of abuse and extra barriers to getting help.

Data should reflect all protected characteristics while still showing differences by sex. New laws will only make a real difference if wider problems such as discrimination, lack of funding and barriers to support are also addressed.

Question 19: Do you have any views on potential impacts of the proposals in this consultation on children and young people as set out in the UN Convention on the Rights of the Child (UNCRC)?

The proposals could potentially strengthen children's rights to protection from violence and sexual exploitation. Deepfake and image-based abuse is particularly relevant to school-aged girls, who may experience bullying, sexual harassment and serious mental-health harm.

Question 20: Do you have any views on potential impacts of the proposals in this consultation on socio-economic equality?

Women living on low incomes may face greater barriers to healthcare, legal advice, safe housing, transport and specialist advocacy services. Digital exclusion may also prevent access to online reporting or evidence storage.

Throughout our work, the SWC has highlighted the connection between poverty, financial abuse and women's difficulty in escaping violence. Therefore, any new legislation must not assume that all women have equal capacity to navigate the justice system.

Question 21: Do you have any views on potential impacts of the proposals in this consultation on communities on the Scottish islands?

Island communities can face extra challenges due to distance, lack of transport, poor digital access, limited local services and concerns about privacy when living in small communities.

Women should be able to report abuse confidentially, access medical and specialist support quickly, and receive help outside their local community when needed. Reliable phone and internet access, safe transport and properly funded local or outreach services are also vitally important.

Remote support should never move to replace face-to-face services. Women with lived experience of living in island communities should also be involved in planning how these services are delivered.

Question 22: Do you have any views on potential impacts of the proposals in this consultation on privacy and data protection?

A full Data Protection Impact Assessment should set out how sensitive information, including intimate images, medical and pregnancy information, police records and victims' personal details, will be protected.

Only information that is genuinely needed should be collected and shared. Intimate images should not be copied, viewed or passed on unnecessarily, and victims should be told who can access their information, how long it will be kept for and how they can correct anything that is wrong.

Published data should be anonymous, especially in small island, rural or minority communities where people may be easier to identify. Any use of automated image detection or facial recognition should also be checked independently for accuracy and security.

Question 23: Do you have any views on potential impacts of the proposals this consultation on businesses and the third sector?

We have no comment to make on this. The safety of women and girls is our priority.

Question 24: Do you have any views on potential impacts of the proposals in this consultation on consumers?

Consumers may benefit from improved online safety, safer public spaces and greater protection from abuse and exploitation.

Because of potential new measures, public trust in the judicial process may also improve where reforms are effectively implemented.

Question 25: Do you have any views on potential impacts of the proposals in this consultation on the environment?

We have no comment to make on this.

For further information or to share your views,
please contact:

Email - info@scottishwomensconvention.org

Telephone - 0141 339 4797

Website – www.scottishwomensconvention.org

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