

# New non-fatal strangulation offence comes into force

- perpetrators face up to 5 years in prison
- new protections for rape victims now in 37 courts across England and Wales
- part of government action to better protect women and girls

Non-fatal strangulation was made a specific offence as part of the government's landmark Domestic Abuse Act. The practice typically involves a perpetrator strangling or intentionally affecting their victim's ability to breathe in an attempt to control or intimidate them.

It followed concerns that perpetrators were avoiding punishment as the act can often leave no visible injury, making it harder to prosecute under existing offences such as Actual Bodily Harm (ABH). [Studies](#) have shown that victims are seven times more likely to be murdered by their partner if there had been non-fatal strangulation beforehand.

The new offence will also apply to British nationals abroad. It means perpetrators can be prosecuted in England and Wales for offences committed overseas – ensuring there is no escape for abusers.

It comes as even more victims of rape will be spared the trauma of being cross-examined in court during a live trial, with the extension of special measures schemes. A further 11 Crown Courts across the Midlands and the South West will now be able to provide victims the chance to pre-record their evidence before their case gets to trial, subject to a successful application to the court.

The scheme, which has already been introduced successfully in 26 Crown Courts, allows victims and witnesses of crimes such as rape and modern slavery to have their cross-examination video-recorded and played back later during trial.

The recording takes place as close to the time of the offence as possible, while memories remain fresh, and helps victims avoid the stress of giving evidence in a trial setting, which many find traumatic.

Minister for Tackling Violence against Women and Girls, Victoria Atkins MP said:

This government is determined to tackle abuse in its many forms, make our streets safer and better protect women and girls which is why perpetrators who strangle their partners in this way will now face up to five years behind bars for the torment they have inflicted.

We're also rolling pre-recorded cross-examination for victims of rape to more Crown courts – helping to minimise stress to ensure they can provide the best possible evidence.

These measures are part of our plan to ensure victims get the support and justice they deserve, alongside introducing a new Victims law, launching a 24/7 rape helpline, recruiting more independent sexual violence advisers and improving collaboration between police and prosecutors.

From Thursday 9 June 2022 pre-recorded cross-examination will be available immediately at Crown Courts in:

- Warwick
- Shrewsbury
- Stafford
- Stoke-on-Trent
- Worcester
- Hereford
- Nottingham
- Lincoln
- Leicester
- Northampton
- Taunton

This extension means it is now available for victims of rape at nearly half of all Crown Courts (37), with the government committed to rolling it out nationwide by September 2022.

The move follows the successful implementation of a similar scheme for vulnerable victims, such as children or those who have limited mental capacity, to all Crown Courts in England and Wales – with more than 2,500 witnesses having already benefitted from the technology since August 2020.

The measure is designed to maintain a defendant's right to a fair trial and any decision to pre-record evidence is made by a judge on a case-by case basis.

Steve Witheyman, service manager at Sexual Trauma and Abuse Restorative Therapies (START) in Hampshire, where the measure was rolled out last month, said:

The value of pre-recorded evidence for victims and survivors of sexual trauma is massive as it offers protection from a real and often damaging re-traumatisation and rerun of past events and unwanted experiences.

It is a huge leap forward in the criminal justice system and a significant mindset change where truly supporting a victim becomes a key component in the whole process and will undoubtedly encourage more victims to report sexual crime in the future.

Today's announcement builds on recent government action to make our streets safer and increase confidence in the justice system including the publication of a draft Victims Bill. The legislation seeks to amplify victims' voices, and places greater accountability on agencies such as the Crown Prosecution Service (CPS) and police for the service they provide to them.

The reforms come as Ministers continue to drive improvements for victims, in particular those of rape and sexual offences, for which convictions rose 27 percent last year compared to before the pandemic.

In March the government announced that victim support services would receive £440 million in grant funding over the next 3 years, helping to fund more than 1,000 Independent Sexual and Domestic Violence Advisors and a 24/7 rape crisis helpline.

## **Notes to editors**

### **Non-Fatal Strangulation**

- The Domestic Abuse Act 2021 amends the Serious Crime Act 2015, introducing 2 new sections – section 75A and 75B– which will create a new and specific criminal offence of non-fatal strangulation and suffocation.
- Appropriate guidance, training and publicity has been developed to ensure the effectiveness of the offence from the outset. The CPS and the College of Policing are preparing specific guidance for prosecutors and the police on non-fatal strangulation. It is important for these organisations to have guidance given their key roles in the arrest, charge and prosecution of perpetrators who are responsible for this type of criminal behaviour.
- The offence will apply to any case where a person intentionally strangles or suffocates another person, including in cases of domestic abuse.
- The offence applies in England and Wales.
- The offence will also apply where strangulation or suffocation is committed abroad by a British national or by a person who is habitually resident in England or Wales, as if the offence had happened in England and Wales.

### **Pre-Recorded Evidence (known as section 28)**