



# Title: Non-Fatal Strangulation (NFS)

21/03/2023 Developed with Lin Williams Domestic Abuse Lead

**1. Background:** The lobby groups, We Can't Consent to This (WCCTT) and the Centre for Women's Justice (CWJ), called for a free-standing offence of non-fatal strangulation or asphyxiation (NFS) in late April 2020. The proposal for a new offence was strongly supported by both the Domestic Abuse and Victims' Commissioners and numerous domestic abuse charities from across England and Wales. Non-fatal strangulation typically involves someone strangling or intentionally affecting their victim's ability to breathe in an attempt to control or intimidate them. It has been made a specific offence as part of the [Government's Domestic Abuse Act \(2021\)](#).



**2. Why it matters: "I thought he was going to kill me"** A [3 year study on non-fatal strangulation](#) at Saint Mary's Sexual Assault Referral Centre (SARC) in Manchester found that, of the 2,196 adults attending for a forensic medical examination following a report of rape or sexual assault:

- 1 in 11 said that they had also been strangled as part of the assault.
- This rose to 1 in 5 where the alleged perpetrator was a partner or ex-partner
- 40% were strangled in their own home
- 27% said their attacker had strangled them before this incident
- 15.7% were strangled until they had lost consciousness
- 36.6% thought that they were going to die
- Less than half had any external injuries as a result of the strangulation.

**3. Key points:**

- ✓ NFS is overwhelmingly male against female.
- ✓ It is a very intimate crime, often committed face-to-face.
- ✓ Strangulation is a serious form of physical violence.
- ✓ NFS poses a risk to the victim's health both immediately and long term due to the restriction of oxygen to the brain.
- ✓ It can cause psychological damage and is crucially an important risk factor for homicide of women (further information [homicide of women](#)).

**4. Continued:**

- ✓ Victims are seven times more likely to be murdered by their partner if there has been NFS previously
- ✓ Strangulation and asphyxiation are the second most common method of killing in female homicides - 29% or 17% - as compared to only 3% of male homicides.
- ✓ Most women were killed by men using a sharp instrument followed by strangulation or asphyxiation. Further information can be found here - <https://www.endviolenceagainstwomen.org.uk/femicide-census-reveals-half-of-uk-women-killed-by-men-die-at-hands-of-partner-or-ex/>

## 7. Further reading/resources:

- ✓ [Domestic Abuse Policy paper](#): Strangulation & suffocation
- ✓ [Why we needed a new Non Fatal Strangulation Offence, explains a forensic physician - Domestic Abuse Commissioner](#)
- ✓ [MJA guide for GPs](#) (2019)
- ✓ <https://safelives.org.uk/node/1796>
- ✓ <https://www.cps.gov.uk/legal-guidance/non-fatal-strangulation-or-non-fatal-suffocation>
- ✓ Institute For Addressing Strangulation (IFAS) - <https://www.ifas.org.uk/>

## 6. Local Picture in Swindon:

**In 2022 - over 35% of cases referred to Swindon MARAC strangulation was identified as part of the abuse.**

For further information about the DASH RIC/MARAC please click here [SSP practice brief - DASH risk identification checklist and MARAC - Swindon Safeguarding Partnership](#)

## 5. Legislation: Domestic Abuse Act (2021)

The Domestic Abuse Act 2021 amended the Serious Crime Act 2015, by introducing two new sections — section 75A and 75B— which created a new and specific criminal offence of non-fatal strangulation and suffocation. [The offence](#) will apply to any case where a person intentionally strangles or suffocates another person, including in cases of domestic abuse.

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.

**This new offence came into force on 7<sup>th</sup> June 2022 and perpetrators may face up to 5 years in prison if found guilty.**

