

Proposed Witchcraft Convictions (Pardons) (Scotland) Bill

Introduction

A proposal for a Bill to pardon all those convicted under the Witchcraft Act 1563.

The consultation runs from 23 June 2022 to 15 September 2022

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

Witches of Scotland - We, Zoe Venditozzi and Claire Mitchell KC, are the campaigning group set up to obtain an apology, pardon and a public memorial to those accused and convicted under the Witchcraft Act 1563

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf).
(Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Witches of Scotland

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposed Bill? (Please note that this question is compulsory.)

Fully supportive

Please explain the reasons for your response.

The Witches of Scotland (WoS) Campaign was launched on International Women's Day 2020 by Claire Mitchell KC and Zoe Venditozzi. The campaign has 3 aims: to obtain a pardon for those convicted as witches under the Witchcraft Act 1563, to obtain an apology for all those accused and to obtain a national memorial to remember those killed as witches.

The Witchcraft Act 1563 resulted in approximately just shy of 4000 people being accused as witches. As with elsewhere in Europe, the vast majority of those accused, some 85%, were women. Confession to allegations of witchcraft were routinely obtained by torture, both physical and mental. The stripping and pricking of women were common, as was sleep deprivation. Most confessed and that was used as the basis for their conviction. Of those 4000, academics estimate that approximately 2500 were executed. The method of execution was by way of strangulation and then burning at the stake. Scotland killed 5 times as many people as witches than elsewhere in Europe. Unfortunately, witchcraft accusations are far from an historic phenomenon. In July of 2021 the United Nations passed an historic resolution calling on countries to address their witchcraft accusation problems. In the 21 st century vulnerable people, usually women, children and elders are still suffering the terrible fate of being accused as a witch.

WoS lodged a public petition with the Petition's Committee asking for the aims of the campaign to be met, which gained thousands signatures of support from home and abroad. The Scottish Government responded to the petition in March of 2021 and stated "The Scottish Government acknowledges that those accused and convicted of the offence of witchcraft were women who faced discrimination and had very little protection in law from allegations of criminality including witchcraft." It also accepted "There are clearly similarities between the injustices of those convicted in a discriminatory manner for same-sex sexual activity and the injustices of women classed as witches many centuries ago which could justify legislative steps being taken in this area." Natalie Don MSP contacted us and discussed raising a private members bill in respect of the pardoning of those convicted and this public consultation is the result.

The First Minister's National Advisory Council on Women and Girls (NACWG) was established in 2017, with a mission to "be bold" where it needed to do better to challenge gender inequality. The Mission Statement for the Council is :

"For generations, our history has been written by one gender.

One perspective, one vision, one half of the population.

Half of history is missing.

For years, we've been striving for change.

But now is the time to change for good.

To design a future where gender inequality is a historical curiosity.

With the voice of everyone we want to create a Scotland where we're all equal – with an equal future.

Together, we are generation equal."

We agree. To date, there has been no official apology for those people who suffered this brutal miscarriage of justice. Their story has been lost in a history written by men. Now is the time to be bold, to record and acknowledge our history, to learn from it, and to vow to continue the work to gain gender equality. WoS now call upon the Scottish Parliament to pass legislation to pardon to all those convicted of witchcraft. It is only by recognising our past that we can move forward and do better. A most terrible injustice was done to those killed. Let us pass legislation which acknowledges the wrong done and restore these people to history as women and men, not witches.

Q1. Which of the following best expresses your view of the proposed Bill? (Please note that this question is compulsory.)

CLAIRE MITCHELL QC & ZOE VENDITTOZZI

WITCHES OF SCOTLAND

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

There is no other way to achieve this aim. There is no other legal method to address the miscarriage of justice sought. The Scottish Criminal Cases Review Commission is for modern cases, not historic ones and in any event there are no people holding a "legitimate interest" to seek a pardon on behalf of an individual person.

Financial Implications

Q3. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

Please explain the reasons for your answer.

This law would have no financial impact which would affect individuals, business, the public sector or others. This bill would have no financial impact.

Equalities

Q4. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Positive

Please explain the reasons for your response including the impact on people with particular protected characteristics

The bill is likely to promote equality by highlighting the wrong done to those who were accused as witches, as they were mostly women. In order to address current inequality we should reflect upon our history - this bill will have that impact.

Sustainability

Q5. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question)

Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

This bill will assist in creating a strong, healthy and just society for future generations, both at home and internationally. The history of scotswomen has not been properly told. It is not reflected in our public spaces where there are few statues or memorials to women. Since the beginning of the Witches of Scotland Campaign in 2020 there has been a very significant rise in interest in the history of those accused as witches in Scotland. People are learning about the true history of the witchcraft trials and accusations. A number of groups both at home and abroad have been set up as a result of individuals who are inspired by hearing the history and who want to memorialise those killed as witches in their local area including ; Corstorphine, Edinburgh ; West Calder ; Peebles ; Forfar ; Brechin. We were also contacted by Sapiens, a Catalan history magazine who, inspired by our campaign set up their own "Women not Witches" campaign and were successful in having those accused as witches pardoned. We have also been contacted by a number of artist who have been moved to create work as a response to hearing about the witchcraft trials in Scotland, such as Heal and Harrow whose music remembers those who suffered the fate of being accused of witchcraft. We have spoken to many experts on our podcast "Witches of Scotland" which has at present one hundred and forty one thousand downloads and is a free resource for those who want to learn from the experts about the subject. We have spoken to teachers who are using the witchcraft trials as a way of talking about issues such as bullying and blaming others for things that they are not to blame for. This law will impact on future generations as it will make clear that in the 21st Century we accept what happened was wrong and that we want to do better. The law would not be purely symbolic. History records those convicted and executed as witches. A pardon would reflect the fact they were not witches, rather those that had suffered a terrible miscarriage of justice.

General

Q6. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

If this bill is passed it will send a message to assist those battling with witchcraft accusations abroad, and those working to protect them.