

[REDACTED]

Our Reference: 202100171215

25 March 2021

Dear [REDACTED]

Thank for you letter addressed to the First Minister, Nicola Sturgeon MSP, regarding a pardon for women who were convicted as witches under the various Witchcraft Acts. Your letter has been passed to the Criminal Justice Division and I have been asked to reply.

I have noted your request that the Scottish Government grants a free pardon for those who were convicted as witches. 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. Whilst undoubtedly much remains to be done, since then society has vastly improved and women rights have been acknowledged and been put into law.

The Scottish Government was recently ask by the Scottish Parliament's Public Petitions Committee to respond to a petition regarding a free pardon for those who were convicted as witches under the Witchcraft Act 1563. The response can be found at:
http://www.parliament.scot/S5_PublicPetitionsCommittee/Submissions%202021/PE1855_A.pdf

However, it may be helpful I give a summary regarding the granting of a free pardon. The First Minister is generally responsible in Scotland for recommending to Her Majesty the Queen the exercise of the Royal Prerogative of Mercy to grant a Free Pardon. The criteria currently adopted by the First Minister have proper regard to the constitutional position that the courts and not the Scottish Government decide whether a person is guilty of a crime. Thus the First Minister would generally only recommend the granting of a Free Pardon in respect of offences where it is impracticable to refer the case to the courts, and where new evidence had come to light which demonstrated conclusively that no offence was committed or that the individual concerned did not commit the offence.

The effect of a Free Pardon is that the conviction is disregarded to the extent that, as far as possible, the person is relieved of all penalties and other consequences of the conviction. Only the courts have the power to quash a conviction.

From 1 April 1999 the Scottish Criminal Cases Review Commission (SCCRC) became responsible for the review and referral to the High Court of alleged miscarriages of justice. While this process has largely superseded the Royal Prerogative of Mercy (RPM), the RPM remains in place. However, the First Minister will not generally consider recommending a free pardon until an appeal has been dismissed, or leave to appeal has been refused, and any application to the SCCRC seeking to have the case referred to the Appeal Court has been rejected. Against this background, the First Minister's powers to intervene in such matters are used sparingly.

I hope this is helpful.

Yours sincerely



Criminal Law, Practice and Licensing Unit





Remembering the Accused Witches of Scotland
08.02.2021

Nicola Sturgeon
First minister
Bute House
No6 Charlotte Square
Edinburgh
EH2 4DR

Dear Ms. Sturgeon

I am writing to you on behalf of the "Remembering the Accused Witches of Scotland" (RAWS) campaign regarding historical events carried out under the Scottish Witchcraft Acts of the 16th, 17th, and 18th Centuries.

RAWS is a constituted group of volunteers, drawn from all corners of Scotland, which came together to raise the profile of the plight of those people in Scotland who were accused, often prosecuted, and then executed under the pretext of witchcraft in years gone past.

As part of our campaign, we hope to obtain a legal pardon for all those prosecuted, a general recognition of the wrong that was done to so many of our predecessors who were so accused.

With that formal recognition, of the wrong that was so manifestly done, we hope to see a National Memorial erected to serve as an enduring reminder of the risks that any society faces when segments of it become marginalised. This is a message we aim to keep alive through an enduring program of research, promotion, and education.

Under the Scottish Witchcraft Act 1563 both the practice of witchcraft and consulting with witches were made capital offences. This Act stayed on Scottish statute books until repealed because of a House of Lords amendment to the bill for the post-union Witchcraft Act 1735.

Thereafter, through the 1640s, the General Assembly of the Church of Scotland and the Commission of the Kirk lobbied for the enforcement and extension of the Witchcraft Act 1563, this led to the Witchcraft Act of 1649. In this Act, the Covenanter-based regime introduced several instruments to enforce Godliness and to deal with those consulters with "Devils and familiar spirits", whereby capital offences were added for blasphemers, the worshipers of false gods and for those beaters and cursers of their parents.



A great many of those accused of witchcraft were persecuted, they were subjected to torture (to extract confessions) which then led to staged trials, sentencing and execution in swift order. The sentence of the court was for death by burning at the stake, and perhaps the only sign of humanity was that most were strangled before they were burned.

As for the scale of the persecution, we believe that records show some four thousand prosecutions of which about three thousand were convicted and executed. But the records are incomplete, and many others suffered persecution in other ways that were never recorded and so the true numbers are believed to be very much higher. It is also worth noting that around 10–15% of those convicted were male and that while misogyny clearly had a large part to play, opportunism, greed and avarice and superstition played their part too.

What was done by the State and a largely superstitious society will forever cast a dark stain on the character of our nation, a nation renowned for its enlightenment, fairness, hospitality, and our love for our fellow man. It now falls to this generation to make amends as best it can.

Imposing our modern-day values on historic events is seen by many as simply virtue signaling and so it is not an apology that we seek, *per se*, but rather the formal recognition that a great injustice was done, effectively the miscarriage of justice, and that now, as a more civilised and tolerant society, we can now take steps to ensure that the compelling lessons of this shameful period are properly learned.

With that in mind, we respectfully submit that in your role as First Minister of Scotland, you now put in motion a process that will lead to the formal recognition that what done, in the name of the State, was wrong and thereby to proclaim a full and unequivocal legal pardon for all those accused of witchcraft in Scotland.

Yours Sincerely,

REDACTED

Remembering the Accused Witches of Scotland

REDACTED

REDACTED



[REDACTED]

Our Reference: 202200272514

3 February 2022

Dear [REDACTED]

Thank you for your recent email in relation to the possible legislation that may be introduced into the Scottish Parliament relating to the historical use of the justice system to deal with allegations of witchcraft. I have been asked to reply.

It may be helpful to note the possible legislation has been suggested by an MSP in the Scottish Parliament rather than the Scottish Government. While the majority of legislation that passes through the Scottish Parliament is developed by the Scottish Government, there is a process whereby individual MSPs can use the Members' Bill process to develop proposals for legislation in their own name. It is my understanding that is what may be happening in this particular area relating to witchcraft prosecutions. As such, the Scottish Government would not have any comment to make on how the Scottish Parliament decides to use their time, though if a Bill is introduced it will be considered carefully by the Scottish Government.

I hope this is helpful in explaining the position of the Scottish Government.

Yours sincerely

[REDACTED]

CRIMJUS : Criminal Law, Practice and Licensing Unit

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



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From: REDACTED
Sent: 13 January 2022 09:52
To: Public Engagement Unit
Cc: REDACTED
Subject: RE: Witches

Categories: REDACTED, MICASE

Hi

I think the SG could issue a short factual response outlining the Members' Bill process and making clear proposals for Bills and ultimate approval for any Members' Bills is a matter for Parliament. Will steer clear of the political aspects of the email!

I can take add to MiCase and deal with it.

Cheers

REDACTED

From: Public Engagement Unit <CorrespondenceUnit@gov.scot>

Sent: 11 January 2022 13:34

To: REDACTED

Subject: FW: Witches

Good afternoon REDACTED.

I hope you're getting on well.

We've received the correspondence below somewhat relating to SNP matters as well as a private members bill. Just looking for some advice on whether or not this is something SG Policy can respond to.

Kind regards.

REDACTED

CorrespondenceUnit@gov.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot

From: REDACTED

Sent: 07 January 2022 14:42

To: First Minister <firstminister@gov.scot>

Subject: Witches

I am appalled that an SNP member of Parliament is wasting government time on a private members bill to apologise to people who lived centuries ago and who were accused of witchcraft.

It beggars belief that elected members can waste precious time and energy and resources .

We have far more pressing concerns in Scotland than to countenance such a misuse of time and expertise

I can't believe with all the demands of the Scottish community ,in regards to health, education,employment,drug misuse , mental health issues,transport et alía that this private members bill is even seeing the light of day .What is the SNP party about?

How can you give time to this bill ? What more important matters will be sidelined to let this bill see time given over?

Can you please explain if you will allow parliamentary time to be wasted on this issue and if so the reasons for doing so?

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Witchcraft Accused – Notes

Apology

A formal pardon requires primary legislation as a matter of law – an apology does not.

Previous examples of apologies made by the Scottish Ministers include the apology to those convicted of offences concerning same-sex sexual activity between men that is now lawful and the apology to those who may have been wrongfully charged or convicted in connection with the miners' strike of 1984.

Legislation

Witchcraft Act 1563 – both witchcraft and 'consulting with witches' capital offences.

Repealed by a House of Lord amendment to the post-Union Witchcraft Act 1735. By this time, witchcraft widely considered to be an impossible crime. The 1735 Act replaced previous offences with offences relating to the pretence of witchcraft. A person who claimed to have the power to call up spirits, or foretell the future, or cast spells, or discover the whereabouts of stolen goods, was to be punished as a vagrant and a con artist, subject to fines and imprisonment. This in turn was replaced by the Fraudulent Mediums Act of 1951.

Numbers accused and convicted

In view of the passage of time and incomplete record-keeping, precise numbers are not known. However, The University of Edinburgh's 'Survey of Scottish Witchcraft'¹ states that they have identified a total of **3,837** people who were accused of witchcraft in Scotland, and of these **3,212** were named individuals. **84%** of those named individuals were women.

The researchers note that of the 3,212 named individuals, the sentence of a trial was recorded in only 305 cases. Of those 305, 205 (67%) were sentenced to be executed. While it cannot be known whether these cases were typical of all prosecutions for witchcraft², if they were, this would equate to over 2,500 people being executed for witchcraft in Scotland.

Who were they and what led to accusations of witchcraft?

¹ <https://www.shca.ed.ac.uk/Research/witches/introduction.html>

² On the one hand, it is suggested that as these records come from the Central Justiciary Court, who may have been more likely to acquit than local courts, the actual figure may be higher. However, set against that, the figure of 3,212 named individuals includes a number who were investigated by the church authorities and some of these cases were probably dropped before they came to trial suggesting the actual number who were executed may be lower. Furthermore, while witchcraft was a capital offence, the death penalty was not always imposed and we cannot know whether cases where the death penalty was imposed were more likely to be recorded in official records.

This is perhaps best illustrated by reference to some specific cases.

Euphame MacCalzean (1558-1591) – Born circa 1558, only child of Lord Brailsford (Senator of the College of Justice and Lord Provost of Edinburgh).

In November 1590, a maid named Geillis Duncan who had ostensibly cured illnesses, raised the suspicions from her employer, believing she was deriving her powers from the Devil. Duncan confessed, possibly under duress, to witchcraft and she implicated others including John Cane and Euphame MacCalzean.

It was alleged that MacCalzean and Cane had killed the Earl of Angus by witchcraft. The prosecutors cast MacCalzean as a controlling personality who used magic to bewitch her husband. She allegedly tried to cause the deaths of her husband, his father, and his extended family. The charges included the accusation that she had used her skills to relieve the God-ordained pain of women giving birth.

Macalzean was also said to have caused the death of her cousin and her nephew. She had argued with her uncle over the ownership of some land at Cliftonhall in Kirkliston and it was alleged that she had killed his son, her nephew, because of this dispute.

MacCalzean was found guilty and burnt alive on 25 June 1591 on the southern slope of the Castle Hill below Edinburgh Castle.

Margaret Bane and family members –Margaret Bane worked as a midwife. She was originally accused of witchcraft in 1567, She was accused again in 1596 but was acquitted. In 1597 during what has become known as 'The Great Scottish Witch Hunt of 1597'. Eight women accused of sorcery identified her as their accomplice. Bane was accused of several charges, including association with a convicted witch, her sister Jonet Spaldarge, and her extensive knowledge of midwifery. She was also accused of having killed her former spouse by transferring the labour pains from a woman to him, of not returning a greeting of a man who died later that day, of having been witnessed to perform magic rituals by a loch, and of having predicted the sex of an infant prior to birth.

Her third time being accused occurred on 25 March 1597, she was convicted and sentenced to be executed by burning at Aberdeen.

Helen Rogie was the daughter of Margaret Bane. Like her mother, Helen lived in Aberdeen. Helen also has a daughter-in-law, Bessie. It is believed Helen was implicated for witchcraft due to her mother, Margaret. Some of the accusations against her included: conspiring with her mother to inflict an illness upon her daughter-in-law Bessie, causing a neighbour's animals to run wild before dying, and for casting a stone circle. Rogie was accused of witchcraft on 4 April, 1597, and was found guilty on 24 April, 1597. She was sentenced to execution by hanging and burning, which took place later the 24th. She was burned on the Hills of Aberdeen

Jonet Spaldarge was the sister of Margaret Bane and was recognised as a "good wife".^[1]Issobell Richie, accused of witchcraft by Bane, denounced Spaldarge and declared that she had gifted a belt capable of harming bearded men. Margaret also claimed she was introduced to witchcraft by Spaldarge. Jonet was burned in Edinburgh for after being found guilty of sorcery.

Marie Lamont (1646-1662) Marie Lamont lived in Inverkip, a parish in the burgh of Renfrew in which persecution of witches was particularly rife between the years 1640–1690. At a young age she was accused of being a witch, and after confessing was presented for trial on 7 May 1662

Marie's trial was held in the locale and lasted for one day. At trial she admitted that she had become a witch at the age of 13 years, and when under the influence of Catherine Scott she allegedly renounced her Christian faith, was baptised by the devil and renamed "Clowts". She confessed to having sexual relations with the devil several times when he appeared to her as a brown dog, and this had left marks on her right side where he had nipped her. She said that along with Jean King, Kattie Scott, Janet Holm and sundry others she had met at the bucht-gait of Ardgowan in the presence of the devil, who appeared to them on this occasion in the shape of a black man with cloven feet. They were directed to gather sand from the shore and scatter it about yetts of Ardgowan, and about the minister's house. She was accused of shape shifting into a cat and of stealing milk by means of magic. The milk theft involved drawing a tether made from the hair of many cows' tails over the mouth of a mug and speaking the words "In God's name, God send us milk, God send it, and meikle of it". Marie also confessed to dancing round the Kempock Stone with others and attempting to throw the stone into the sea, the intention being to sink ships sailing in the Firth of Clyde.

She was burned at the stake in 1662.

Common themes

- Communities seeking explanation – someone to blame – for misfortunes ranging from illness and death to shipwreck and theft or loss of animals or other property.
- At least some evidence to suggest that allegations of witchcraft were used to punish or harm people who had come into conflict with those making the allegations.
- Those accused were usually women, who often had no realistic chance of defending themselves in court.
- Often misogynistic undertones to accusations – claims of using 'magic powers' to cause harm to others, claims of 'sexually deviant' rituals, and suggestion that relief of pain in childbirth is morally wrong.
- Use of torture to force confessions and to encourage those accused to level accusations at other 'co-conspirators'.

Modern Day Witchcraft Allegations

- In many countries of the world, women are still accused of practicing witchcraft each year. They are persecuted and even killed in organized witch hunts — especially in Africa but also in Southeast Asia and Latin America.
- For example, many women in Ghana are pushed to live in so-called witch camps because they are rejected by society

- The Catholic missionary society mission, which is part of the global Pontifical Mission Societies under the jurisdiction of the Pope, has declared August 10 as World Day against Witch Hunts, saying that in at least 36 nations around the world, people continue to be persecuted as witches.
- Historian Wolfgang Behringer, who works as a professor specializing in the early modern age at Saarland University, says that in the 20th century alone, more people accused of witchcraft were murdered than during the three centuries when witch hunts were practiced in Europe: "Between 1960 and 2000, about 40,000 people alleged of practicing witchcraft were murdered in Tanzania alone. While there are no laws against witchcraft as such in Tanzanian law, village tribunals often decide that certain individuals should be killed,"
- In Tanzania, the victims of these witch hunts are often people with albinism; some people believe that the body parts of these individuals can be used to extract potions against all sorts of ailments. Similar practices are known to take place in Zambia and elsewhere on the continent.
- In Ghana certain communities blamed the birth of children with disabilities on practices of witchcraft.
- In the Democratic Republic of the Congo, it is usually the younger generations who are associated with witchcraft. So-called "children of witchcraft" are usually rejected by their families and left to fend for themselves. However, their so-called crimes often have little to do with sorcery at all
- In the DRC, many charismatic churches blame diseases such as HIV/AIDS or female infertility on witchcraft, with illegitimate children serving as scapegoats for problems that cannot be easily solved in one of the poorest countries on earth. Other reasons cited include sudden deaths, crop failures, greed, jealousy and more.
- The UN also reports that there are a number of countries where 'witchcraft' related beliefs and practices have resulted in serious violations of human rights including, beatings, banishment, cutting of body parts, and amputation of limbs, torture and murder. Women, children, the elderly, and persons with disabilities, particularly persons with albinism, are particularly vulnerable.

Use of 'witch' as a misogynistic term of harassment of women in modern life

[From Circe to Clinton: why powerful women are cast as witches | Books | The Guardian](https://www.domesticshelters.org/articles/in-the-news/why-we-still-call-rebellious-women-witches)
<https://www.domesticshelters.org/articles/in-the-news/why-we-still-call-rebellious-women-witches>

Sources

[Witch hunts: A global problem in the 21st century | Africa | DW | 10.08.2020](#)
[OHCHR | Experts Workshop on Witchcraft and Human Rights](#)
[Survey of Scottish Witchcraft - Introduction to Scottish Witchcraft \(ed.ac.uk\)](#)
[Euphame MacCalzean - Wikipedia](#)
[Margaret Bane - Wikipedia](#)
[Marie Lamont - Wikipedia](#)
[North Berwick witch trials - Wikipedia](#)

From: **REDACTED**
Justice Directorate: Criminal Justice
Division
18 January 2021

1. Cabinet Secretary for Justice and Veterans/Lord Advocate
2. First Minister

POSTHUMOUS APOLOGY TO THOSE CONVICTED IN SCOTLAND OF WITCHCRAFT – CORRESPONDENCE FROM ‘WITCHES OF SCOTLAND’ CAMPAIGN GROUP

Purpose

1. To provide Ministers with advice regarding handling of a letter from the campaign group ‘Witches of Scotland’ calling on the First Minister to make an apology to those accused or convicted of witchcraft in Scotland under the Witchcraft Act 1563. It was made clear in the media that this was, in their view, the first step towards a pardon.

Priority

2. **Routine.** This is a 1:2 minute with views sought from the Lord Advocate and the Cabinet Secretary for Justice and Veterans by 28 January to inform a response from the First Minister in the period thereafter.

Background

3. The campaign group ‘Witches of Scotland’ was formed in 2020 and is campaigning for a pardon for those convicted as witches under the Witchcraft Act 1563, to obtain an apology for all those accused under that Act, and to obtain a national memorial to remember those killed as witches.

4. A pardon is a means of lifting the burden of a criminal conviction. It does not reverse a conviction, but instead can be a means of acknowledging the discriminatory way in which certain criminal laws were used. In recent times, the Scottish Parliament has passed legislation giving a pardon to men convicted under certain sexual offence laws that were either discriminatory in themselves or were more general laws used in a discriminatory manner against men undertaking same-sex sexual activity. The Scottish Parliament is also currently considering legislation relating to pardons for individuals convicted for certain activity connected with the 1984/85 miners’ strike.

5. When the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill was introduced into Parliament in November 2017, the First Minister made a statement in Parliament apologising for the need for a pardon. The Bill itself could not offer an apology; however section 1 of the Bill made clear the purpose of the legislation was to acknowledge the wrongfulness of the discriminatory approach to the use of certain laws. At that time, it was considered best for an apology to be offered at the time when associated legislation was introduced into Parliament.

6. On 6 January 2022, Claire Mitchell QC and Zoe Venditozzi of the group 'Witches of Scotland' wrote to the First Minister asking that she consider issuing an apology on International Women's Day 2022, in respect of all of those people, 84% of whom were women, who were accused as witches under the Witchcraft Act 1563, which was repealed in 1736.

7. It is not known exactly how many people were convicted of witchcraft in Scotland prior to the repeal of the Witchcraft Act 1563. 'Witches of Scotland' state that 4,000 people were accused of witchcraft in Scotland, of whom around 2,500 were executed. The University of Edinburgh's 'Survey of Scottish Witchcraft'¹ states that they have identified a total of 3,837 people who were accused of witchcraft in Scotland, and of these 3,212 were named individuals. 84% of those named individuals were women. The researchers note that of the 3,212 named individuals, the sentence of a trial was recorded in only 305 cases. Of those 305, 205 (67%) were sentenced to be executed. While it cannot be known whether these cases were typical of all prosecutions for witchcraft², if they were, this would equate to over 2,500 people being executed for witchcraft in Scotland.

REDACTED

Conclusion

26. **We invite Ministers to note this advice and offer any views.** Depending on the views offered, we will provide a draft response for the recent 'Witches of Scotland' correspondence.

27. We would be happy to discuss this note with Ministers.

REDACTED

Justice Directorate: Criminal Justice Division
Ext 44210

18 January 2021

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Community Safety			X		
Solicitor General			X		
Cabinet Secretary for Social Justice, Housing and Local Government			X		

¹ <https://www.shca.ed.ac.uk/Research/witches/introduction.html>

² On the one hand, it is suggested that as these records come from the Central Justiciary Court, who may have been more likely to acquit than local courts, the actual figure may be higher. However, set against that, the figure of 3,212 named individuals includes a number who were investigated by the church authorities and some of these cases were probably dropped before they came to trial suggesting the actual number who were executed may be lower.

REDACTED

From: REDACTED
Sent: 24 February 2022 18:01
To: Brown KJ (Keith), MSP; REDACTED Cabinet Secretary for Justice and Veterans
Cc: REDACTED First Minister
Subject: RE: CAB SEC CLEARANCE - media query - witches pardon - ITV Good Morning Britain

Thanks, Cabinet Secretary.

I will issue now.

REDACTED

From: Brown KJ (Keith), MSP <Keith.Brown.msp@parliament.scot>
Sent: 24 February 2022 17:57
To: REDACTED; Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>
Cc: REDACTED First Minister <firstminister@gov.scot>
Subject: Re: CAB SEC CLEARANCE - media query - witches pardon - ITV Good Morning Britain

Content.

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From: REDACTED
Sent: Thursday, February 24, 2022 5:55:16 PM
To: CabSecJV@gov.scot <CabSecJV@gov.scot>; Brown KJ (Keith), MSP <Keith.Brown.msp@parliament.scot>
Cc: REDACTED First Minister <firstminister@gov.scot>
Subject: CAB SEC CLEARANCE - media query - witches pardon - ITV Good Morning Britain

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Good evening PO, Cab Sec,

Copying FMPO for sight.

We've been approached by ITV GMB looking for our updated position on the witch pardon.

I'd be grateful for Mr Brown's clearance to issue the updated response below, agreed with SpAds and officials.

A Scottish Government spokesperson said:

“The Scottish Government absolutely acknowledges that those accused and convicted of the offence of witchcraft, the majority of whom were women, faced discrimination and had very little protection in law. While the relevant laws in Scotland have long-since been repealed, the misogyny that underpinned such action sadly still exists today in all too many parts of the world, including Scotland.

“As with any legislative proposal, the full details need to be seen first before a decision can be reached, but the Scottish Government is committed to carefully consider any proposal for a specific Members’ Bill in this area seeking to provide a pardon. Separate from any legislation, careful consideration is also being given to offering an apology.”

Many thanks

REDACTED

REDACTED

REDACTED

Scottish Government, St Andrew's House

REDACTED

REDACTED

From: REDACTED

Sent: 24 February 2022 15:37

To: REDACTED

Subject: ITV Good Morning Britain

Hello **REDACTED**

Thank you for your time just now.

I am working on a piece for Good Morning Britain about the Witches of Scotland campaign.

They are calling for a public apology, a pardon and a memorial for the thousands of women executed in Scotland under the Witchcraft Act.

They are hopeful that the First Minister may make a statement - and perhaps offer an apology - on International Women's Day on 8th March.

I would be most grateful if you could provide me with an update on this and a statement.

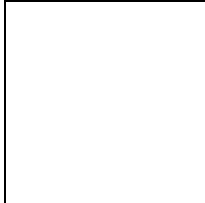
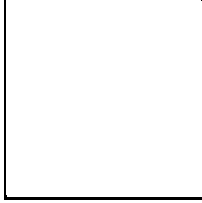
Kind regards,

Juliet

REDACTED

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REDACTED | **Web:** itv.com/gmb



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From: REDACTED
Sent: 05 April 2022 15:23
To: REDACTED
Subject: RE: WITCHES OF SCOTLAND INTERNATIONAL WOMENS DAY 2022 - draft advice note
Attachments: RE: WITCHES OF SCOTLAND INTERNATIONAL WOMENS DAY 2022

From: Claire Mitchell QC REDACTED
Sent: 06 January 2022 22:57
To: First Minister <firstminister@gov.scot>
Cc: zoe venditozzi REDACTED
Subject: WITCHES OF SCOTLAND INTERNATIONAL WOMENS DAY 2022

Dear First Minister

On International Women's Day 2020 we started the Witches of Scotland campaign . It 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.

Today, we write to ask that on International Women's Day 2022 you consider issuing an apology in respect of all of those 4000 people, 85% women who were accused as witches under the Witchcraft Act 1563 – 1736. Confession to allegations of witchcraft were routinely obtained by torture, both physical and mental. The stripping and pricking of women was 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 21st century vulnerable people, usually women, children and elders are still suffering the terrible fate of being accused as a witch.

In January 2021 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." The Petition Committee is to meet soon to discuss the matter again. Recently, Natalie Don MSP discussed raising a private members bill in respect of the pardoning of those convicted and that is currently being progressed.

When you established the National Advisory Council on Women and Girls (NACWG) in 2017 you set 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 were accused and convicted of a crime they did not commit and 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. This is why WoS now call upon you to consider issuing an apology to all those accused of witchcraft on International Women's Day 2022. 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 take some time on IWD2022 to remember them as women, not witches.
CLAIRE MITCHELL QC & ZOE VENDITTOZZI
WITCHES OF SCOTLAND

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From: REDACTED on behalf of First Minister
Sent: 09 January 2022 16:42
To: REDACTED First Minister; Public Engagement Unit
Cc: REDACTED Minister for Community Safety; REDACTED Director of Justice;
REDACTED
Subject: RE: WITCHES OF SCOTLAND INTERNATIONAL WOMENS DAY 2022

All,

FM has asked if advice could also be provided with the draft response and does not consider an apology an unreasonable request?

For purposes of transparency, FM wishes to state that Claire Mitchell QC is a personal friend.

Many thanks,

REDACTED

REDACTED

REDACTED

Office of the First Minister

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | **REDACTED** |

REDACTED

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From: REDACTED

Sent: 07 January 2022 10:05

To: First Minister <firstminister@gov.scot>; Public Engagement Unit
<CorrespondenceUnit@gov.scot>

Cc: REDACTED>; Minister for Community Safety <MinisterCS@gov.scot>; REDACTED

Subject: RE: WITCHES OF SCOTLAND INTERNATIONAL WOMENS DAY 2022

Good morning **REDACTED**,

For awareness and benefit of the copylist, were approached on this yesterday by the BBC and the below response was cleared by Cab Sec Justice.

A Scottish Government spokesperson said:

“The Scottish Government acknowledges that those accused and convicted of the offence of witchcraft, the majority of whom were women, faced discrimination and had very little protection in law.

“We will carefully consider any proposal for a Members’ Bill in this area.”

Many thanks
REDACTED

REDACTED | Media Manager
Communications Justice and Constitution / External Affairs and Culture
Scottish Government, St Andrew's House
REDACTED
REDACTED

From: **REDACTED On Behalf Of** First Minister
Sent: 07 January 2022 09:50
To: Public Engagement Unit <CorrespondenceUnit@gov.scot>
Cc: **REDACTED** Minister for Community Safety <MinisterCS@gov.scot>; **REDACTED**; First Minister <firstminister@gov.scot>
Subject: FW: WITCHES OF SCOTLAND INTERNATIONAL WOMENS DAY 2022

Morning All

I note, the undernoted correspondence was mentioned on BBC News on Radio 6 this morning, grateful if a response can be drafted please.

Thanks
REDACTED

REDACTED
Office of the First Minister
Scottish Government
5TH floor/St Andrews House/Regent Road
Edinburgh EH1 3DG
REDACTED
REDACTED

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From: Claire Mitchell QC REDACTED

Sent: 06 January 2022 22:57

To: First Minister <firstminister@gov.scot>

Cc: zoe venditozzi REDACTED

Subject: WITCHES OF SCOTLAND INTERNATIONAL WOMENS DAY 2022

Dear First Minister

On International Women's Day 2020 we started the Witches of Scotland campaign . It 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.

Today, we write to ask that on International Women's Day 2022 you consider issuing an apology in respect of all of those 4000 people, 85% women who were accused as witches under the Witchcraft Act 1563 – 1736. Confession to allegations of witchcraft were routinely obtained by torture, both physical and mental. The stripping and pricking of women was 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 21st century vulnerable people, usually women, children and elders are still suffering the terrible fate of being accused as a witch.

In January 2021 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." The Petition Committee is to meet soon to discuss the matter again. Recently, Natalie Don MSP discussed raising a private members bill in respect of the pardoning of those convicted and that is currently being progressed.

When you established the National Advisory Council on Women and Girls (NACWG) in 2017 you set 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 were accused and convicted of a crime they did not commit and 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. This is why WoS now call upon you to consider issuing an apology to all those accused of witchcraft on International Women’s Day 2022. 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 take some time on IWD2022 to remember them as women, not witches.

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