

Citizen Participation and Public Petitions Committee
Wednesday 22 January 2025
1st Meeting, 2025 (Session 6)

PE2122: Pardon those who were accused and convicted of witchcraft in Scotland under the Witchcraft Act 1563

Introduction

Petitioner Gemma Clark

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to pardon the, predominantly female, historic victims of Scotland's witch trials, who were accused and convicted under the Witchcraft Act 1563.

Webpage <https://petitions.parliament.scot/petitions/PE2122>

1. This is a new petition that was lodged on 4 November 2024.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 42 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received a submission from the Scottish Government, which is set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take on this petition.

Clerks to the Committee
January 2025

Annexe A: Summary of petition

PE2122: Pardon those who were accused and convicted of witchcraft in Scotland under the Witchcraft Act 1563

Petitioner

Gemma Clark

Date Lodged

4 November 2024

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to pardon the, predominantly female, historic victims of Scotland's witch trials, who were accused and convicted under the Witchcraft Act 1563.

Background information

The Witches of Scotland campaign highlights 3,837 people were accused of witchcraft in Scotland, with 84% being women. Granting posthumous justice to these victims acknowledges a dark chapter in our history driven by misogyny. This remains relevant today, given the increasing misogyny in our society and ongoing witch accusations and persecution in other parts of the world.

The [public consultation for Natalie Don's proposed Member's Bill](#), gathered 1,443 responses, with 82% fully supporting the Bill. Those in favour highlighted that:

- Scotland should acknowledge and apologise for the errors of its past and honour those unfairly persecuted under the Witchcraft Act 1563.
- If passed, the proposed bill would convey a strong message of equality and opposition to misogyny in contemporary society.
- Enacting a pardon would send a powerful message globally to nations that continue to persecute individuals on grounds of alleged witchcraft.

Ms Don withdrew the proposal following appointment to the Scottish Government.

Annexe B: SPICe briefing on petition PE2122



Brief overview of issues raised by the petition

The [Scottish Witchcraft Act, entitled, Anentis Witchcrafts](#), was passed by the Parliament of Scotland in the Ninth Parliament of Queen Mary in 1563. It was repealed by the introduction of the Witchcraft Act 1735 which was, in turn, repealed by the Fraudulent Mediums Act 1951.

Convictions under the 1563 Act

The following information has been taken from an academic paper, '[The Survey of Scottish Witchcraft 1563 - 1736](#)' ("the Survey").

The Survey identified a total number of 3,837 people who were accused of witchcraft in Scotland between 1563 and 1736. Of the 3,837 people who are on the survey database, 3,212 are named and there are a further 625 unnamed people or groups. Of the 3,212 named individuals, the sentence given after trial is only known in 305 cases: 205 were to be executed; 52 were acquitted; 27 were banished; 11 were declared fugitive; 6 were excommunicated; 2 were "put to the horn" (outlawed); 1 person was to be kept in prison; and 1 person was to be publicly humiliated. In addition, a further 98 were recorded as having fled from prosecution.

This would suggest that 67% of those tried were sentenced to death. However, the authors state that this figure is probably not very accurate. It is based on only 305 cases - less than a tenth of the 3,212 people known to have been accused.

The Survey states that four types of evidence were used in the trials which took place:

- Confession evidence – this was often extracted under torture. Typically, if a suspect was interrogated they would be expected to confess to making a pact with the Devil and to harming their neighbours by maleficent witchcraft, though one or other was often omitted.
- Neighbours' testimony – statements by neighbours usually ignored the Devil. They usually described quarrels with the suspect followed by misfortune they had suffered.
- Other witches' testimony – when witches were interrogated they were sometimes asked about their accomplices. The people they named could then be arrested and interrogated.

- The Devil's mark – the Devil was believed to mark his followers at the time they made a pact with him, as a parody of Christian baptism. A physical search of the suspect's body could find this mark – either a visible body blemish or an insensitive spot. The insensitive spot was discovered by pricking with pins, sometimes by the interrogators themselves and sometimes by itinerant professional "witch-prickers" (of whom about 10 are known to have acted in Scotland).

The Survey states that the lawyers in charge of the central courts gradually became less convinced that these kinds of evidence could prove guilt. The validity of confessions made under torture was questioned and pricking for the Devil's mark came to be seen as fraudulent.

The Survey goes on to say that after the so-called Glorious Revolution, the state became more secular and no longer continued to try individuals for witchcraft.

Scottish Parliament action

Similar petitions have been submitted to the Petitions Committee twice before.

[PE1128, lodged by Ewan Irvine in 2008](#) called on the Parliament to urge the Scottish Government to take necessary action to grant a posthumous pardon to all persons convicted in Scotland under all witchcraft legislation.

Following [consideration of that petition in its deliberations on 4 March](#), the Committee agreed to write to the Scottish Government for its view on whether such a pardon could be granted.

[In August 2008, the Scottish Government wrote to the Committee](#) setting out, amongst other things, how the Royal Prerogative of Mercy (RPM) works, and some of the factors which would have a bearing on the granting of a posthumous Free Pardon. Essentially, the Scottish Government did not consider that the use of the RPM would be appropriate in this case.

After considering the Scottish Government's response, the Committee took the decision to close petition PE1128 at its meeting on 9 September 2008.

[PE1855, lodged by Claire Mitchell QC](#) called on the Parliament to urge the Scottish Government to pardon, apologise and create a national monument to memorialise those people in Scotland accused and convicted as witches under the Witchcraft Act 1563.

[The Committee heard evidence from the petitioners in January 2022](#), before agreeing to write to the Scottish Government and Natalie Don MSP. [Natalie Don responded stating she was consulting on a proposed Member's Bill](#) on the topic in May 2022, and [the Scottish Government replied on 5 August 2022](#).

In November 2022 the petition was closed due to Natalie Don MSP's proposed Member's Bill being taken forward, as well as First Minister Nicola Sturgeon MSP issuing "a formal, posthumous apology to all those accused, convicted, vilified or

executed under the Witchcraft Act 1563” during a [2022 statement for International Women’s Day](#).

The [Proposed Witchcraft Convictions \(Pardons\) \(Scotland\) Bill](#) was lodged by Natalie Don MSP on 22 June 2022. A consultation was held later that year before the proposal was withdrawn on 19 April 2023 when Natalie Don MSP was appointed to the Scottish Government as Minister for Children, Young People and Keeping the Promise.

Scottish Government action

As set out above, the Scottish Government has previously responded on similar issues raised at the Public Petitions Committee in 2008 and 2022.

Laura Haley

Researcher

25 November 2024

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP

Annexe C: Written submission

Scottish Government written submission, 15 November 2024

PE2122/A: Pardon those who were accused and convicted of witchcraft in Scotland under the Witchcraft Act 1563

Thank you for your email of 4 November 2024 seeking information from the Scottish Government to help inform the Committee's consideration of petition PE2122

The petitioner's proposal in PE2122 is to call on the Scottish Parliament to urge the Scottish Government to pardon those who are accused and convicted of witchcraft under the Witchcraft Act 1563.

As the petitioner may be aware, in March 2022, the then-First Minister made an apology to those accused and convicted of witchcraft under the Witchcraft Act of 1563.

A formal pardon is different from an apology in that it would require legislation to be passed, as was done with, for example, the Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018.

The Scottish Government noted the formal Member's Bill proposal that had been progressed in this area by Natalie Don MSP. After Ms Don was appointed as a Government Minister, she was unable to progress her Member's Bill further under the Standing Orders of Parliament. In the event that any MSP were to introduce a Member's Bill on this matter, the Scottish Government would of course give careful consideration to the detail of any such Bill. I can advise that, as the Committee will be aware, the Scottish Ministers have set out their plans for legislation in this Parliament in the Programme for Government in September and this did not include any plans for legislation in this area.

I hope this is helpful.

Justice Directorate