



Response to the Scottish Government's Consultation on Witchcraft Convictions (Pardons) (Scotland) Bill

21 September 2022

The Scottish Women's Rights Centre (SWRC) is a unique collaborative project that provides free legal information, advice and representation to women affected by violence and abuse. The SWRC exists because of abuses of power and because a gap persists between women's experience of violence and abuse and their access to justice. Women disproportionately experience crimes of sexual violence, domestic violence, sexual harassment and stalking, as such we take a gendered analysis of these issues. Tackling all forms of misogyny is an important aspect of the work we do, negative perceptions of women increase their inequality, demean them and dehumanise them.

Misogyny creates the conditions for violence against women and girls to exist because it devalues their experiences, their financial and social contributions within society, and at an extreme, their lives.

At SWRC we routinely see the effects of this on women who not only suffer forms of gender-based violence but find their experiences compounded when they come up against multiple barriers to securing justice. This is notable where women do not have their cases properly investigated by the police or brought to court. Scotland has a conviction rate in rape cases of around just 3%, which has remained persistently low for decades. 1 in 4 women are victims of domestic abuse. When women face intersectional equalities relating to their race, religion, gender identity, sexuality or because they have a disability these barriers work to push them even further from the protection the justice system should offer. This only serves a self-fulfilling cycle which in turn makes women more vulnerable to gender-based violence and an environment where perpetrators are not held accountable.

We were pleased to welcome the efforts of the Scottish Government to tackle ongoing barriers to justice in upcoming legislation, to remove the not proven verdict and develop a specialist sexual offences court. These are all efforts in the fight to eliminate gender-based violence from Scotland. Tackling the historic and deeply rooted societal misogyny we still see today is another necessary measure and as such we also welcome proposals to introduce the offence of misogyny as a specific hate crime. It is important to recognise that misogyny is a deep-rooted and long-standing issue which

has always been there – causing harm and contributing to the devaluing of women’s lives and experiences – for hundreds and hundreds of years.

This is why we are also supportive of the proposed Bill to pardon those convicted of witchcraft in Scotland and see that has relevance today.

In the 16th – 17th centuries Scotland became embroiled in the witch hunts which were sweeping across Europe at the time. Scotland accused some 3,837 people and figures suggest that around 67% were executed, this was one of the highest numbers in the whole of Europe during this time. Others were imprisoned, banished, or died as a result of the torture they endured.

Of those who were accused, 84% were women highlighting that this was a gendered issue where women were disproportionately affected.¹ Many of the women targeted were seen as outsiders in society, vulnerable, troublesome, disabled or different in some way. In some form or another they were ‘quarrelsome dame’s’ who didn’t fit with the gender norms of the time. Some had directly accused men of causing harm to them and were accused as a means to silence them.

It was thought that women would more easily be led astray by the devil because they were portrayed as weaker minded and more promiscuous. King James VI described women as ‘fuelled by cruel minds and the Devil to inflict pain on men’, promoting the idea that women are out to take men down in some way, damage their reputations or ruin their lives, careers or marriages.

These negative depictions of women are something we have seen examples of throughout history, from ancient Greece up to the Me-Too movement of the present day. We often see these tired but deep-rooted stereotypes used to discredit women, they instil distrust at a societal level, downplay the actions of male violence, silence women who suffer abuse and allow it to continue in secret. It is too often a factor in cases of domestic abuse and rape where pervasive myths about how a true victim might look or act exist.

The Scottish Women’s Rights Centre are strongly in favour of the posthumous pardon of all those convicted of witchcraft in Scotland. We support efforts to name our common history and redress wrongs because only by sharing a wide public understanding of the roots of misogyny, can we work effectively now to make the changes that needs to happen for women today.

The act of pardon sends a clear message that it is not right to record these women as criminals, or as witches. It also recognises that there is still a legacy of misogyny which is deeply rooted in present society, one which we work with survivors to dismantle.

If you wish any further information on this consultation response or the work of the Scottish Women’s Rights Centre then please contact Kate Thompson, Justice Policy Worker at kate.thompson@rapecrisisScotland.org.uk

¹ [Survey of Scottish Witchcraft - Introduction to Scottish Witchcraft \(ed.ac.uk\)](#)