

September 2022

## Proposed Witchcraft Convictions (Pardons) (Scotland) Bill: consultation response

Submitted by email to: [natalie.don.msp@parliament.scot](mailto:natalie.don.msp@parliament.scot)

This submission is made by the National Secular Society (NSS). The NSS is a not-for-profit non-governmental organisation founded in 1866, funded by its members and by donations. We advocate for separation of religion and state and promote secularism as the best means of creating a society in which people of all religions and none can live together fairly and cohesively. We seek a diverse society where all are free to practise their faith, change it, or to have no faith at all. We uphold the universality of individual human rights, which should never be overridden on the grounds of religion, tradition or culture.

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

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

Q1. Which of the following best expresses your view of the proposed Bill?

The NSS is fully supportive of the proposed bill.

We support the proposed bill as we recognise that in many countries, witchcraft persecutions are not confined to history. The bill provides an opportunity to demonstrate that no-one should ever face criminal sanction or persecution based on allegations of witchcraft.

Dr Leo Igwe, a Nigeria-based human rights campaigner and founder of Advocacy for Alleged Witches, has praised the Church of Scotland for acknowledging its role in witchcraft persecution and Nichola Sturgeon for her formal apology for those accused of witchcraft. He said: *"this campaign has so much contemporary relevance and resonance. Tens of thousands of people, including women, children, and elderly persons, still suffer harm linked to witchcraft accusations and prosecution in many African countries. And churches with a direct and indirect link to the Church of Scotland often perpetuate these abuses. Churches in Africa are part of the problem of witch-hunting in the region... This*

*acknowledgement by the Church of Scotland sends a clear and powerful message to its counterparts and affiliates in Africa."*<sup>1</sup>

This year alone, there have been dozens of reports of killings and lynchings of people accused of witchcraft in Angola, Ghana, Guatemala, India, Kenya, Liberia, Malawi, Nigeria, Papua New Guinea, Peru, Zambia, Zimbabwe and even the USA<sup>2</sup>.

Those accused of witchcraft may also be subjected to highly abusive treatment as a form of 'exorcism' to try and rid them of evil spirits. Victims of such 'witchcraft abuse' are frequently children, and very often religion plays a role.

'Witchcraft abuse' cases occur in the UK, and may be increasing among some communities. In May this year, Phoenix Faith, who moved to the UK from west Africa when she was a child, told the press that she was branded a witch as a child and accused of giving her mother cancer by a church leader. She said she fears that church leader is still operating in the UK today<sup>3</sup>.

A formal pardon for victims of witch-hunts will help send a message to people from communities which hold such beliefs, both in the UK and worldwide, that any form of violence or abuse towards those accused of witchcraft is unacceptable.

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

The most important aspects of the proposals are to highlight the harms caused by witch hunts. It would be most effective if any public gesture were to be accompanied by practical action to assist modern victims of witchcraft persecution.

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?

Sex

The proposed bill is most likely to have an impact in challenging sex discrimination as most victims of witchcraft persecution have been women. We note that the overall impact will be limited unless it is accompanied by more practical steps. Please see our answer to Q5 below for more information.

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<sup>1</sup> <https://www.modernghana.com/news/1160189/afaw-salutes-church-of-scotland-for-acknowledging.html>

<sup>2</sup> <https://twitter.com/PaganSecularist/status/1480268383094558722?s=20&t=K5NE40tGynNyQlqtTeh4og>

<sup>3</sup> <https://news.sky.com/story/woman-branded-witch-by-faith-leader-and-accused-of-giving-mother-cancer-tells-of-ordeal-12599248>

## Age and disability

The consultation document notes that victims of witchcraft persecution have often been targeted on grounds of age and disability. The proposed bill also provides an opportunity to highlight this aspect and to show how this applies in the modern world.

## Sexual orientation and gender re-assignment

The protected characteristics of gender re-assignment and sexual orientation may also be targeted in witchcraft accusations. In some communities, LGBT+ people may be accused of being possessed by evil spirits, a belief strongly connected to beliefs in malevolent witchcraft. As a result, they may be subjected to similar forms of exorcism and abuses as those accused of witchcraft as a form of 'conversion therapy' in order to 'rid' them of the evil.

Some of these 'exorcisms' are conducted by churches that are also registered charities. The registered website of the Scottish branch of Mountain Of Fire And Miracles (MFM) Ministries International (charity no. SC033001) has said that homosexuality "redefined as sexual preference" is the result of "bewitchment"<sup>4</sup>. MFM's founder Daniel Olukoya preaches that gay people are possessed by "the spirit of the dog" and believes that prayer can save those "in the bondage of homosexuality"<sup>5</sup>. An undercover investigation in the Liverpool Echo in 2018 revealed that an MFM church was putting these teachings into action through an extreme form of 'conversion therapy' involving starvation<sup>6</sup>.

We think the charitable purpose of 'the advancement of religion' enables charities to promote 'conversion therapy' and the homophobic ideology that drives such 'therapy'. Please see our answer to Q5 below for more on the role of religious charities in promoting misogyny and other forms of extremism.

## Religion or belief and race

A pardon for witchcraft convictions will particularly benefit those belonging to religious and ethnic communities where beliefs in malevolent witchcraft prevail, as this may help to protect individuals in these communities from violence and abuse – please see our answer to Q1 for more.

It may also benefit those who belong to religious communities known to have benign spiritual practices commonly called "witchcraft" by both those within and outside those communities – for example, members of modern Pagan and Wiccan communities.

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<sup>4</sup><https://web.archive.org/web/20180425143934/http://www.mountainoffire.org/messages/archives/2014-11-02>

<sup>5</sup> <https://www.thetimes.co.uk/article/amazon-supports-mountain-of-fire-and-miracles-ministries-church-that-backs-gay-conversion-snczllxt0>

<sup>6</sup> <https://www.liverpoolecho.co.uk/news/liverpool-news/echo-goes-undercover-gay-cure-13468107>

According to figures from a Scottish Pagan Federation survey published last year, over 40% of respondents stated they had been directly discriminated against because they are Pagans, over 65% have had members of other faith communities try to convert them, and over 65% have been told they will go to Hell because of their faith<sup>7</sup>.

Negative attitudes towards Pagans and Wiccans are sometimes promoted by religious organisations, including those that are registered charities. In 2019, the NSS found material on the websites of Christadelphian charities registered in England and Wales declaring that modern Paganism and Wicca are sinful and punishable by death according to the Bible<sup>8</sup>. Please see our answer to Q5 for more information about religious charities, including a branch of the Christadelphians registered in Scotland.

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?

Historic witch hunts were a form of religious persecution which, as the consultation document notes, were often rooted in misogyny and sectarianism. The document states that the pardon should be part of a wider strategy to combat misogyny.

The consultation document notes that the women accused of witchcraft were often those who deviated from expected gender roles and that such attitudes persist in the present day. We note that many religious groups teach that women should be subordinate to their husbands and should be responsible for the home and children. The same groups also usually teach that it is wrong to be homosexual or transgender. If the Scottish government is sincere about combatting misogyny, it needs to examine the role of religious organisations play in perpetuating misogynistic attitudes.

Many religious organisations that promote female subordination, traditional gender roles and anti-LGBT attitudes are registered charities in Scotland. This is in spite of the fact that charities are supposed to exist for the public benefit.

One example is the Free Presbyterian Church of Scotland, registered charity SC003545. On its website, it quite clearly teaches that women are created by God to be subordinate to men: *“The woman then is under authority – under male authority. Female subjection requires that she submit to that male authority. The man’s authority means the woman’s submission.”*

It adds: *“The woman’s femininity of character fits her more for subjection and for child nurture, the man’s masculinity more for headship and his own sphere of the external*

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<sup>7</sup> <http://www.scottishpf.org/pdsResults.html>

<sup>8</sup> <https://www.secularism.org.uk/news/2019/11/christadelphian-charities-condoning-violence-and-promoting-misogyny>

*workplace. Yes, there are differences of personality within manhood and womanhood, but except when grievously distorted by an ungodly culture such as our own, there are certain features of character which are feminine and certain that are masculine. These features fit men and women for their different roles, and these features were placed there at creation.”<sup>9</sup>*

At the end of 2020, the Free Presbyterian Scotland’s income was £3,653,817<sup>10</sup>. It will have additionally benefitted from the tax breaks afforded to registered charities.

The Free Presbyterian Church of Scotland is by no means the only charity promoting misogyny and sexism. Al-Mawrid Global, an Islamic charity registered with OSCR, (SC045039) says on its website: *“Lesbianism is obviously one of the practices whose abomination is ingrained in us. Only women whose nature have become perverted indulge in it. The fact that this is against universal moral principles is evident from the fact that barring a very very small minority, a vast majority regard it to be abominable thereby showing that the collective conscience of mankind has always considered it to be immoral.”<sup>11</sup>*

And Christian charity East Kilbride Christadelphian Ecclesia (SC010420) has shared memes on its Facebook page saying a woman must cover her head “to show she is under authority”<sup>12</sup>, that it is “shameful for a woman to speak in church”<sup>13</sup>, and that the husband “is the head of the wife”<sup>14</sup>.

We are also deeply concerned about a branch of the Christian anti-abortion “pregnancy support service” Stanton Healthcare which registered in Edinburgh last year (SC051362). Stanton Healthcare’s Belfast clinic says its clients “receive medically accurate, non-biased information about options in a confidential and professional setting”<sup>15</sup>. But in 2018 an investigation by The Times revealed it was falsely telling women that termination causes breast cancer and infertility<sup>16</sup>.

All of the above charities are registered under the charitable purpose of “the advancement of religion”. We believe this charitable purpose needs urgent review, as it enables charities to promote misogynistic and other extremist and hateful ideology

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<sup>9</sup> <https://www.fpchurch.org.uk/about-us/what-we-contend-for/distinctions-between-male-and-female/the-distinct-roles-of-men-and-women/>

<sup>10</sup> <https://www.oscr.org.uk/about-charities/search-the-register/charity-details?number=SC003545>

<sup>11</sup> <https://www.al-mawrid.org/Question/60a204a3923f0b12074d842e/lesbianism>

<sup>12</sup> <https://www.facebook.com/Ekchristadelphians/photos/3036684919903068/>

<sup>13</sup> <https://www.facebook.com/Ekchristadelphians/photos/2944704462434448/>

<sup>14</sup> <https://www.facebook.com/Ekchristadelphians/photos/2940485449523016/>

<sup>15</sup> <https://www.stantonbelfast.org/>

<sup>16</sup> <https://www.thetimes.co.uk/article/belfast-anti-abortion-centre-stanton-healthcare-peddling-false-cancer-claims-to-women-669bnk725>

under the cloak of religion whereas nonreligious charities would not be permitted to do so.

Earlier this year OSCR declined to uphold a complaint made by the NSS about the Facebook posts by East Kilbride Christadelphians (which also included deeply homophobic ideology and anti-vaccine conspiracies) on the grounds that their statements were "in accordance with their religious beliefs"<sup>17</sup>.

OSCR guidance says registered charities "must actively provide benefit". Furthermore, an organisation may fail the charity test if it causes "actual or likely detriment or harm". It is clear that charities such as East Kilbride Christadelphian Ecclesia are promoting ideology likely to cause detriment or harm, while its benefit to the public is unclear at best.

That OSCR is unable to prevent a charity from promoting misogyny and other extremism due to that extremism being in accordance with the charity's religious beliefs demonstrates that 'the advancement of religion' charitable purpose is a barrier to charity regulation and must therefore be reviewed. If the Scottish government is serious about combatting misogyny, homophobia and other intolerant attitudes it should ensure that they are not perpetuated by the organisations that it treats as charitable.

Consultation response prepared by Helen Nicholls, National Secular Society, September 2022. For more information please contact: [admin@secularism.org.uk](mailto:admin@secularism.org.uk)

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<sup>17</sup> <https://www.secularism.org.uk/news/2022/06/regulator-fails-to-act-on-religious-charitys-homophobic-anti-vax-memes> for more information.