

Ruth Maguire MSP
Convener, Equalities and Human Rights Committee
Scottish Parliament

16 April 2020

Dear Ruth,

Equality and human rights and the Coronavirus response in Scotland

As the bodies charged with oversight of equality and human rights for adults, children and young people in Scotland, we are asking the Equalities and Human Rights Committee to consider undertaking an urgent inquiry into the equality and human rights implications of Coronavirus.

We are generally supportive of the efforts by the Scottish Government and other public authorities to protect people in Scotland from the spread and effects of Coronavirus. It is important that any measures taken are necessary, proportionate and time-limited in order to minimise their impact on equality and human rights. We also believe that actions taken which are grounded in equality and human rights will command the strongest levels of public confidence, consent and compliance, and ensure that those who are most likely to experience the most negative impacts are prioritised and protected.

We were pleased to see your amendment to the Coronavirus (Scotland) Act ('the Act') which requires that, in exercising any powers in the Act, due regard must be given to the advancement of equality and non-discrimination. However, as you will be aware, significant measures are also contained within the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 ('the Regulations'), which are made under the UK Act and therefore not subject to that requirement. The measures in the Act and in the Regulations have significant implications for equality and for our human rights, including our rights to life, liberty, and private and family life.

We are aware of increasing evidence that some groups are experiencing disproportionately negative impacts of the virus and some of the responses to it. For example:

- Individuals from particular ethnic minorities are being hospitalised at higher rates;
- Women and young people are among those most exposed to increased risk as they are disproportionately likely to be key workers;
- Women, children, older and disabled people are among the most impacted by mitigation measures taken by the Scottish Government and others;
- Children experiencing poverty, and those with disabilities or other additional support needs, are cut off from the support normally provided through schools.

The Act requires the Scottish Government to report on the use of its powers to the Scottish Parliament every two months, and provides for possible extension of powers beyond the initial six months for a maximum of eighteen months. It also enables the Scottish Parliament to allow individual powers to expire early if they are no longer necessary. The Regulations are similarly subject to review after six months. These provisions reflect the Scottish Parliament's important role as a human rights guarantor.

We believe that consideration of equality and human rights issues will be critical to enable the Scottish Parliament to fulfil its scrutiny and accountability role in relation to these pieces of legislation. It is essential to collect robust information to fully understand the equality and human rights impacts of Coronavirus and related measures on people in Scotland.

It is in this context that we are asking the Equality and Human Rights Committee to consider undertaking an urgent inquiry into the equality and human rights implications of Coronavirus in Scotland.

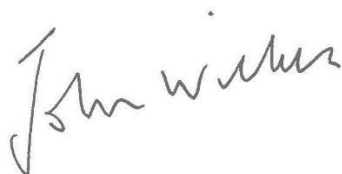
Such an inquiry should:

- Identify groups and individuals disproportionately impacted by Coronavirus and related measures
- Identify what the Scottish Government and other public bodies, including regulatory and oversight bodies, need to do to ensure that measures to be taken in relation to Coronavirus minimise negative effects on equality and human rights; and
- Examine measures taken by the Scottish Government and other public bodies and the impacts they may have on equality and human rights.

We believe an inquiry of this type would support the Scottish Parliament in its scrutiny role and assist the Scottish Government by informing its efforts to deal with Coronavirus.

We hope that the Committee will take this proposal forward. As Scotland's equality and human rights oversight bodies, we will assist the Committee in any way we can.

Yours sincerely,



John Wilkes
Head of Scotland
Equality and Human
Rights Commission



Judith Robertson
Chair
Scottish Human Rights
Commission



Bruce Adamson
Child and Young
People's
Commissioner