

Humza Yousaf MSP,
Cabinet Secretary for Justice,
The Scottish Government
Edinburgh
By email: scottish.ministers@gov.scot

17 June 2020

Dear Cabinet Secretary,

COVID-19 Response and Conditions of Detention,

As you are aware from our various conversations last month and the Commission's letter to the Justice Committee of 18 May 2020, we continue to be concerned about prisoners' conditions of detention, particularly those confined to their cell for extended periods of time, with very limited access to shower facilities and time out of cell, including access to outdoor exercise.

As you will have noted in our letter to the Justice Committee, we urged the Scottish Government to take action to ensure that the response to Covid-19 and the restrictions consequential to the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2020 are fully in accordance with the Government's human rights obligations.

The Commission acknowledges that these are unprecedented times. While some progress has been made in order to facilitate prisoners being able to spend some time out of their cell, with plans to provide in-cell telephony, we would very much appreciate an update on the key actions taken by Justice agencies on the issues raised.

Connected to these issues the Commission is also concerned about the lack of meaningful, transparent and accessible data currently available to us to enable adequate monitoring of prison conditions and their

accordance with human rights standards. The information currently provided is partial and does not allow effective understanding of delivery in relation to issues of concern such as for how many days prisoners are being subject to cellular confinement for Covid-19 related reasons and how much actual out of cell time prisoners are being afforded. Despite repeated requests the Commission is not able to access such data and we welcome any efforts to improve upon this.

Central to our COVID-19 approach is ensuring that Scotland is able to respond successfully and collectively to the current health challenge, and in a way that guarantees no member of our society is left behind and the response measures protects human dignity. One of the most fundamental tests for the functioning of an effective, democratic society is the way in which it looks after the rights of the most vulnerable and marginalised in times of crisis including people in prison.

I look forward to the Commission being updated on this.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Judith Robertson', written in a cursive style.

Judith Robertson
Chair
Scottish Human Rights Commission