



# General Assembly

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## Human Rights Council

### Forty-eighth session

Agenda 3

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

## **Written submission by the Scotland: Scottish Human Rights Commission, Great Britain: Equality and Human Rights Commission\***

### **Note by the Secretariat**

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Scotland: Scottish Human Rights Commission, Great Britain: Equality and Human Rights Commission\*\*, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

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\* National human rights institution with “A”-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

\*\* Reproduced in the annex as received, in the language of submission only.

## Annex

*[English only]*

### **Submission by the Scotland: Scottish Human Rights Commission, Great Britain: Equality and Human Rights Commission**

#### **Statement for half-day panel discussion on deepening inequalities exacerbated by the COVID-19 pandemic and their implications for the realization of human rights**

Madam President,

The commissions welcome the opportunity to contribute to this panel discussion. In the UK, as around the globe, the human rights impacts of the COVID-19 pandemic have been significant. Illness and loss of life have affected all parts of our society. While the whole population experienced unprecedented restrictions on their personal freedoms, it is clear that some groups have felt the impact more acutely and disproportionately. These include people already living in poverty or pushed into poverty, women, children and young people, disabled people, people in detention, older people, people with chronic health conditions, people in care homes, carers, people seeking asylum and Black and other ethnic minority people.

The economic impact of the pandemic has been unequal, entrenching existing inequalities and widening others, with the groups most likely to be affected by the expected rise in poverty including young people, ethnic minorities, and disabled people. Increasing levels of poverty could affect a wide range of human rights, such as the right to an education with attainment and long-term prospects of young people, especially boys, some ethnic minorities, including Gypsy, Roma and Traveller pupils and pupils with special and additional educational needs severely hampered due to the pandemic.

Beyond the economic impact, there are few aspects of society that have been unaffected by the pandemic. With evidence of an increase in domestic abuse during the lockdown period and delays to court proceedings, there is a significant concern that access to justice for victims in the criminal justice system could be eroded. The direct and indirect impact of the pandemic on human rights may not emerge immediately, but could define the broader landscape for years to come.

Beyond the direct impact of the pandemic, state responses can also have important human rights implications. In April 2021, the Equality and Human Rights Commission (EHRC) and the Scottish Human Rights Commission (SHRC), in their respective jurisdictions, outlined the human rights implications of proposals for compulsory vaccination in some sectors and COVID-19 status certification and the concern they could mean only certain groups are able to fully enjoy their rights without a robust human rights framework. Take-up of the vaccine is lower amongst some groups who

have been hit hardest by the pandemic, including people from certain ethnic minority backgrounds, migrants, and people from lower socio-economic backgrounds. While the Government has emphasised that the vaccine is available to all, any wide implementation of Covid status certification requirements would risk further excluding these groups from access to essential services and employment.

COVID-19 and the response to it has demonstrated that now, more than ever, we need to embed human rights and equality standards into all law and policy decisions, to ensure that the principles of dignity and equality underpin the decisions taken by governments. The Commissions therefore welcome the Scottish Government's commitment to incorporate four international human rights treaties into Scots law, (the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities), as well as establishing in Scots law the right to a healthy environment, an EU Charter-derived right for older people, and equality for LGBTI people.

The Commissions note that human rights law provides an invaluable framework that can guide us through complex issues and change. Embedding these standards into everyday decision-making by all public bodies can help to ensure an effective and rights-respecting response to emergencies in future.

Human rights standards also provide a lens through which to review decisions made during the pandemic, and the Commissions welcome the Scottish Government's announcement that a human rights based approach will be taken to a public inquiry into the pandemic response, which is to be established by the end of the year. This should ensure that those most affected are able to fully engage in the process and outcome. The UK Government has committed to a public inquiry which is expected to start in Spring 2022, which we recommend is informed by human rights standards.

As the UK and Scottish Governments focus on the recovery from the pandemic, the Commissions continue to advocate for a human rights based approach to be taken for economic and social recovery. The pandemic and the response to it have exacerbated pre-existing inequalities and we must build forward to something better, learning lessons from this experience, using human rights to guide us as we do so.