

Rt. Hon Nicola Sturgeon MSP  
First Minister of Scotland  
The Scottish Government  
St. Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

8 March 2021

Dear First Minister,

**Public Inquiry into Scotland's handling of the COVID-19 pandemic**

We, the undersigned organisations are writing to you regarding your commitment to hold a public inquiry into Scotland's response to COVID-19.

We appreciate that the Scottish Government and public bodies must still dedicate resources to tackling the ongoing pandemic however, we believe that greater clarity is now needed regarding an inquiry and when it will commence. Monitoring and review of measures taken throughout the pandemic is vital for scrutiny and transparency, but also for the purposes of informing future policy and practice. We are therefore calling on the Scottish Government to now commission a public inquiry on a statutory basis under the Inquiries Act (2005) which will take an equalities, human rights and intersectional approach.

As you are aware, COVID-19 has impacted upon the rights of Scottish citizens in a wide-ranging manner. A broad base of evidence suggests that those who have been shielding, accessing social care, care home residents, frontline workers and those experiencing poverty have been particularly at risk of experiencing rights violations; including older people, disabled people, people with long term conditions, unpaid carers, people of colour, children, people seeking asylum, and women.<sup>1</sup>

We understand that historically inquiries are lengthy processes which can take several years to conclude. Therefore, we urge the Scottish Government to ensure that the Terms of Reference of the inquiry include instructions to conduct investigations in interim phases to facilitate the expedited publication of findings into specific areas of concern before the completion of the entire inquiry.

We also strongly recommend that the public inquiry meaningfully involves civil society and those who have been disproportionately impacted by the pandemic in its work, as well as being subject to its scrutiny. This could mean taking a co-production approach, which will

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<sup>1</sup> SHRC (2020) Submission to the Equalities and Human Rights Committee, Inquiry COVID-19; EHRC (2020) How coronavirus has affected equality and human rights

lend the inquiry's decisions greater credibility and promote sustainable implementation of its recommendations.

Specifically, we call on the Scottish Government to ensure the inquiry examines as a priority, potential failings to uphold rights enshrined in the European Convention on Human Rights (ECHR) and International human rights treaties ratified by the UK of those resident in care homes; frontline health and care workers, women, children and young people, disabled people, people of colour, and those experiencing homelessness and insecure housing.

Key questions the inquiry must set out to answer should include, but not be limited to:

- Whether the rights of those resident in Scotland's care homes were breached, notably their right to life, right to health and right to non-discrimination;
- Did frontline workers experience rights breaches at work, including through a failure to provide adequate PPE;
- Did schools' closures, childcare restrictions and changes to social care provision have a discriminatory impact on women's access to paid work, participation and incomes;
- Did COVID-19 restrictions on the movement of university students in Autumn 2020 breach their rights, notably under the UNCRC and ECHR;
- Did those who were left without essential social care support experience interferences and non-compliance with rights, particularly those contained in the ECHR and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD);
- Was the decision to obligate a return to face-to-face teaching in schools compliant with the range of rights contained in the ECHR, the right to health, and the right to safe and healthy working conditions (Art. 7, ICESCR) particularly for teachers and other staff;
- Was the right to adequate housing upheld for Scottish citizens, particularly those experiencing homelessness and those who have been subject to eviction orders;
- Were the rights to life, health, and non-discrimination of Black, Asian, and Minority Ethnic people in Scotland upheld;
- Did changes to screening and maternity care provision breach women's rights to health;
- Was the use of emergency powers contained in the Coronavirus Acts adequately monitored, in particular, the relaxation of local authority social care assessment duties;
- The impacts of decisions relating to the justice system and community sentences; delays to criminal trials and the mounting backlog; and did the measures taken to prevent the virus spreading within prisons adequately consider the wellbeing of prisoners and staff and our human rights obligations?

- What are the recommendations and actions that must be taken to ensure we learn from people's experiences during the pandemic to mitigate against and prevent them in future?

In tackling these questions, the inquiry should take an intersectional approach which evaluates how rights breaches may have disproportionately impacted different groups, including people living in poverty, disabled people, people of colour and women.

We look forward to your response.

Amnesty International UK

Age Scotland

Bridges Programme

British Institute of Human Rights

Close the Gap

deafscotland

Engender

Equality Network

Friends At The End

Forth Valley Migrant Support Network

Health and Social Care Alliance Scotland (the ALLIANCE)

Howard League Scotland

Human Rights Consortium Scotland

Humanist Society Scotland

Inclusion Scotland

JustRight Scotland

Making Rights Real

NUS Scotland

The Poverty Alliance

Scottish Independent Advocacy Alliance

Scottish Refugee Council

Together (Scottish Alliance for Children's Rights)