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John Swinney MSP, Deputy First Minister and Cabinet Secretary for Covid Recovery  
Scottish Government  
St Andrew's House  
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EH1 3DG

CC:

Scottish Parliament Equality, Human Rights and Civil Justice Committee,  
[ehrcj.committee@parliament.scot](mailto:ehrcj.committee@parliament.scot)

Scottish Parliament COVID-19 Recovery Committee,  
[covid19.committee@parliament.scot](mailto:covid19.committee@parliament.scot)

The Hon. Lady Poole, c/o [COVID-19publicinquirysetupteam@gov.scot](mailto:COVID-19publicinquirysetupteam@gov.scot)

25<sup>th</sup> January 2022

Dear Mr. Swinney,

### **COVID-19 Inquiry Terms of Reference**

Our organisations, all of whom work for equality and human rights in Scotland, seek to outline our deep concerns about the Scottish Government's Terms of Reference for the public inquiry to examine the handling of the COVID-19 pandemic in Scotland (the TOR), published 14<sup>th</sup> December 2021.

We were dismayed to see that the TOR as published make no reference to equality or human rights impacts stemming from the pandemic. Given the scale of interest and responses to the consultation (within an extremely short timeframe) we consider the TOR to be surprisingly and disappointingly narrow.

We note the complete omission of women, Black and minority ethnic communities, disabled people, LGBT+ People, older people, young people persons subject to No Recourse to Public Funds, and other groups who - as it has been widely recognised - have experienced particularly disproportionate impacts of the pandemic because of the structural inequalities that remain pervasive in Scotland.

Since March 2020 women have been experiencing poorer physical and mental health, increased levels of unpaid work, loss of paid work, greater reliance on state support, insecure housing, and increased levels of gender-based violence. Women who are further marginalised because of their belonging to other oppressed groups, such as women of colour, LB+ and trans women, single mothers, disabled women and primary and secondary carers, have been exposed to even more acute poverty, violence, and exclusion.

We have repeatedly stressed in communications across the Scottish Government that equality and human rights have not been sufficiently prioritised in measures to respond to the pandemic, as evidenced in the deprioritisation of Equality Impact Assessments throughout crisis management and beyond. As a result, marginalised groups have been isolated even further from social and economic life. This exclusion could have been prevented or at least mitigated if people with lived experience and equalities and human rights organisations had been listened to.

In announcing the publication of the TOR, we note that you referred to the experience and interests of Lady Poole in equality and human rights. While we welcome the intention to ensure this perspective from Lady Poole, we are extremely concerned that this priority has not been formally integrated into the full ambit of the inquiry. An intersectional equalities mainstreaming approach should be integrated across all four harms identified in the draft aims.

Finally, your statement that “We have also taken care to listen to equality and human rights groups” does not in our view reflect the content of the published TOR, Aims and Principles, nor Letter to the Chair of the 14<sup>th</sup> of December. Many of our organisations engaged on multiple occasions with officials responsible for drafting the TOR, outlining at length the vital importance of embedding equality and human rights in both written and oral evidence. We did so because of the untold impacts of Covid-19 for our members and communities, and the enormous potential of the inquiry to address both specific harms that have been done and the systemic blindness to equalities that persists across government.

For this to have been omitted in the published documents signals that the expertise and lived experience of the very worst impacts of the pandemic have not been listened to at the early, and very crucial stage in the process.

We urgently ask the Scottish Government to set out how it will correct this omission and ensure that the inquiry adopts an intersectional gender, equalities and human rights lens in order to understand and prevent future impacts for groups whose rights are most undermined.

Yours sincerely,

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Chief Executive Officer,  
Amina the Muslim Women's Resource Centre



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WOMEN'S  
SUPPORT  
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