



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Equalities and Human Rights Committee

**Thursday 18 March 2021**

**Session 5**



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**EQUALITIES AND HUMAN RIGHTS COMMITTEE**

**8<sup>th</sup> Meeting 2021, Session 5**

**CONVENER**

\*Ruth Maguire (Cunninghame South) (SNP)

**DEPUTY CONVENER**

\*Alex Cole-Hamilton (Edinburgh Western) (LD)

**COMMITTEE MEMBERS**

\*Mary Fee (West Scotland) (Lab)

\*Joe FitzPatrick (Dundee City West) (SNP)

\*Alison Harris (Central Scotland) (Con)

\*Gillian Martin (Aberdeenshire East) (SNP)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Duncan Isles (Scottish Government)

Shirley-Anne Somerville (Cabinet Secretary for Social Security and Older People)

**CLERK TO THE COMMITTEE**

Claire Menzies

**LOCATION**

Virtual Meeting



# Scottish Parliament

## Equalities and Human Rights Committee

Thursday 18 March 2021

*[The Convener opened the meeting at 09:30]*

### Human Rights

**The Convener (Ruth Maguire):** Good morning and welcome to the Equalities and Human Rights Committee's eighth meeting in 2021. This is our final meeting in the current session of Parliament. We have apologies from Alex Cole-Hamilton.

Our first agenda item is an update on human rights from the Scottish Government. We will take evidence from the Cabinet Secretary for Social Security and Older People, Shirley-Anne Somerville; Duncan Isles, who is head of human rights policy; and Cristina Dello Sterpaio, who is head of the human rights task force team.

Good morning, cabinet secretary. Thank you for being with us today. I invite you to make an opening statement.

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** Good morning, convener. It is a real pleasure to give evidence to the Equalities and Human Rights Committee today.

The Scottish Government is committed to ensuring that human rights and equality are embedded at the heart of everything that we do as Scotland's national Government. There are significant human rights implications as a result of both the immediate threat that is caused by the pandemic and the longer-term effects of the restrictions that are currently in place. In addition, we know that the impacts of the pandemic are not felt equally. We have heard about that in person from individuals, families and communities who have been affected, and the message has been underlined by those who work directly with some of the people who have been hardest hit.

In order to protect the right to life and the right to the highest attainable standard of health, we have had to pay close attention to the full spectrum of human rights. In ensuring that people across Scotland are being supported through the crisis, we have had to put fairness and equality at the heart of our approach. For example, in recognition of the disproportionate impact of the pandemic on minority ethnic communities, we set up an expert reference group on Covid-19 and ethnicity, and awarded grants in excess of £600,000 to provide direct and tailored support. We have worked

closely with disabled people's organisations to understand and mitigate the impact of the pandemic on disabled people, and we have provided almost £275,000 of funding to support their work.

The social renewal advisory board was established to focus on tackling poverty and disadvantage, and on advancing equality. We have sought to address the unequal impacts of the pandemic throughout our work, and we continue to do so as we roll out the delivery of the Covid-19 vaccine across Scotland. That is about more than just the logistical challenges of delivering a vaccine programme. For example, we know that there is an overlap between some groups that are disproportionately affected by Covid-19 and those who are most likely to be vaccine hesitant. We are working with key equality organisations to identify challenges and take action to reach those communities effectively.

As our work towards recovery continues, we must also take action to secure the progressive implementation of human rights. That means continuing our efforts to put in place mechanisms that enable everyone in Scotland to understand and assert their rights. By extending and advancing human rights, we are working to support individuals to enjoy their rights in full and live with dignity.

I will give some examples of that work. In recognition of the higher risk of increased demand for support for adults and children who face gender-based violence, we have significantly increased levels of funding for our work to tackle violence against women and girls, including prevention work and support for front-line services. We are achieving a fundamental shift in the way in which children's rights are respected, protected and fulfilled in Scotland through the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, which was passed earlier this week. In delivering a revolution in children's rights, the bill will help to make Scotland the best place in the world to grow up in.

We also have a commitment to advancing equality for lesbian, gay, bisexual, transgender and intersex people, which includes the provision of funding for a range of projects to tackle inequality and realise rights across Scotland. We are developing our new equality and human rights mainstreaming strategy, as set out in last year's programme for government, which will ensure that the voices of those who are impacted shape our approach and policies.

The work of the national task force for human rights leadership will be central to our on-going efforts to extend and enhance human rights. The "National Taskforce for Human Rights Leadership Report" contains a number of recommendations,

including a recommendation that three UN treaties should be added to Scots law to enhance human rights for women, disabled people and minority ethnic communities. Those recommendations are bold and ambitious.

In total, the Government has accepted 30 recommendations from the task force, including measures that will, for the first time, improve equality and human rights on an environmental, social, economic and cultural scale. The recommendations include bringing together those rights, which belong to everyone, in one place; incorporating and expanding on the UN treaties; and creating additional legislation to protect the rights of LGBTI people and older people. The recommendations from the task force build on previous ambitious human rights work, and they will help to underpin the new legislation and put Scotland firmly at the forefront of human rights leadership. I thank the task force for all its work.

The committee has recently received a number of written updates, including on activity that is relevant to the pandemic and to the growth of inequality, poverty and food insecurity that has been caused by United Kingdom Government policies. I look forward to discussing all those crucial issues with the committee this morning.

**The Convener:** Thank you, cabinet secretary. We move straight to questions.

**Alison Harris (Central Scotland) (Con):** Good morning. The subject of human rights has officially been added to the committee's remit. What impact, if any, will that have on the scrutiny of human rights in the Scottish Parliament?

**Shirley-Anne Somerville:** That decision, which the Scottish Government has supported, is to be warmly welcomed. It is not only correct in principle—in addition, the committee's work during the current session of Parliament has demonstrated the practical usefulness and effectiveness of such an approach. At times, it might not have been comfortable for us, as Government ministers, when we have been in front of the committee, but the point of scrutiny is to ensure that Government is held to account.

There is a challenge in that regard, which is the same challenge that we face in Government. We need to ensure that human rights is not a subject to be dealt with solely by our equalities and human rights ministers, and by the Parliament's Equalities and Human Rights Committee. Equalities and human rights should be for all committees in the Parliament, and all Government ministers, to consider. I am sure that this committee has demonstrated that mainstreaming in its own work and by encouraging other committees, and I am sure that its successor committee will do likewise in the next session of Parliament. In principle, the

addition of human rights to the committee's remit has been a good step, and it is proving to be effective.

**Alison Harris:** Will you commit to create and resource a human rights tracker tool for Scotland, which would benefit all stakeholders, officials, public authorities and rights holders?

**Shirley-Anne Somerville:** Our response to the committee's report, "Getting Rights Right: Human Rights and the Scottish Parliament", and the recommendations that it set out, showed that, in principle, we support a publicly accessible international treaty monitoring database. Since then, officials have carried out further scoping work and have liaised with, for example, the Scottish Human Rights Commission on the issue.

The committee will be aware that there are options available in other parts of the world, and we have had a demonstration of software in relation to the New Zealand national plan of action, which was organised by the Scottish Parliament information centre and attended by Government, Parliament and the SHRC. A considerable amount of work will need to be done to ensure that any system that is put in place works for Scotland. There is potential for the treaty monitoring database to align with, for example, the national performance framework, which includes an explicit human rights national outcome. Any implementation in Scotland would have to be customised to take account of the context.

We have not yet reached a stage at which a detailed implementation has been costed, so I am not currently able to give a definitive commitment to deliver such a database. However, as a Government, we are keen to work collaboratively with the SHRC, Parliament and others to undertake the further scoping work that is required. In summary, we see the real attractions of such a mechanism, and we are keen, as we move forward with the scoping, that it should be co-designed and co-produced with others, rather than sitting solely within Government. If we want to get it right, we need to collaborate in that way.

**The Convener:** Alison, are you content with that?

**Alison Harris:** I am content with those responses. Thank you, cabinet secretary.

**Alexander Stewart (Mid Scotland and Fife) (Con):** Good morning, cabinet secretary. I would like to touch on the human rights framework. In your opening statement, you talked about the task force report. We are aware that, although collective agreement was reached on what the report should include, there were a variety of views. Can you enlighten the committee as to the areas in which it was more difficult to reach agreement?

**Shirley-Anne Somerville:** It is to be expected, when there is a large group of passionate people around the table, that there will be a range of views during the process. What is remarkable is that we came together and worked to produce such a bold statement and recommendations that were unanimously agreed. Again, I pay tribute to all the task force members, who worked tremendously hard—in very difficult circumstances, given that much of the work was done during the Covid pandemic—to get to that point.

I will not go into the detail of the discussions, because that would be unfair to the task force members. There were areas in which people compromised—I think that everybody compromised at various points, and that absolutely included the Government. In addition, we changed our minds over time, as circumstances changed and Covid brought out to a greater extent why we needed to move on certain issues.

Importantly, we all reflected on the work that was done to support the task force. The process involved not only the task force members themselves; there were more than 50 task force-led engagements on a wide variety of issues, such as environmental rights and older people's rights, which included a lot of work with current duty bearers. Views developed over time, and there was a real recognition that we all wanted to make the report as bold as it could be. That was helpful, because it meant that nobody was on a different page.

Some of the work changed over time, as we looked into the detail. As an example, there was discussion early on in the task force process about whether there would be a preamble to any bill to be introduced. A couple of months later, we discussed the fact that, although that is not done with bills in the Scottish Parliament, we could instead use a purpose clause, which would—we hope—deliver the same impact while fitting into the Scottish context.

I hope that that gives a flavour of how the task force worked. It was exceptionally collaborative, and to be part of it was an exceptionally positive experience. That was because everybody brought with them the same determination to do something that will make Scotland world leading on human rights.

**Alexander Stewart:** It is good to hear that there was a shared ambition for what we are trying to achieve on human rights.

You touched on the fact that the proposed human rights bill will include some rights that do not come from UN treaties—for example, the right to a healthy environment and rights for older

people and LGBTI people. How do you envisage those rights being developed?

The task force has set out what it wants to achieve, and the Government has an objective and an obligation that it wants to meet. How will those aspects be balanced to ensure that we get the development that is required?

09:45

**Shirley-Anne Somerville:** It is partly a case of ensuring that we continue to work in a collaborative manner. The task force might have reached its conclusion, but the issue will not simply go off into Government for us to look at by ourselves.

We are keen to continue to collaborate with stakeholders, and to ensure that we run a lot of stakeholder engagement events and so on, so that we can develop our approach in a collaborative way. There will be the usual consultation that comes with a bill, but in this case it will have to go much deeper, given the scale and breadth of what we are trying to achieve with the human rights bill.

One of the fascinating aspects of the task force's approach is that it did not look simply at incorporating UN treaties in the bill. We challenged ourselves to ensure that it went further. The rights that are set out in all the international treaties apply to everyone, including older people and LGBTI people. However, one of the innovations that the task force recommended was the need to address certain issues that were not covered in the treaties.

Given that we are talking about a multi-treaty bill that will also deal with aspects that are not in the UN treaties, we will have to consider how everything links together. It will be an extremely complex piece of legislation—that is one of the challenges that come with proceeding with the bill in that way. However, I think that the fact that the task force took a step back and tried to ensure that the bill would be as wide as possible and would incorporate what was required will, in essence, make it a much better bill.

**Joe FitzPatrick (Dundee City West) (SNP):** I will follow on from Alexander Stewart's question. It is proposed that the bill will contain a section on equality that aligns with the Equality Act 2010. The committee, in "Getting Rights Right: Human Rights and the Scottish Parliament", suggested that, to take that further, there should be a human rights impact assessment. Does the Government intend to develop a joint equality and human rights impact assessment?

After you have answered that, cabinet secretary, we will ask about mainstreaming.

**Shirley-Anne Somerville:** Absolutely—we need to analyse all our policies to ensure that human rights are dealt with. As the committee will be well aware, we already have a variety of impact assessment mechanisms in place as we go through the policy processes. For example, we have the equality impact assessment, the child rights and wellbeing impact assessment, the fairer Scotland impact assessment and the privacy impact assessment. All those aspects need to be looked at.

We are keen to do, and are already doing, work in Government to see whether those assessments work effectively or more requires to be done. We are looking at options for further integration and alignment of impact assessments not just in equality and human rights, but in other areas.

We have not reached a conclusion and the work is not yet complete, so I do not want to pre-empt the outcome. Nevertheless, I hope to reassure the committee that we are looking seriously at that to ensure that all the impact assessments that we do in Government are as effective as they should be. That includes a determination to ensure that, when we go through our analysis of human rights, we take that aspect into account as we go forward.

We are looking at how we can most effectively assess impacts on equality and human rights and develop the evidence-based decision making that we will all be looking for, as we move forward. I am sure that the committee will be updated on that when the work has reached its conclusion.

**Joe FitzPatrick:** That is really important. In your opening statement, you made the point that human rights is not just the responsibility of equalities ministers. The impact assessments can potentially ensure that ministers across Government, and people more widely, realise that equalities and human rights are everyone's responsibility.

One specific area of especially good practice, which Mary Fee has driven forward in Parliament, is the work on Gypsy Travellers. I know from my time in Government that there was a real focus from the Minister for Older People and Equalities on ensuring that it was not just her responsibility but the responsibility of the whole Government to deliver on our aspirations to improve the human rights of that population group.

Perhaps you can talk about how we might learn lessons from the working group on Gypsy Travellers as we try to ensure that other human rights are seen as a cross-Government responsibility, and not just a responsibility for you and for the Minister for Older People and Equalities.

**Shirley-Anne Somerville:** First, I pay tribute to the work that Mary Fee has done on issues

around Gypsy Travellers during her entire time in Parliament. She has challenged the Government to ensure that we are moving as quickly and effectively as we can. I hope that she has found the willingness and passion of Christina McKelvie, in particular, to work with her on those issues to be a good example of how we can work across parties.

We have looked carefully at the issues. Our work on Gypsy Travellers has had to be extended because of the impact of Covid, but it has been a very good example of cross-cutting work in Government. For example, housing is one of the biggest issues for the Gypsy Traveller community. Kevin Stewart, the Minister for Local Government, Housing and Planning, has worked closely with Christina McKelvie to ensure that Gypsy Travellers' needs are recognised and integrated in work on the "Housing to 2040" strategy. That work is testament to how we can work effectively across Government, and I hope that it will continue.

We have also worked closely in partnership with the Convention of Scottish Local Authorities, which demonstrates how we can work not only across the Scottish Government but across local and national Government, which can work very well in respect of Gypsy Traveller issues. That is a good example of work including the Scottish Government, COSLA and—which is important—members of the Gypsy Traveller community. We should not be developing policies without including lived experience as an integral part of that process. Again, I would say that the Gypsy Traveller work that has been carried out in Government has been a very good example of that.

**Joe FitzPatrick:** Thank you. That was helpful.

**Mary Fee (West Scotland) (Lab):** Good morning, cabinet secretary. I will ask you to say a bit more about mainstreaming human rights. First, I will pick up on Joe FitzPatrick's point about Gypsy Travellers. As you will know, there is the Gypsy Traveller action plan, and a pot of money is now being put into mental health for Gypsy Travellers because there are specific issues in that regard.

I will offer one word of caution. Although a huge amount of progress has been made on the Gypsy Traveller action plan and in engaging with the community, there is still, in some parts of the community, an element of frustration that that involvement does not go right down to the grass roots. What I will say on that is simply that we should ensure that the work with Gypsy Travellers is completely inclusive and that all the voices are heard, because there is concern that voices are sometimes missed out. Although the Gypsy Traveller action plan is a massive and very good



piece of work, we need to keep a watching eye on it to ensure that it is completely inclusive.

I am sorry, cabinet secretary—I will come to my question. The Gypsy Traveller action plan is an example of how we can drive change and progress within a community of people. Is the work that has been done on the action plan, and the way in which the community has been included, a good example of how you can involve people as you expand mainstreaming across the budget? Could you replicate the Gypsy Traveller action plan and say, “We need to do this, and that’s how we can drive it forward” through all the different little pockets of the budget process?

**Shirley-Anne Somerville:** I absolutely take on board Mary Fee’s first point; that is why we will miss her in Parliament. We have moved forward on Gypsy Traveller issues, but there is always room for improvement, and we always need someone there to ensure that we are following that work through. I give a commitment on that; I am sure that Christina McKelvie would, too.

I think that we have got a lot better at working with the Gypsy Traveller communities, but there is always room for improvement. In my work, whether it is on equalities or social security, I have always been determined that we have to include genuine lived experience in our policy development. People in the community need to know that we are listening to them and adapting policies on the basis of their lived experience, because otherwise they lose faith in the process. I certainly give a commitment, if we are back in Government in the next session of Parliament, to rise to that challenge and ensure that we take the next step.

However, that approach is not necessarily the right way forward in other areas. What we do must depend on what is right for each community. We can find that out, funnily enough, by speaking to the community and seeing what works. We all talk about the importance of lived experience, but we cannot simply take a cut-and-paste approach and say, “Well, that worked really well in that area, so this is what we’ll do here.” We need to challenge ourselves to do it effectively.

The best way to do that is to work through and learn from examples where an approach has worked well. We now have some really good examples of such work in the Scottish Government. The Gypsy Traveller work is one example, considering the history of disempowerment in that area, but there are others. For example, social security is now moving into areas relating to health in order that we can look much deeper at certain issues.

We should not take a one-size-fits-all approach. The approach that we have taken in working with

Gypsy Travellers is not necessarily the right way to do it all the time, but it is certainly one of the gold-standard examples of what other parts of Government should be looking at.

**Mary Fee:** That is very helpful. I welcome your commitment to keep pushing on Gypsy Travellers—I really appreciate it.

One issue that we hear about every time that we take evidence in committee on the budget is how to follow the budget line through, from the very start when the money is committed to the outcome at the very end. It is difficult to follow the money. When the specific human rights angle is added in, what tools will be put in place to ensure that we can follow the money? Will the publication of a human rights scheme help you to focus on that aspect and drive it through the budget process so we can follow the line?

**Shirley-Anne Somerville:** Again, the transparency of our budget is an area in which I think that the Scottish Government is doing well in comparison with other parts of the UK and other countries. An example of that is the publication of the equality and fairer Scotland budget statement. However, it is an area in which we have to continuously challenge ourselves to do better.

Earlier this week, Kate Forbes and I met the equality budget advisory group, which is looking at a number of issues around making the Government’s budget work much more transparent and responsive. I completely take the point that it is a complex area, and that includes—*[Inaudible.]*—within Government and Parliament, and stakeholders, in trying to analyse the budget.

10:00

We had a limited amount of time to discuss things with members of the group earlier this week, but I took a lot of hope from what they were saying, which was that they will come forward with suggestions and recommendations that the Government might want to look at for improving things in future years. We have not stayed still on the equality and fairer Scotland budget statement; it has changed over the years. It cannot stay as it is, because there is, absolutely, room for improvement.

The other aspect is that the Scottish Human Rights Commission has done a lot of work on budget transparency, assessing the Scottish approach against international comparators. That is where we need to be. We have done well, but it is an area that we can definitely improve on. We want to be at the forefront of analysing budgets in terms of equalities and human rights. There will certainly not be a static approach in which we accept what we are doing at the moment. I am looking forward keenly to seeing what the equality

budget advisory group will recommend, as I said when I met it, but that will again be something for the next session of Parliament.

**Mary Fee:** That is very helpful.

Finally, can you give us a timetable or an estimated timescale for the introduction of the human rights bill?

**Shirley-Anne Somerville:** I am not able to give a firm time for introduction. However, I can assure the committee that we will need to look at it very early in the new session. I have already stated, and will not say again, how complex a piece of legislation it will be. There is no part of Government or public life that it will not touch, so it will need to be given exceptionally careful thought and engagement as we go through its development and drafting.

An executive board has been established, comprising senior decision makers from public authorities, to ensure that there is capacity across the public sector to implement the bill. We are already thinking about what we will need to do to take that forward. There will, of course, be the usual pre-legislative consultation process and further engagement with the public as we go on. As I say, because it will really matter to every person in Scotland, we will need to make sure that we do it right and that people understand what such legislation could achieve for them. We can give more detail on the executive board if the committee wants it. I am happy to do so, but I will leave that to the committee.

**Mary Fee:** That is helpful. Thank you.

**The Convener:** I ask the cabinet secretary about the UK Government review of the Human Rights Act 1998. The committee has responded to the consultation, as has the Scottish Government, whose response stated that it

“has made clear that it would robustly oppose any attempt to weaken or undermine UK commitment to the Convention”.

How will the Scottish Government respond if the UK Government decides to go ahead and amend the 1998 act? What are your reflections on the impact for Scotland if that were to happen?

**Shirley-Anne Somerville:** As you said, our response made very clear our view that no changes should be made to the 1998 act without the consent of the Scottish Parliament. That is in part because of the act's centrality to the devolution settlement in Scotland. Those have become absolutely intertwined as we have developed our Parliament. Your question is rather difficult to answer in the abstract. We do not know the detail that might come forward from the review, but we have kept a close eye on it and will continue to do so. For example, the responses

that have been made by Scottish stakeholders on the issue have been around the same areas as the Scottish Government's response. However, I will bring in my colleague Duncan Isles to give you a bit more detail on what has been happening in our response to that and, more widely, what is happening with other Scottish stakeholders.

**Duncan Isles (Scottish Government):** It is a difficult question to answer in the abstract, as the cabinet secretary has said. At this point, we really do not have a clear indication of what the UK Government might do in response to the review. It is an independent review, so it will report to the UK Government, which will be required to make up its own mind about how to—*[Inaudible.]*—follow on from any recommendations. It is quite a technical review, looking in detail at sections 2, 3 and 4 of the Human Rights Act 1998. I think that my legal colleagues would suggest that I do not try to speculate too much, because the answer on what the Scottish Parliament might do in response to proposals is entirely dependent on the detail of those proposals.

As committee members will be aware, the Human Rights Act 1998 is a protected enactment under the Scotland Act 1998, so the Scottish Parliament itself does not have the power to amend it. In that sense, any changes would very much be driven from the Westminster end. However, to the extent that any of those changes might affect the constitutional settlement—the devolution settlement—and the powers of the Scottish Parliament or Scottish ministers, it could give rise to the need for legislative consent. We will have to wait to see what emerges from the review.

However, a key point to emphasise is that the responses that have been published from a wide range of expert stakeholders and bodies are overwhelmingly in favour of keeping the Human Rights Act 1998 as it is. It is a highly effective piece of legislation that has proven its worth over more than two decades of application. Expert commentators from bodies such as the Equality and Human Rights Commission, the Scottish Human Rights Commission, the Law Society of Scotland, the Faculty of Advocates and Justice, which is the UK branch of the International Commission of Jurists, make an overwhelming case for keeping the Human Rights Act 1998 as it is with no further changes.

**The Convener:** Cabinet secretary, in your opening statement, you mentioned that it has been a good week for human rights in Scotland, with the passing of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill and the Government's response with regard to creating a human rights act. Will you give your reflections on whether there will be any conflict

between the Human Rights Act 1998 and any subsequent Scottish human rights act, were they to run concurrently?

**Shirley-Anne Somerville:** There will be no conflict between the Human Rights Act 1998 and the proposed framework bill. The future bill will incorporate a wide range of new rights into Scots law, as we have already discussed. As the task force developed the legislative proposals, it explicitly took into account existing human rights legislation and, in particular, the 1998 act. The UNCRC incorporation bill, which, as you say, was passed this week, is a good example in that a variety of rights in that bill are already protected by the 1998 act. Therefore, although the UNCRC incorporation bill is broader in scope and covers other rights, examples of those rights—the right to freedom of expression and freedom of thought and so on—are clear, and it is clear that it does not modify or alter the 1998 act. That is a good example of how we have already taken bold action in one area, and the two statutes will operate alongside each other. I hope that that example reassures members about what we will look to do with the framework bill.

**The Convener:** Thank you. That is a helpful example.

**Gillian Martin (Aberdeenshire East) (SNP):** Cabinet secretary, in your opening remarks, you referred to the Scottish Government's work during the Covid pandemic to address the widening inequalities felt by people in various communities. As you know, the committee has done quite a lot of work on that, and we sent quite a comprehensive report to the Government. Do you have any initial reactions to the committee's recommendations on the Covid recovery?

**Shirley-Anne Somerville:** Absolutely. The Scottish Government will give a full response to the committee in due course. The report highlighted a number of areas in which there has been a clear impact on people. As I said in my opening remarks, people have not been affected equally as we have gone through the pandemic, and the impacts have been felt keenly by certain communities. That is why we have been determined, right from the start, to be explicit that human rights should be at the heart of our response to, and public policy on, the pandemic. As I also said in my opening remarks, we have to make sure that we do that as we move into recovery. As we go into the recovery period, throughout the next parliamentary session, I am sure that the successor committee to this one will look at what the Scottish Government is doing and will, quite rightly, challenge it to ensure that it still puts human rights at the heart of everything that it does.

The Government has put in a great deal of work in this area. There are often no easy answers to the challenges that we have faced in such unprecedented times, but we have endeavoured to make equalities and human rights the priority during the pandemic and, as I say, we will continue to prioritise them in the recovery period. However, we will respond in full to the committee's recommendations in due course.

**Gillian Martin:** It goes to show that human rights have to be a thread right through every Government portfolio. The committee has identified certain groups that seem to have experienced more pain as a result of Covid-19, including women, children, young people, migrants, refugees and asylum seekers. Assessing the scale of that experience and ensuring that those people get proper attention during the recovery will be a huge amount of work, but it is important work. How do you see that assessment taking shape?

**Shirley-Anne Somerville:** One of the things that we have been keen to do as we move into recovery is to ensure that we do not simply go back to the old ways of doing things. The Covid pandemic has demonstrated structural inequalities, but those structural inequalities existed before Covid. In many ways, they have been accentuated by Covid.

Aileen Campbell and I have been heavily involved in the social renewal advisory board as part of the direct challenge to ensure that equalities and human rights are very much in mind when we think about recovery, and that we create and implement policy differently, perhaps, from how we have done it in the past. We are keen to be innovative to ensure that Government policies during the recovery are driven by a challenge to do things differently, and the social renewal advisory board demonstrates the Government's willingness to do that. As with the committee's report on Covid, Aileen Campbell and I will respond to the bold and innovative recommendations in the social renewal advisory board's report.

10:15

**Gillian Martin:** I want to focus one final time on another issue. Everything seems to have gone online, by necessity, but there are pockets of people around Scotland who are digitally excluded and, as a result, have lost connection to friends, family and services. How will we prioritise tackling digital exclusion, given that it has been highlighted as an issue for many people during the past year?

**Shirley-Anne Somerville:** You make a really important point. There are two aspects to it. Where possible, we should not rely on digital alone. There

will always be people who either cannot or do not wish to respond to the delivery of services in a digital manner, and we should always challenge ourselves to ensure that our design is not digital by default and that we include different ways of delivering services. However, we also have to challenge ourselves to help those who are digitally excluded but who would wish to use digital means of communication if they had the confidence and capacity to do so.

The connected Scotland work that we have been doing has been an important part of that. In the winter package, we looked at dealing with social isolation and loneliness, and digital inclusion was one aspect of that. I think that just over £4 million went into tackling social isolation and loneliness through digital inclusion, particularly in relation to isolated older and disabled people.

The Government has been determined to do more in that area during the Covid pandemic. It is an area in which, as a society, we will have to challenge ourselves with regard to what is developed to be online, what is developed to be online only and what is developed to ensure that we do not leave people out. As I said, there are two ways of dealing with that. It might be done differently in a pandemic from how it will be done in ordinary life—when we get back to whatever normal is—but those challenges will remain.

**The Convener:** Thank you, cabinet secretary.

**Joe FitzPatrick:** These are obviously hugely unprecedented times, and we have talked about the pandemic a fair bit, but running parallel to the pandemic have been the challenges brought about by Brexit. How have we dealt with the challenges of defending people's rights post-Brexit?

**Shirley-Anne Somerville:** That has been an area of great concern to the Scottish Government. We are collating evidence to inform us of how exit from the European Union is affecting equalities groups. We need to understand how it has affected people's lives, and we are working with organisations to ensure that we do that. That builds on work that was already in train. For example, work was published in January 2020 warning that EU exit would be highly likely to negatively impact the most vulnerable in Scotland. That has been a concern of the Scottish Government all along, and we continue to work with stakeholders to ensure that we understand that work as it moves forward.

The issue obviously remains a concern, and it is one of the determinations that drove the Scottish Government, in its work with the national task force for human rights, to ensure that we do not just keep pace with what happens in Europe but lead by not only protecting the human rights that we have in Scotland but extending them further.

**Joe FitzPatrick:** People sometimes think of Brexit as an event that was in the past, but it obviously continues to have an impact on people's lives, so it is great to hear that it is still on the Government's agenda.

**The Convener:** It looks as though members of the committee are content, so that concludes our first item of business. I thank the cabinet secretary and her officials for their attendance and evidence at the meeting.

Before we move into private session, I thank all members who have served on the committee so diligently. It has been a pleasure, this parliamentary session, to work with folk who are so professional and committed to justice and equality. I especially thank all the witnesses and stakeholders who have engaged with the committee over the past five years, both before and during the Covid-19 pandemic. Their knowledge, experience, challenge and enthusiasm have greatly helped the committee in its inquiry and legislative scrutiny work—I thank them very much.

Our legacy report will be published next week. It will highlight issues of concern that, we hope, our successor committee will take forward and address in the next parliamentary session to ensure that everybody is respected and treated with equity.

10:21

*Meeting continued in private until 10:30.*

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