

Rt Hon Boris Johnson MP  
Prime Minister  
10 Downing Street  
London  
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Date: Thursday 19<sup>th</sup> March 2020

Dear Prime Minister,

### **Human rights and equality considerations in responding to the coronavirus pandemic**

The Equality and Human Rights Commission recognises and supports the primary role of government in the current context: to keep people safe and protect the future of our nation. This must involve difficult decisions and compromises, far beyond the normal scope of everyday governing. However, such actions will be most effective when public safety and economic interests are balanced with our long-held values of freedom and respect.

COVID-19 does not discriminate, but it does impact people differently. The priority remains those who are directly most seriously affected, more likely to be older people and those with underlying health conditions, and the people who care for them – whether that is their loved ones or our dedicated health and social care professionals.

The restrictions being extended by today's emergency coronavirus legislation are designed to protect those in vulnerable situations and safeguard our future. They have significant implications for all of us, but as they come into effect it will be important to consider carefully the specific impacts they may have on groups who are already disadvantaged in other ways. We must ensure they are not left further behind.

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Human rights provide a clear and practical framework to help our leaders determine what are reasonable restrictions and what are not, ensuring they can navigate the delicate balance between protecting our health and safeguarding our vital freedoms and individual needs.

Protections that complement or enhance our hard-won rights will maximise consent and compliance, and ultimately best safeguard public health. Changes of such magnitude should be proportionate and measured, and rooted in science and the law. They must have clear review and end points, be flexible to specific needs, and remain open to challenge.

Elements of the legislation with particular equality and human rights dimensions include the following:

- When detaining people who are suspected of carrying coronavirus, and relaxing crucial safeguards on detention set out in the Mental Health Act, it is critical that Government ensures that exemptions only extend as far as is absolutely required, both in time and scope, and are regularly monitored and adjusted.
- A recent Commission inquiry into the criminal justice system has shown that people who have a learning disability or are experiencing mental ill health can find it difficult to participate fully in proceedings using the courtroom video and audio links now being expanded. Appropriate adjustments must be put in place to maintain their ability to access a fair trial.
- We know that during periods of confinement domestic abuse (a crime mostly impacting women and girls) tends to increase, and that the healthcare and educational settings that offer a way of identifying this issue will be under unprecedented pressure.
- Redeployment of other care professionals to respond to coronavirus will help save lives. But it also risks leaving already vulnerable older people and those living with mental health conditions exposed.
- The reduced number of children still able to attend school will only constitute a small proportion of all children with special educational needs, and the dispensation for councils to reduce support to these pupils will have a profound impact on families. Such

decisions should be taken only when ‘strictly necessary’ and for the shortest time possible, as set out in the legislation.

- The workplace has changed since the 2008 economic crisis. Measures to mitigate financial hardship will be essential for gig economy workers – who still have very few protections in employment law, and are more likely to be younger, from an ethnic minority, or have caring commitments – if they must self-isolate.
- Women still bear the majority of caring responsibilities for both children and older relatives. With schools and nurseries now closing, the need for this unpaid work will only increase in the weeks to come. Women, including those who are pregnant and on maternity leave, should not be disadvantaged in their careers by following government advice to stay at home.

Amidst these challenges, it is heartening to see people in communities across the country actively help the people around them who need it most. This can be the moment when we as a country begin to put recent differences behind us and show the world our capacity for compassion and solidarity.

Flexibility and compromise will be essential in responding effectively to this crisis, and there are few easy answers. For many people the restrictions to everyday life will be hugely disruptive, but ultimately manageable. For others, though, the implications could be profound. We believe it is possible to protect rights while saving lives. The Commission stands ready to advise government and Parliament in accordance with our statutory duties.

Yours sincerely,

**David Isaac**

Chair

Equality and Human Rights Commission