

Written evidence from Quakers in Britain (COV0134)

Introduction

1. Quakers in Britain is a national body working on behalf of 21,575 people who attend 475 Quaker meetings in England, Scotland and Wales. Quakers' commitment to human rights stems naturally from our belief that there is 'that of God in everyone' and our testimony to equality and justice.
2. At a national level, Quakers in Britain pursue this commitment through our work to tackle inequality and injustice. Groups of Quakers with particular interests also work independently on issues including the rights of disabled people and criminal justice matters.
3. At an international level, the Quaker United Nations Office in Geneva and Quaker Council for European Affairs in Brussels work with international institutions, government delegations and non-governmental organisations on human rights issues, among others.
4. Quakers have been monitoring the impact on human rights of the UK, Scottish and Welsh governments' responses to COVID-19. We are making this submission to draw attention to the implications for human rights of key actions the UK government has and has not taken.
5. We believe that in the early stages of the pandemic, the government focused on restricting people's activities rather than enabling them to carry out their activities safely. Government support, while substantial, has not been universal. This has had a negative impact on human rights and risks exacerbating the threat to public health. Structural inequalities in our society have been exposed and exacerbated. Some groups – such as disabled people, people in prison, and people from migrant backgrounds – have not received support to ensure their right to health at this time, or support has been inadequate. This is incompatible with a human rights-based approach.

Restrictions

6. We understand the need for restrictions to prevent the spread of coronavirus, but in order to be compatible with international and European human rights obligations, they must continue to be prescribed by law and necessary in a democratic society in the interests of the protection of health. In particular, no restrictions should be extended beyond the pandemic period without these strict necessity requirements, even if they would otherwise benefit public policy.

Prisons

7. An enforcement-based approach has been particularly clear in prisons in England and Wales. The Prison Governors Association¹ and Centre for Crime and Justice Studies² estimated that the prison population needed to reduce by around 15,000 to tackle the spread of COVID-19. On 4 April the UK government introduced an early release scheme,³ stating that up to 4,000 prisoners would be eligible.⁴ By 29 May they had only released 95 people under this scheme.⁵
8. Instead the government focused on expanding the prison estate⁶ and enforcing restrictive regimes in prisons. A recent report by Her Majesty's Inspectorate of Prisons (HMIP) on men's training prisons found that people were: locked in their cells for 22-23 hours per day; using buckets as toilets in cells; and had to eat in those cells without being provided with hand sanitiser. Self-harm had increased at one prison, remained the same at one, and decreased at a third.⁷ These conditions breach human rights standards, including the prohibition on solitary confinement (defined as 22 or more hours a day without meaningful human contact) for an extended – 15 or more days – or indefinite period.⁸
9. The Scottish Human Rights Commission expressed concern that the conditions being experienced by some people in Scottish prisons could amount to inhuman and degrading treatment.⁹ Similar concerns have rightly been expressed in relation to prisons in England and Wales.¹⁰ HMIP recently raised concerns about the proportionality of the most restrictive regimes in young offender institutions, and the impacts on rights such as education and family contact.¹¹

¹ <https://prison-governors-association.org.uk/prison-governors-association-pga-evidence-to-justice-committee-on-covid-19/>

² <https://www.theguardian.com/society/2020/apr/21/richard-garside-uk-lagging-behind-europe-coronavirus-prisons>

³ <https://www.theguardian.com/society/2020/apr/21/richard-garside-uk-lagging-behind-europe-coronavirus-prisons>

⁴ <https://www.dailymail.co.uk/news/article-8199407/4-000-prisoners-released-early-coronavirus-without-tag-curfew-36-hours.html>

⁵ <https://www.parliament.uk/business/publications/publications/written-questions-answers-statements/written-question/Commons/2020-06-01/52292/>

⁶ <https://www.gov.uk/government/news/further-expansion-of-prison-estate-to-protect-nhs>

⁷ <https://www.justiceinspectores.gov.uk/hmiprisoners/media/press-releases/2020/05/mens-training-prisons-during-covid-19-virus-spread-limited-but-worrying-impact-of-restricted-regimes/>

⁸ Nelson Mandela Rules (revised Standard Minimum Rules for the Treatment of Prisoners), Rules 43 and 44. Further details and sources at <https://www.penalreform.org/resource/standard-minimum-rules-treatment-prisoners-smr/>

⁹ <https://www.scottishhumanrights.com/news/breaches-of-human-rights-in-prisons-during-the-pandemic/>

¹⁰ <https://www.theyworkforyou.com/debates/?id=2020-04-27b.89.5#g92.0>

¹¹ <https://www.justiceinspectores.gov.uk/hmiprisoners/media/press-releases/2020/05/children-in-yojs-during-covid-19-generally-positive-care-but-troubling-variations-in-regimes/>

Immigration Removal Centres

10. Migrants in Immigration Removal Centres face similar threats to their human rights. We welcome the fact that around two thirds of detainees have been released.¹² As of 20 May, 368 were still held, more than half of whom were classed as being vulnerable.¹³ The continuing detention of these individuals is now threatening their right to life and health.¹⁴

People from BAME backgrounds

11. People from Black, Asian and minority ethnic (BAME) backgrounds are disproportionately represented in the prison population and many people from migrant backgrounds are BAME. Human rights violations stemming from the UK's criminal justice and immigration system therefore disproportionately place BAME people at risk.
12. Policing during the pandemic has also unduly affected BAME people, with people of colour 54% more likely to be fined than white people.¹⁵ The Quaker Disability Equality Group (QDEG) has highlighted that autistic people from BAME backgrounds have regularly been moved on or fined by police when they have felt overwhelmed and had to sit down in a public place.
13. **Question:** How does the government plan to address disproportionate negative impacts of restrictions on certain groups, and mitigate these as restrictions are lifted?

Government support

14. We welcomed the UK government's unprecedented level of intervention to protect incomes. However, many people not covered by the government's schemes had little choice but to attend work against public health advice. Others who lost their employment were plunged into extreme hardship.

People from migrant backgrounds

15. One important group who have been neglected in the government response is people who have no recourse to public funds because of their immigration status. They were unable to access benefits. Although COVID-19 was exempted from healthcare charging, many would still be reluctant to seek treatment in case other

¹² <https://www.bbc.co.uk/news/uk-52560093>

¹³ <https://www.independent.co.uk/news/uk/home-news/coronavirus-travel-ban-uk-detention-deportation-home-office-legal-challenge-a9522811.html>

¹⁴ Professor Richard Coker, 'Supplementary Report on Coronavirus and Immigration Detention' 2020 <https://detentionaction.org.uk/wp-content/uploads/2020/03/Supplementary-report-on-COV-and-Detention-Final-1.pdf>

¹⁵ <https://libertyinvestigates.org.uk/articles/bame-people-disproportionately-targeted-by-coronavirus-fines/>

conditions were discovered or their information was shared with the Home Office. Many children from underprivileged backgrounds had to homeschool without access to technology, regular nutritious meals, or a safe home environment.

16. Asylum seekers faced a unique challenge in that they usually rely on getting money from cashpoints using their Aspen card. But many cashpoints were closed, and many shops and methods of public transport were not accepting cash. Asylum seekers were given accommodation, but some had to share rooms or even beds with strangers.¹⁶

Disabled people and mental health conditions

17. Disabled people and people with mental health conditions have also been neglected. Deaf and hearing-impaired people's life chances have been affected by the lack of British Sign Language (BSL) interpreters at UK government information briefings (BSL interpreters were provided at Welsh and Scottish government briefings).
18. Disabled people have also experienced difficulties getting basic necessities during the pandemic. For example, some people who were on the government's priority list for deliveries have not been able to get food.¹⁷
19. Some disabled people have been denied healthcare, with medical professionals placing Do Not Resuscitate (DNR) orders on their medical records without consent.¹⁸ The lives of older and disabled people living in care homes have been put at risk by the government allowing people to be discharged from hospital without COVID-19 testing. The Equality and Human Rights Commission has expressed concern about both of these issues as they potentially constitute a violation of the right to life.¹⁹
20. We welcome the government's support for domestic violence services during the pandemic. Disabled women are twice as likely to experience domestic violence as non-disabled women.²⁰ The Quaker Disability Equality Group has highlighted that many disabled women have been unable to access domestic violence services in recent months. Mental health services have also been extremely patchy during the pandemic, causing harm to many people with mental health conditions.

¹⁶ <https://www.theguardian.com/world/2020/apr/15/coronavirus-fears-uk-asylum-seekers-made-share-cramped-rooms>

¹⁷ <https://www.thesun.co.uk/money/11337372/vulnerable-customers-supermarket-delivery-slots/>

¹⁸ <https://www.hsj.co.uk/coronavirus/unprecedented-number-of-dnr-orders-for-learning-disabilities-patients/7027480.article>

¹⁹ <https://www.equalityhumanrights.com/en/our-work/news/support-and-care-older-people-during-coronavirus-pandemic>

²⁰ <https://www.womensaid.org.uk/the-survivors-handbook/the-survivors-handbook-disabled-women/>

21. The government must work with disabled people and people with mental health conditions to ensure their rights are protected. **Question:** Will the government consider not renewing the caveats placed on the Care Act when the Coronavirus Act is reviewed in September 2020?

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