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Dear Sir Edward Leigh,

Thank you for your email of 4 January 2021 to the First Minister of Scotland about the restrictions on places of worship and the Catholic faith community. As Cabinet Secretary for Communities and Local Government, I am the portfolio Minister with responsibility for Faith and Belief.

Due to the immediate and unprecedented challenge presented by the new, more transmissible strain of the Covid-19 virus, places of worship in Level 4 areas were closed from 8 January 2021 for communal worship and individual prayer. This measure is intended to reduce the opportunities for transmission and unfortunately closure will be necessary until mid-February. However, we continue to review the measures to ensure that they remain necessary and proportionate and will continue to work closely with faith groups to ensure they are able to continue their vital role in serving the community. I realise how difficult this is for faith communities and the important role of congregational worship in supporting spiritual, mental and social wellbeing.

The transmissibility of the current strain of the Covid-19 virus is now understood to be significantly higher than the earlier strain and we are still at a difficult and dangerous point in the pandemic. The risks of catching the virus are very real. That is why, with regret we concluded that places of worship must close at this time to help slow the spread of the virus. We don't want places of worship to be closed for a moment longer than they have to be.

Unfortunately, even with the strictest mitigation measures, transmission of the virus can take place anywhere, in shops, in homes and in places of worship. In most cases it is difficult to say with any degree of certainty where an individual has contracted the virus, however we can look at areas where people interact with one another which create opportunities for transmission to occur. The more these opportunities are limited the more successful we will be in suppressing the virus. This unfortunately



meant we had to include consideration of places of worship, just as it does schools, and workplaces so we can keep the country as safe as possible.

A Four Harms Assessment of the package of measures introduced on 8 January, including closure of Places of Worship was conducted on the basis that the measures were expected to be in place until at least mid February. This process recognised the physical, mental and emotional health consequences of limiting socialising, social contact and other outdoor activities for the whole population. However the proposed measures are expected to have a significant impact in reducing opportunities for the virus to be transmitted. This review concluded that while the additional restrictions bring other harms to families, communities and businesses, in light of the immediate and critical risks posed to public health and public health services, the measures set out in the First Minister statement of Monday 4 January were and continue to be, proportionate and necessary.

As you are aware, the coronavirus pandemic presents an extraordinary challenge and care has been taken in responding to that challenge to ensure that all of the actions we have taken are fully compliant with the ECHR and with wider human rights requirements. Reasonable restrictions or limitations can legitimately be placed on the exercise of Article 9.2, where it is necessary and proportionate to do so, e.g. in the interests of public safety and the protection of public health. All such restrictions have to be necessary, proportionate and no more limiting in their effect than is justified by the particular threat being faced.

The Scottish Government is very clear that even temporary limitations on fundamental rights represent a step which any modern democracy would prefer not to have to take. These restrictions have to be necessary, proportionate and no more limiting than is justified by the particular threat. That is why measures in the Coronavirus Acts are subject to important review and proactive reporting requirements. Assessing whether restrictions remain both necessary and proportionate is a core element of the ongoing process to ensure that human rights are respected, protected and fulfilled and equality objectives are achieved. We are therefore committed to removing restrictions as soon as it is safe and responsible to do so, keeping in mind the requirement to protect public health and safeguard individuals across society who remain at potential risk.

My officials will continue to engage in discussion with faith communities in Scotland to work towards reopening of places of worship as safely as possible. In the interim, I appreciate the continuing understanding and compliance with ongoing restrictions which are vital to stay safe, protect others and save lives.

Yours sincerely



AILEEN CAMPBELL

