



Response to the call for inputs issued by the Special Rapporteur on freedom of peaceful assembly and association in relation to his report on the promotion and protection of human rights in the context of peaceful protests during crisis situations

July 2021

**Introduction**

1. Black Protest Legal Support and the Equal Rights Trust are grateful for this opportunity to inform the Special Rapporteur's report on the promotion and protection of human rights in the context of peaceful protests during crisis situations.
2. Black Protest Legal Support (BPLS) is a non-profit organisation led by Black and Brown lawyers who act as Legal Observers, provide free legal support to protesters and monitor police intimidation, violence and harassment at protests. It maintains a network of over 250 volunteer barristers, solicitors and law students who provide pro bono advice and representation to protesters. The organisation was set up by Ife Thompson in the wake of the global uprisings against the murder of George Floyd. It has provided ongoing legal support and assistance to Black organisers and protesters for the BLM protests in the UK. It has a network of over 100 Legal Observers across London, Manchester, Bristol and Birmingham.
3. The Equal Rights Trust is an independent international organisation whose mission is to eliminate all forms of discrimination and ensure everyone can participate in life on an equal basis. We work in partnership with equality defenders – civil society organisations (CSOs), lawyers, government representatives and others committed to using law to create an equal world – providing them with the technical, strategic, and practical support they need to secure the adoption and implementation of comprehensive equality laws. In connection with this work, we engage with UN bodies and procedures with the aim of increasing knowledge and understanding of equality law and its role in the realisation of rights and development.
4. One year ago, in July 2020, the Human Rights Committee adopted General Comment No. 37 on the right to peaceful assembly directing States to recognise the “intrinsic value” of the right to peaceful assembly and to “promote an enabling environment for the exercise of the right to peaceful assembly without discrimination”.<sup>1</sup> The Committee further reaffirmed that, while international law recognises that states can limit their enjoyment of human rights in states of emergencies, crucially, states' obligations to ensure non-discrimination remain; emergency measures must not

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<sup>1</sup> Human Rights Committee, *General Comment No. 37 on the right to peaceful assembly (article 21)*, UN Doc. CCPR/C/GC/37, Paras 1 and 24.

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discriminate either in their purpose or their effects.<sup>2</sup> However, as states have adopted unprecedented emergency measures in response to the pandemic, it has become clear that, while the virus is indiscriminate, the impacts of state responses are not.<sup>3</sup>

5. In this submission, our two organisations present selected evidence related to the discriminatory denial of the right to peaceful assembly in the context of the UK government's response to the COVID-19 pandemic. We note that the information provided here is neither exhaustive nor comprehensive; rather it is illustrative of patterns of the discriminatory denial of the right to peaceful assembly in the UK, and the need to adopt an equal rights approach to the freedom of assembly. In sharing this information, we seek to demonstrate the need for the UK and other states to integrate equality impact assessment into their COVID response and recovery measures, as well as the adoption of all new policies and legislation, as an essential tool to respect, protect and fulfil the right of peaceful assembly without discrimination.

### **Select evidence of the discriminatory denial of the right to peaceful assembly in the context of the UK government's response to the COVID-19 pandemic**

6. In the UK, we have seen an outright denial of the right to peaceful assembly in the context of government's response to the pandemic. There have been disturbing indications that barriers to the enjoyment of the right to freedom of assembly have been, and will continue to be, discriminatory in nature. Recent examples of the policing of peaceful assemblies in the UK indicate that discrimination has been both a **cause of interference** with peaceful protests and of the **failure to facilitate** peaceful protests. The Police, Crime, Sentencing and Courts Bill ('the Bill'), published on 9 March 2021, risks further exacerbating this pernicious trend. The Bill proposes sweeping changes to crime and justice in England and Wales. It includes a section on protests, with the explanatory note citing that "recent changes in the tactics employed by certain protesters, for example gluing themselves to buildings or vehicles, blocking bridges or otherwise obstructing access to buildings such as the Palace of Westminster and newspaper printing works, have highlighted some gaps in current legislation."<sup>4</sup> The Bill has received extensive and wide-ranging criticism, including for seeking to radically restrict freedom of assembly.<sup>5</sup>

#### **(i) Black Lives Matter protests**

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<sup>2</sup> Article 4(1) of the International Covenant on Civil and Political Rights (ICCPR) contains an explicit requirement that, in times of public emergency, measures taken by States to derogate from their Covenant obligations must "not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin." In General Comment No. 37, the Human Rights Committee further elaborates that States must be able to justify that any measures taken to derogate from the right to peaceful assembly "are strictly required by the exigencies of the situation and comply with the conditions in article 4" (Human Rights Committee, *General Comment No. 37 on the right to peaceful assembly*, 2020, Para 96).

<sup>3</sup> Equal Rights Trust and others, "Call to Action: Addressing discrimination and inequality in the global response to COVID-19", May 2020, available at:

<https://www.equalrightstrust.org/sites/default/files/images/COVIDResponse.pdf>.

<sup>4</sup> Police, Crime, Sentencing and Courts Bill Explanatory Notes, available at:

<https://publications.parliament.uk/pa/bills/cbill/58-01/0268/en/200268en.pdf>.

<sup>5</sup> See, for example: Black Protest Legal Support, "Press Release: BPLS condemns the police's and government's attempts to erode our right to protest", 16 March 2021, available at: <https://blackprotestlaw.org/press-release-bpls-condemns-the-polices-and-governments-attempts-to-erode-our-right-to-protest/>; Sisters Uncut, "Kill the Bill resources", n.d., available at: <https://www.sistersuncut.org/>; Liberty, "Liberty's briefing on the Police, Crime, Sentencing and Courts Bill for second reading in the House of Commons", March 2021, available at:

<https://www.libertyhumanrights.org.uk/wp-content/uploads/2021/03/Libertys-Briefing-on-the-Police-Crime-Sentencing-and-Courts-Bill-HoC-2nd-reading-March-2021-1.pdf>.

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7. There is clear evidence of the **discriminatory use of force** by law enforcement at the BLM protests which took place across UK towns and cities in the summer of 2020. On the evening of 6 June 2020, BLM protesters were subject to violent and aggressive policing measures at Downing Street, when mounted officers charged on horseback at protesters without warning.<sup>6</sup> One protester was physically injured when a police horse became separated from its rider and trampled over the protestor while others left traumatised.<sup>7</sup> A report by the Network for Police Monitoring ('Netpol') on the policing of the BLM protests further identified the use of baton charges, pepper spray and violent arrests.<sup>8</sup> Far from enabling protesters to exercise their right to assembly in a peaceful manner, the violent policing of BLM protests violated the fundamental principles of "legality, necessity, proportionality, precaution and non-discrimination" that the law subjects all state use of force to in the context of peaceful protests.<sup>9</sup>
8. The unnecessary volume of police as a means to deter, intimidate and criminalise protesters exercising their fundamental freedoms is not a new tactic when it comes to the policing of Black-led protests. Recent and historic examples of this include the 2016 BLM protests,<sup>10</sup> the 2011 uprisings in response to the unlawful killing of Mark Duggan,<sup>11</sup> the 1981 and 1985 Brixton uprisings,<sup>12</sup> the 1985 Broadwater Farm uprising,<sup>13</sup> and the 1970 Mangrove restaurant protest.<sup>14</sup>

**(ii) Harassment of BLM protesters and legal observers**

9. Since the protests, there is evidence to suggest that law enforcement have continued to harass and intimidate BLM organisers and protesters through ongoing house visits, raids and

<sup>6</sup> The Independent, "UK Black Lives Matter protests: Officer falls from horse as mounted police 'charge' protesters and Cenotaph vandalised", 6 June 2020, available at:

<https://www.independent.co.uk/news/uk/home-news/uk-black-lives-matter-protests-police-horses-charge-london-george-floyd-a9552776.html>.

<sup>7</sup> The Mirror, "Black Lives Matter protester injured as horse bolts after projectiles hurled at police", 6 June 2020, available at: <https://www.mirror.co.uk/news/uk-news/breaking-black-lives-matter-protester-22149559>.

<sup>8</sup> Netpol, "'Britain is not Innocent': A Netpol report on the policing of Black Lives Matter protests in Britain's towns and cities in 2020", n.d, available at:

<https://secureservercdn.net/50.62.198.70/561.6fe.myftpupload.com/wp-content/uploads/2020/11/Britain-is-not-innocent-web-version.pdf>.

<sup>9</sup> Human Rights Committee, *General Comment No. 37 on the right to peaceful assembly (article 21)*, UN Doc. CCPR/C/GC/37, Paras 78 and 79.

<sup>10</sup> See, for example: The Guardian, "Police 'treated UK Black Lives Matter protesters more harshly due to race'", 30 August 2016, available at: <https://www.theguardian.com/world/2016/aug/30/police-treated-uk-black-lives-matter-protesters-more-harshly-due-to-race>.

<sup>11</sup> See, for example: Nwabuzo, O., "The Riot Roundtables: Race and the riots of August 2011", Runnymede Report, 2012, available at: <http://www.runnymedetrust.org/uploads/publications/pdfs/RiotRoundtables-2012.pdf>.

<sup>12</sup> See, for example: Pierre, J., "From Brixton 1981 to BLM 2020: reflections on Black uprisings", Museum of London, 27 October 2020, available at: <https://www.museumoflondon.org.uk/discover/brixton-1981-blm-2020-black-uprisings-londons-history>.

<sup>13</sup> See, for example: Lammy, D., "Tottenham riot: The lesson of Broadwater Farm", The Guardian, 7 August 2011, available at: <https://www.theguardian.com/commentisfree/2011/aug/07/tottenham-riot-broadwater-farm>;

Smith, N., "The Tottenham 3: the legacy of the Broadwater Farm riot", The Justice Gap, available at: <https://www.thejusticegap.com/the-tottenham-3-the-legacy-of-the-broadwater-farm-riot/>.

<sup>14</sup> See, for example: The National Archives, "Mangrove Nine protest", n.d, available at:

<https://www.nationalarchives.gov.uk/education/resources/mangrove-nine-protest/>; BBC News, "The Mangrove Nine: Echoes of black lives matter from 50 years ago", n.d, available at: <https://www.bbc.co.uk/news/extra/jGD9WJrVXf/the-mangrove-nine-black-lives-matter>.

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surveillance.<sup>15</sup> There are reports that Black UK rappers on parole have been threatened with recall for supporting the BLM movement.<sup>16</sup> The harassment of Black organisers is a **discriminatory** and **direct interference** with the right to peaceful assembly. The European Court of Human Rights (ECtHR), in the case of *Ezevlin v France*, has stated that restrictions on the right to peaceful assembly include punitive measures taken after a protest,<sup>17</sup> and in *Navalnyy and Yashin v Russia*, reaffirmed the “clear and acknowledged link” between measures taken against protesters following a protest – including, *inter alia*, arrest, detention and administrative charges – and interference with the right to peaceful assembly.<sup>18</sup>

10. Legal observers from Black Protest Legal Support – led by Black and Brown lawyers – have been continually subject to intimidation, harassment and arrest despite their independent ‘watchdog’ status.<sup>19</sup> During a protest held against the Police, Crime, Sentencing and Courts Bill on 16 March 2021, four legal observers were arrested, three of whom were from Black, Brown and other Racialised Groups.<sup>20</sup> The MPS subsequently dropped the charges against the observers and, in a letter to human rights group, Liberty, acknowledged for the first time that legal observers have “an important role to play in providing independent scrutiny of protests and the policing of protests”<sup>21</sup> but failed to accept that the arrests were unlawful.<sup>22</sup> International law recognises that legal observers play a vital role in monitoring and reporting from protests, particularly where discrimination and violence is commonplace. The Human Rights Committee states that legal observers “must not face reprisals or other harassment” and confirms that even where an assembly is declared unlawful or dispersed, this “does not terminate the right to monitor.”<sup>23</sup>

### (iii) Sarah Everard vigils

11. The MPS response to a peaceful vigil organised in memory of Sarah Everard – who was murdered by a serving police officer<sup>24</sup> – and all others who have lost their lives to interpersonal and state violence is yet another case where discrimination has been both a **cause of interference** with-, and the **failure to facilitate** peaceful protest in the context of the government’s pandemic response.

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<sup>15</sup> Information provided to Black Protest Legal Support on a confidential basis.

<sup>16</sup> The Face, “Are UK musicians being silenced for supporting Black Lives Matter?”, 18 June 2020, available at: <https://theface.com/music/dutchavelli-digga-d-lavida-loca-black-lives-matter-probation>.

<sup>17</sup> *Ezevlin v. France*, (No. 11800/85, 26 April 1991), Para 39.

<sup>18</sup> *Navalnyy and Yashin v Russia*, (No. 76204/11, 20 April 2015), Para 52.

<sup>19</sup> Black Protest Legal Support, “Press Release: Four of our Legal Observers arrested at protests held against the Police, Crime, Sentencing and Courts (‘PCSC’) Bill”, 18 March 2021, available at: <https://blackprotestlaw.org/four-of-our-legal-observers-arrested-at-protests-held-against-the-police-crime-sentencing-and-courts-pcsc-bill/>.

<sup>20</sup> Ibid.

<sup>21</sup> Liberty [@libertyhq]. (28 May 2021). *BREAKING The Metropolitan Police has dropped fines given to @blkprotestlegal Legal Observers unlawfully arrested at #KillTheBill protests. Met said: “we accept [LOs] have an important role to play in providing independent scrutiny of protests and the policing of protests”*. [Tweet]. Twitter.

<sup>22</sup> The Guardian, “Met drops case and accepts the role of legal observers at protests”, 29 May 2021, available at: <https://www.theguardian.com/uk-news/2021/may/29/met-drops-case-and-accepts-the-role-of-legal-observers-at-protests>.

<sup>23</sup> Human Rights Committee, *General Comment No. 37 on the right to peaceful assembly (article 21)*, UN Doc. CCPR/C/GC/37, Para 30.

<sup>24</sup> Police Constable Wayne Couzens pleaded guilty to the murder of Sarah Everard. See: CPS, “Wayne Couzens admits murder of Sarah Everard”, 9 July 2021, available at: <https://www.cps.gov.uk/cps/news/wayne-couzens-admits-murder-sarah-everard>.

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12. The vigil was organised in the first instance by Reclaim These Streets, who reached out police in the early stages of planning to ensure the vigil could take place safely and legally in the context of COVID-19 restrictions. Despite initially agreeing to work with the organisers to develop a policing plan for the vigil, the police changed its position prior to the vigil and stated that such an event would be in breach of the All Tiers Regulations (regulations governing gatherings and businesses in England during the pandemic)<sup>25</sup> meaning the organisers would be subject to considerable criminal liability if the event went ahead.<sup>26</sup> Lawyers acting on behalf of Reclaim These Streets initiated a judicial review and it was confirmed by the court that COVID-19 regulations did not impose an outright ban on gatherings for protest, and that the police must conduct a proportionality assessment based on the circumstances of each case to determine whether an assembly was lawful.<sup>27</sup>
13. Reclaim These Streets cancelled the vigil but Sisters Uncut – a direct feminist action group led by Black and Brown women and non-binary persons – took over the coordination of a peaceful gathering at Clapham Common bandstand in London (the intended site of the vigil). The peaceful protest was met with a disproportionate and intimidatory police presence. At around 6pm, a crowd developed around the bandstand and some people gave speeches. In response, the police moved to enforcement, and began to ‘kettle’ (a police containment tactic) the crowd, forcefully remove some protesters from the stand, and aggressively handcuff and arrest others. Visuals from the site revealed inappropriate and disproportionate use of force, with one image of two male officers pinning an unarmed and unresisting woman protester to the ground and handcuffing her.<sup>28</sup>
14. The fulfilment of the right to peaceful assembly not only requires non-interference by the state but entails a positive duty to facilitate the effective exercise of assembly in a non-discriminatory manner, particularly in respect to those groups who have been historically subjected to discrimination, such as women.<sup>29</sup> An independent report by the All-Party Parliamentary Group (‘APPG’) on Democracy and the Constitution has since identified numerous failings in MPS conduct, including that they applied a “presumption of illegality” to the event and did not take proper account of their obligation to facilitate peaceful and safe protest.<sup>30</sup> The evidence gathered demonstrates that the response of the MPS amounts to both the **disproportionate and discriminatory use of force** and the **discriminatory denial of the right to peaceful assembly** to a majority of women protesters.

#### ***(iv) Police, Crime, Sentencing and Courts Bill***

15. The Police, Crime, Sentencing and Courts Bill, which passed its third reading in the House of Commons on 5 July 2021 and now proceeds to its second reading in the House of Lords, has been

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<sup>25</sup> APPG on Democracy and the Constitution, “Police power and the right to peaceful protest”, 1 July 2021, available at:

<https://static1.squarespace.com/static/6033d6547502c200670fd98c/t/60dcb2dbca4d9050ca9fe09d/1625076444200/Clapham+and+Bristol+Inquiry+Report+-+APPROVED.pdf>, Para 22.

<sup>26</sup> The MPS refused to confirm that Reclaim These Streets would not be prosecuted as organisers if the event went ahead, meaning they may be liable for fines of up to £10,000. See: *Ibid*, Para 22.

<sup>27</sup> See: *Ibid*, Para 22.

<sup>28</sup> See, for example: BBC, “Sarah Everard vigil: Woman preparing legal action against Met Police over arrest”, 25 June 2021, available at: <https://www.bbc.co.uk/news/uk-england-london-57610906>.

<sup>29</sup> Human Rights Committee, *General Comment No. 37 on the right to peaceful assembly (article 21)*, UN Doc. CCPR/C/GC/37, Para 25.

<sup>30</sup> *Ibid*, Para 6.

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widely criticised by three UN Special Rapporteurs, the UK Parliament’s Joint Committee on Human Rights, hundreds of non-governmental organisations, academics, and the wider community.<sup>31</sup> Given that the Bill has received extensive critique elsewhere,<sup>32</sup> we focus our submission on highlighting aspects of the Bill relevant to the discriminatory denial of the right to peaceful assembly. It is our view that the successful passage of the Bill would further entrench the discriminatory denial of peaceful protests witnessed in the context of the UK government’s response to the COVID-19 pandemic.

16. The Bill clearly violates international standards on the right to peaceful assembly. Clauses 54 to 56 and 60 of the Bill seek to amend police powers in the Public Order Act 1986 so that they can impose conditions on protests that are noisy enough to cause “intimidation or harassment” or “serious unease, alarm or distress” to bystanders.<sup>33</sup> Clause 57 and 58 would expand the controlled areas in the vicinity of Westminster in which protests are prohibited.<sup>34</sup> Clauses 55 and 60 expand the scope of the powers to encompass static and single-person assemblies.<sup>35</sup> In contrast, the Human Rights Committee has held that assemblies are, by necessity, disruptive, and constitute a “legitimate use of public and other spaces”.<sup>36</sup> By imposing limits on the location and audibility of protests, the Bill further contravenes the “sight and sound principle” which requires that participants be enabled, as far as possible, to conduct assemblies within the “sight and sound” of the target audience.<sup>37</sup>
17. While the aforementioned provisions of the Bill may appear facially neutral, the collective experience of our two organisations is that individuals and groups exposed to discrimination will be at the sharp end of restrictive measures. The ECtHR has held that legal provisions which allow restrictions to be imposed on the location, time or manner of assemblies violate the rights to freedom of assembly and expression as they lack adequate and effective legal safeguards to protect against “arbitrary and discriminatory” denial of these rights.<sup>38</sup> Recent examples only further demonstrate that the burden of restrictions on the right to peaceful assembly will weigh heaviest on discriminated groups, such as Black people and women protesting systemic inequalities and discriminatory violence in the UK. In stark contrast, the Human Rights Committee

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<sup>31</sup> See, for example: Liberty, “Mass petition shows scale of dissent as oppressive policing bill returns to Parliament” 5 July 2021, available at: <https://www.libertyhumanrights.org.uk/issue/mass-petition-shows-scale-of-dissent-as-oppressive-policing-bill-returns-to-parliament/>.

<sup>32</sup> See, for example: Black Protest Legal Support, “Press Release: BPLS condemns the police’s and government’s attempts to erode our right to protest”, 16 March 2021, available at: <https://blackprotestlaw.org/press-release-bpls-condemns-the-polices-and-governments-attempts-to-erode-our-right-to-protest/>; Sisters Uncut, “Kill the Bill resources”, n.d., available at: <https://www.sistersuncut.org/>; Liberty, “Liberty’s briefing on the Police, Crime, Sentencing and Courts Bill for second reading in the House of Commons”, March 2021, available at: <https://www.libertyhumanrights.org.uk/wp-content/uploads/2021/03/Libertys-Briefing-on-the-Police-Crime-Sentencing-and-Courts-Bill-HoC-2nd-reading-March-2021-1.pdf>

<sup>33</sup> House of Commons Library, “Police, Crime, Sentencing and Courts Bill 2019-2021: Parts 3 and 4 – Public order and unauthorised encampments”, 12 March 2021, available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-9164/>.

<sup>34</sup> Ibid.

<sup>35</sup> Police, Crime, Sentencing and Courts Bill, Explanatory Notes, §519-522, 545-555, available at: <https://publications.parliament.uk/pa/bills/cbill/58-01/0268/en/200268en.pdf>.

<sup>36</sup> Human Rights Committee, *General Comment No. 37 on the right to peaceful assembly (article 21)*, UN Doc. CCPR/C/GC/37, Para 47.

<sup>37</sup> Ibid, Para 22.

<sup>38</sup> *Lashmankin and Others v. Russia*, (No. 57818/09 and 14 others), Paras 410-471.

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requires that states make “particular efforts” to ensure equal and effective facilitation of the right of peaceful assembly for discriminated groups.<sup>39</sup>

**(v) Kill the Bill protests**

18. Since the Bill was introduced to Parliament on 8 March 2021, a movement has built to resist the Bill, manifesting in protests across UK towns and cities calling on the government to ‘Kill the Bill’. Like the BLM protests and Sarah Everard vigils, the protests have met with the same disproportionate and intimidatory tactics: Sisters Uncut have highlighted the violent and aggressive tactics employed by the police, including the use of kettling, batons, and dispersal techniques such as horse charges,<sup>40</sup> while Black Protest Legal Support have previously noted that police tactics have mirrored those seen at BLM protests.<sup>41</sup> Events at the protests have evidenced the state’s **failure to effectively facilitate peaceful assembly**.

**Recommendation: Adoption of an Equal Rights Approach to Freedom of Assembly**

19. This submission has sought to provide examples to illustrate patterns of the discriminatory denial of the right to peaceful assembly in the context of the UK’s response to the COVID-19 pandemic, as an example of one of the crisis situations which the Special Rapporteur has sought input on.
20. In sharing this information, we urge the Special Rapporteur to recommend that the UK adopts an equal rights approach to the adoption of legislation and policies concerning assemblies, including laws and policies governing police powers. An equal rights approach necessitates that states take proactive steps to ensure the exercise of the right to peaceful assembly without discrimination and recognise the relevance of the right to non-discrimination – both in framing the nature and scope of the right, and the permissible restrictions to it.
21. Specifically, we call on the Special Rapporteur to recommend that the UK and other states integrate equality impact assessment into their COVID response and recovery measures, as well as the adoption of all new policies and legislation, as a necessary means of fulfilling their obligations to ensure an enabling environment for the right to peaceful assembly without discrimination:
- a. Equality impact assessment must be aimed at identifying and eliminating the actual or potential discriminatory effects of legislation and state policies, ensuring that they respond to and accommodate the different needs of diverse groups with due consideration to intersectionality and that they do not create or exacerbate inequality;
  - b. Equality impact assessment must be pre-emptive, coming before new legislation and policy measures are adopted and before any changes are made to laws and policies which are already in force;

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<sup>39</sup> Human Rights Committee, *General Comment No. 37 on the right to peaceful assembly (article 21)*, UN Doc. CCPR/C/GC/37, Para 25.

<sup>40</sup> Sisters Uncut, “Sisters Uncut Statement on Bristol – We Will Not Be Divided” 23 March 2021, available at: <https://www.sistersuncut.org/2021/03/23/sisters-uncut-statement-on-bristol-we-will-not-be-divided/>.

<sup>41</sup> Black Protest Legal Support [@blkprotestlegal]. (4 April 2021). “ATTENTION (cw: police violence) BPLS issues urgent statement on events at the #KillTheBill protest in #London last night, including kettling, use of PAVA spray, widespread police brutality & the arrests of two BPLS Legal Observers who were held in custody #PoliceCrackdownBill”. [Tweet]. Twitter.

- c. Where measures have already been adopted, equality impact assessment must be undertaken as an urgent priority;
- d. Where discriminatory impacts are identified, measures to eliminate any discrimination or inequality of impact must be taken with immediate effect;
- e. Groups at risk of discrimination and experiencing inequality must be involved and consulted in conducting equality impact assessment;
- f. Equality impact assessments must be an essential element of the monitoring and review of all state policies and legislation;
- g. Both initial assessments and ongoing monitoring must be informed by the collection of data on the experiences and outcomes of groups exposed to discrimination.

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