

Article 21: List of illustrative indicators on freedom of expression and opinion, and access to information

ADVANCE VERSION

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Right to freedom of expression and opinion, and access to information

Attributes/ Indicators	Freedom of opinion and to impart information	Access to information through accessible means for all persons with disabilities	Official recognition and development of sign language, Braille and alternative modes of communication
Structure	<p>21.1 Legislation enacted guaranteeing the right of persons with disabilities to freedom of expression and opinion,ⁱ including the freedom to seek, receive and impart information, with the definition of communication of Article 2 of the CRPD, developed in close consultation with representative organizations of persons with disabilities.</p> <p>21.1.1 Legal framework providing for access to information intended for the general public in accessible formats and technologies in a timely manner for all persons with disabilities and without additional cost.ⁱⁱ (idem 9.4)</p> <p>21.1.2 Legal framework establishing mandatory standards on accessibility of information and communication for both public and private actors that provide information and services to the general public, including through mass media, encompassing digital and social media.ⁱⁱⁱ</p> <p>21.2 National strategy and/or plan to enhance the exercise of persons with disabilities of the right to freedom of expression and opinion, and access to information, including benchmarks, timeframes and measurable goals.^{iv}</p>		<p>21.3 Legislation enacted recognizing sign language as an official language, and ensuring its use in official interaction(s), as chosen/requested by persons with disabilities.^v</p> <p>21.4 Legislation enacted recognizing Braille, Easy to Read Format, captioning, tactile communication, support person for communication, and any other accessible means, modes and formats of communication used by persons with disabilities, and ensuring their use in official interaction(s), as chosen/requested by persons with disabilities.</p> <p>21.5 National strategy and/or plan to raise awareness about sign language as an official language, Braille, Easy to Read, and other means, modes and formats of communication used by persons with disabilities, and to support both their development and the development of related professionals (e.g sign language interpreters, translators, human assistance), including benchmarks, timeframes and measurable goals, developed with the active involvement of representative organizations of persons with disabilities.</p>
	<p>21.6 Legal requirement to establish a marker on all public spending to ensure freedom of expression and access to information of persons with disabilities.</p>		
	<p>21.7 Legal requirement for data collection on measures to ensure freedom of expression and access to information and communication, including for official interactions.^{vi}</p>		

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Process	<p>21.8 Enrolment rate of persons with disabilities in trainings in higher education for professional journalism, and other relevant professions, disaggregated by disability.</p> <p>21.9 Proportion of advance notifications by organizations of persons with disabilities for holding demonstrations and outdoor awareness raising events received by government authorities, out of the total number submitted for the same purposes, disaggregated by constituency represented.^{vii}</p>	<p>21.10 Number and proportion of all the relevant public staff with responsibilities in communication and access to information, including those in institutions where detention of persons with disabilities might occur, undergoing training, on access to information for persons with disabilities and alternative formats of communication.</p> <p>21.11 Awareness raising campaign and activities on accessibility of information and on mandatory accessibility standards for information and communication, directed to both public and private actors, including persons with disabilities and their organizations.^{viii}</p> <p>21.12 Number and proportion of private actors providing information and services to the public, notably those which are contracted or granted a license by the State, that have received guidance in order to comply with mandatory accessibility standards.</p> <p>21.13 Proportion of TV broadcasted emissions, and proportion of time which included sign language interpretation, audio description, captioning, and other accessibility related features and means, disaggregated by ownership of media (private/public), type of content (news/other programming, including children’s programmes, and accessibility features offered.^{ix}</p> <p>21.14 Proportion of content available within ‘on-demand’ or non-linear services (e.g. video on-demand services) which includes sign language interpretation, audio description, captioning, and other accessibility related features and means, disaggregated by ownership of media (private/public), and accessibility features offered</p> <p>21.15 Proportion of government websites and apps that comply with accessibility standards. (idem 9.12)</p> <p>21.16 Number of reports published by public authorities intended to the general public in accessible formats, disaggregated by type of format and their proportion out of the total of reports published by public authorities. (idem 9.15)</p> <p>22.17 Number of sign language interpreters, and other relevant professionals including stenographers and communications supporters for persons with intellectual disabilities, professionally certified and officially authorized to practice, in particular in connection with official interactions, compared to persons with disabilities requiring their services.</p> <p>21.18 Budget allocated to measures aimed at ensuring access to information of persons with disabilities, disaggregated by kind of measure (e.g. awareness raising, development of capacities, direct provision of accessibility measures, etc.)</p>	
	<p>21.19 Consultation processes undertaken to ensure active involvement of persons with disabilities, including through their representative organizations, in the design, implementation and monitoring of laws, regulations, policies and programmes, related to the right to freedom of expression and opinion, and access to information.^x</p> <p>21.20 Proportion of received complaints alleging denial or restrictions to the right of freedom of expression and opinion, including the right of access to information of persons with disabilities, that have been investigated and adjudicated; proportion of those found in favour of the complainant; and proportion of the latter that have been complied with by the government and/or duty bearer; each disaggregated by kind of mechanism.</p>		

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Outcome	21.21 Number and proportion of persons working as journalists who are persons with disabilities, disaggregated by sex, age, disability, type of media (e.g. TV, radio, etc.), and its ownership (public or private)	21.22 Proportion of different linguistic population groups having access to media broadcasts in their own language, disaggregated by language, including sign language. 21.23 Number and proportion of requests of public information being granted to persons with disabilities in accessible formats, out of the total of requests of public information, disaggregated by respondent public body or agency. (idem 31.15) 21.24 Proportion of population covered by a mobile network, by technology (SDG indicator 9.c.1), and sex, age and disability. 21.25 Proportion of individuals using the Internet (SDG indicator 17.8.1) disaggregated by sex, age and disability.	

- i Regarding the right to freedom of expression, legislation should:
- Prevent any restriction that directly or indirectly discriminates against persons with disabilities.
 - Include provisions to protect persons with disabilities from intimidation or reprisals related to the exercise of the right of freedom of expression.
 - Include specific measures to achieve de facto equality in order to include persons with disabilities in media industry in relevant positions for the exercise of freedom of expression, for instance through diversity requirements in requirements to apply for licenses for broadcasting.
- ii Legislation on access to information must ensure that:
- Information intended for the general public and released is disseminated in accessible formats and technologies, and made available in the official and indigenous/ minority languages of the country.
 - Procedures to request public information (not necessarily disseminated to the general public) are accessible and usable by all persons with disabilities.
 - There is no restriction in accessing information on the basis of deprivation of legal capacity contrary to Article 12 of the CRPD.
- iii This indicator refers for instance to provisions on accessibility within telecommunications legislation, broadcasting codes, related regulations, and addressing the Internet, digital technologies, telephone, including telecom relay services (see ITU-T F.930 Multimedia telecommunication relay services), and mobile telephony. “Social Media” includes websites, online platforms and mobile applications.
- iv Such plan should *inter alia* include:
- Measures to raise awareness among public officials, servants and employees on the diverse alternative modes of communications accessible to persons with disabilities;
 - Measures to increase availability of public information in alternative formats;
- Measures to ensure availability of alternative means of communication for official interactions, including sign language interpreters, Braille printers, communication support, etc.
 - Measures to promote the inclusion of persons with disabilities as part of journalism work community, including through provision of support and reasonable accommodation during related education and employment, and through specific measures, including affirmative actions, not constituting discrimination (Article 5(4) of the CRPD).
- v This should include all forms or dialects especially in the case of sign languages, and provisions on non-discrimination, provision of reasonable accommodation, and definition of communication.
- vi This should include data on:
- a) number and proportion of documents for dissemination of public information to the general public also provided in accessible formats, disaggregated by type of format.
 - b) number and proportion of requests for information being granted in accessible formats, out of the total of requests of public information.
 - c) number and proportion of requests for alternative means of communications in official interactions.
 - d) number and proportion of complaints alleging denial or restrictions to the right of freedom of expression and access to information of persons with disabilities
- vii The reference “advance notification” in this indicator does not imply that the State has to grant permission for holding a demonstration or an outdoor awareness-raising event. Instead, the requirement of “advance notification” must only have the purpose of informing public authorities to enable them to put in place the necessary arrangements to facilitate freedom of assembly and to protect public order, public safety and the rights and freedoms of others. In some countries, it is not necessary to seek advance notification, for instance for small protests. Thus, indicator 21.9 constitutes a proxy indicator. For further information: www.osce.org/odihr/73405?download=true
- viii This could include the development of guidance documents on accessibility of information for all relevant stakeholders.
- ix See ITU-T Recommendation H.702 describing the functions for displaying accessibility information such as caption, sign language and audio description.
- x This indicator requires verifying concrete activities undertaken by public authorities to involve persons with disabilities in decision-making processes related to issues that directly or indirectly affect them in line with article 4(3) of the CRPD and General Comment no. 7 of the CRPD Committee, including consultation meetings, technical briefings, online consultation surveys, calls for comments on draft legislation and policies, among other methods and mechanisms of participation. In this regard, States must
- ensure that consultation processes are transparent and accessible;
 - ensure provision of appropriate and accessible information;
 - not withhold information, condition or prevent organizations of persons with disabilities from freely expressing their opinions;
 - include both registered and unregistered organizations;
 - ensure early and continuous involvement;
 - cover related expenses of participants.