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

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<tr><th colspan="4">Article 21: Illustrative indicators on freedom of expression and opinion, and access to information</th></tr>
<tr><th colspan="4">Right to freedom of expression and opinion, and access to information</th></tr>
<tr><th>Attribute/type of indicator</th><th>Freedom of opinion and to impart information</th><th>Access to information through accessible means for all persons with disabilities</th><th>Official recognition and development of sign language, Braille and alternative modes of communication</th></tr>
<tr><td>Structure</td><td colspan="2">21.1: Legislation enacted guaranteeing the right of persons with disabilities to freedom of expression and opinion,[a] including the freedom to seek, receive and impart information, with the definition of communication of article 2 of the Convention on the Rights of Persons with Disabilities, developed in close consultation with representative organizations of persons with disabilities
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 costs[b]
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[c] (see also indicator 9.4 on the Convention on the Rights of Persons with Disabilities)
21.2: National strategy and/or plan to enhance the exercise by persons with disabilities of the right to freedom of expression and opinion, and access to information, including benchmarks, time frames and measurable goals[d]</td><td>21.3: Legislation enacted recognizing sign language as an official language and ensuring its use in official interactions, as chosen or requested by persons with disabilities[e] (see also indicator 30.5 on the Convention on the Rights of Persons with Disabilities)
21.4: Legislation enacted recognizing Braille, Easy 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 interactions, as chosen or requested by persons with disabilities
21.5: National strategy and/or plan to raise awareness about sign language as an official language, Braille, Easy 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 and human assistance), including benchmarks, time frames and measurable goals, developed with the active involvement of representative organizations of persons with disabilities</td></tr>
<tr><td></td><td colspan="3">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
21.7: Legal requirement for data collection on measures to ensure freedom of expression and access to information and communication, including for official interactions[f]</td></tr>
<tr><td>Process</td><td>21.8: Enrolment rate of persons with disabilities in training in higher education for professional journalism and other relevant professions, disaggregated by disability
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</td><td colspan="2">21.11: Number and proportion of all 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
21.12: Number of awareness-raising campaigns and activities on accessibility of information and on mandatory accessibility standards for information and communication, directed at both public and private actors, and proportion of population who gained access to those campaigns and activities, disaggregated by age, sex, disability and geographical location[h]
21.13: Number and proportion of private actors providing information and services to the public, notably those that are contracted or granted a licence by the State, that have received guidance in order to comply with mandatory accessibility standards</td></tr>
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	the total number submitted for the same purposes, disaggregated by constituency represented[g] 21.10: Number and proportion of persons working as journalists who are persons with disabilities, disaggregated by sex, age, disability, type of media (e.g. television or radio) and its ownership (public or private)	21.14: Proportion of broadcasted television emissions and proportion of time that included sign language interpretation, audio description, captioning and other accessibility-related features and means, disaggregated by ownership of media (public or private), type of content (news or other programming, including children's programmes) and accessibility features offered[i] 21.15: Proportion of content available within on-demand or non-linear services (e.g. on-demand video services) that includes sign language interpretation, audio description, captioning and other accessibility-related features and means, disaggregated by ownership of media (public or private) and accessibility features offered 21.16: Proportion of government websites and applications that comply with accessibility standards (see also indicator 9.12 on the Convention on the Rights of Persons with Disabilities) 21.17: Number of reports published by public authorities intended for the general public in accessible formats, disaggregated by type of format, and their proportion out of the total number of reports published by public authorities (see also indicator 9.15 on the Convention on the Rights of Persons with Disabilities) 21.18: 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 (see also indicator 30.18 on the Convention on the Rights of Persons with Disabilities) 21.19: Budget allocated to and spent on measures aimed at ensuring access to information of persons with disabilities, disaggregated by type of measure (awareness-raising, capacity development, direct provision of accessibility measures, etc.)
	21.20: Number of consultation processes undertaken on 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, and proportion of persons with disabilities who participated in those processes, disaggregated by age, sex, disability and geographical location[j] 21.21: Proportion of complaints received alleging denial of or restrictions to the right of freedom of expression and opinion, including the right of access to information by 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 type of mechanism	
Outcome		21.22: Proportion of different linguistic population groups with access to media broadcasts in their own language, disaggregated by language, including sign language 21.23: Number and proportion of requests for public information that are granted to persons with disabilities in accessible formats out of the total number of requests for public information, disaggregated by respondent public body or agency (see also indicator 31.17 on the Convention on the Rights of Persons with Disabilities)

		21.24: Proportion of population covered by a mobile network, by technology (Sustainable Development Goal indicator 9.c.1), sex, age and disability 21.25: Proportion of individuals using the Internet (Sustainable Development Goal indicator 17.8.1), disaggregated by sex, age and disability

[a] 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 to freedom of expression
- Include specific measures to achieve de facto equality in order to include persons with disabilities in the media industry in relevant positions so they can exercise their freedom of expression, through, for instance, diversity requirements when applying for broadcasting licences

[b] Legislation on access to information must ensure that:

- Information intended for the general public is disseminated in accessible formats and technologies and made available in the official and indigenous and 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 gaining access to information on the basis of deprivation of legal capacity contrary to article 12 of the Convention on the Rights of Persons with Disabilities

[c] This indicator refers to, for instance, provisions on accessibility within telecommunications legislation, broadcasting codes and related regulations and those addressing the Internet, digital technologies, telecommunications, including telecom relay services (see International Telecommunication Union, "Series F: Non-telephone Telecommunication Services – accessibility and human factors. Multimedia telecommunication relay service", recommendation ITU-T F.930 (March 2018)) and mobile telephony. Social media includes websites, online platforms and mobile applications.

[d] Such a plan should include measures to, inter alia:

- Raise awareness among public officials and employees on the diverse alternative modes of communication accessible to persons with disabilities
- Increase availability of public information in alternative formats
- Ensure availability of alternative means of communication for official interactions, including sign language interpreters, Braille printers and communication supports
- Promote the inclusion of persons with disabilities as part of the journalism community, including through provision of support and reasonable accommodation during related education and employment, and through specific measures, such as affirmative actions, not constituting discrimination (see article 5 (4) of the Convention on the Rights of Persons with Disabilities)

[e] This should include all forms or dialects, especially in the case of sign languages, and provisions on non-discrimination, the provision of reasonable accommodation and the definition of communication.

[f] This should include data on the number and proportion of:

- Documents for dissemination of information to the general public also in accessible formats, disaggregated by type of format
- Requests for information being granted in accessible formats out of the total number of requests for public information

- Requests for alternative means of communication in official interactions
- Complaints alleging denial of or restrictions to the right of freedom of expression and access to information of persons with disabilities

[g] The reference to advance notification in this indicator does not imply that the State must grant permission to hold 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, see Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights, *Guidelines on Freedom of Peaceful Assembly* (2010).

[h] This could include the development of guidance documents on accessibility of information for all relevant stakeholders.

[i] See International Telecommunication Union, "Series H: Audiovisual and multimedia systems – IPTV multimedia services and applications for IPTV. General aspects. Accessibility profiles for IPTV systems", Recommendation ITU-T, H.702 (August 2020), which describes the functions for displaying accessibility information, such as captioning, sign language and audio description.

[j] 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 Convention on the Rights of Persons with Disabilities and general comment No. 7 (2018) of the Committee on the Rights of Persons with Disabilities, including consultation meetings, technical briefings, online consultation surveys, and 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 the provision of appropriate and accessible information
- Not withhold information or condition or prevent representatives of persons with disabilities from freely expressing their opinions
- Include both registered and unregistered organizations
- Ensure early and continuous involvement of persons with disabilities
- Cover related expenses of participants