

ARTICLE 19

Freedom, Access and Empowerment: Twenty Principles on the Right to Freedom of Expression and Information and Persons with Disabilities

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Policy Brief

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Preface

It is estimated that more than 1 billion people in the world live with a disability and it is predicted that with an ageing population, this number will increase in the future. This makes persons with disabilities a massive global community.

Efforts to improve protection of the rights of persons with disabilities have been underway for decades; important advancements have taken place recently both in terms of legal and practical protection at international and regional bodies, as well as at national level. The United Nations Convention on the Rights of Persons with Disabilities has been welcomed by many as a defining international treaty in recognising the human rights of persons with disabilities. In the 2030 Agenda for Sustainable Development, the sustainable development goals (SDGs) and targets includes seven targets which explicitly refer to persons with disabilities.

Despite these advances, persons with disabilities continue to face numerous barriers, social exclusion, discrimination and prejudicial practices and stereotypes in societies around the globe. Their right to freedom of expression and information is also frequently violated, leading to further disempowerment, exclusion and stigmatisation.

The right to freedom of expression – the right to seek, receive and impart information and ideas of all kinds without frontiers – is a fundamental human right, necessary for individual self-fulfilment, self-realisation and autonomy, and for the functioning of a democratic form of government. It is crucial for persons with disabilities both as a stand-alone right and as an empowering right, which allows them to claim their other human rights, demand access to essential services, and participate in decision-making processes affecting their lives. Despite efforts to improve the protection of the rights of persons with disabilities at normative and policy levels, as well as through implementation, significant work is required to ensure that persons with disabilities can fully exercise their right to freedom of expression and information. These Principles are motivated by a desire to fill this gap. They recognise the importance of the right to freedom of expression and information (freedom of expression) for persons with disabilities and are founded on the following inter-connected aspects of the right to freedom of expression:

- **Freedom of information:** Information empowers persons with disabilities to access, examine, and critically assess their individual and community needs and interests, and make informed choices about a wide range of issues that are important in their lives. It is also the basis for transparency, accountability and good governance. Access to information means that governments and other duty bearers should ensure that persons with disabilities can access information on an equal basis with others. They should also proactively inform both persons with disabilities and the broader population about various disability related issues. At the same time, they should adopt all necessary measures to enable persons with disabilities to access knowledge and culture and enable them to participate in and enjoy their rights, including enjoyment of culture, on an equal basis with others.
- **Access to all types of media, including digital technologies:** Persons with disabilities must be able to access all types of media, including the Internet and digital technologies, on an equal basis with others. Equal access enables persons with disabilities to receive

and communicate information, ideas and opinions to the public, to voice their or others' opinions, and discuss their individual and community concerns. Media and digital technologies make it possible to seek, impart and disseminate information and to critically assess the conduct of a state with regard to these rights.

- **Empowerment to participate in public affairs:** Facilitated by their right to freedom of expression, persons with disabilities must be able to individually and collectively participate in public decision-making and public debates and to freely voice their concerns on an equal basis with others without fear of reprisals or discrimination. This means that states should create an enabling environment for all persons with disabilities to take part in decision-making processes and should adopt special measures for those persons with disabilities who are at particular risk of exclusion and marginalisation, such as women, children, elderly, ethnic or national minorities or persons living in poverty.

These Principles set out the minimum obligations of states and other duty bearers, including private entities, to protect and promote these rights. They represent a progressive interpretation of international human rights standards, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Right, the Convention on the Rights of Persons with Disabilities and the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty); of regional human rights standards; and of accepted and evolving state practice reflected, inter alia, in national laws and the judgments of national courts; as well as best practices and initiatives in this area, such as The New Delhi Declaration on Inclusive ICTs for Persons with Disabilities, and technical standards on accessibility.

The Principles are intended to be used by persons with disabilities, civil society organisations, activists, human rights defenders, lawyers, judges, elected representatives, public officials and other stakeholders in their efforts to strengthen the protection of the right to freedom of expression of persons with disabilities locally, regionally and globally.

Preamble

We – individuals and organisations – who endorse and agree to these Principles

Bearing in mind that persons living with disabilities form a considerable part of the world's population, and predictions suggest that the number of persons living with disabilities will increase in the coming years;

Concerned that despite efforts to improve protection of the rights of persons with disabilities, they still face serious physical, attitudinal, legal, and economic barriers to inclusion and acceptance in society, and face social stigma and exclusion, discrimination, poverty and various forms of violations of their rights;

Guided by strong universal support for a disability-inclusive agenda to ensure the full participation of persons with disabilities in all aspects of society and to contribute to the implementation of the 2030 Agenda for Sustainable Development;

Recognising the importance of the right to freedom of expression and information to the successful implementation of states' obligations to protect and promote the human rights of persons with disabilities;

Emphasising that access to all means of communications and digital technologies by persons with disabilities and expanding access to these technologies, as well as to assistive technologies, is a key element of global, regional and national strategies to remove the barriers faced by persons with disabilities, to ensure access to essential public services and to enable persons with disabilities to live an independent life;

Cognisant of and affirming a number of international standards on the rights of persons with disabilities, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Right, the Convention on the Rights of Persons with Disabilities, the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled, and regional human rights standards;

Desiring to demand that States fulfil their obligation to respect, protect and facilitate the enjoyment of the rights of persons with disabilities in particular the right to freedom of expression and to ensure accountability for violations; and to encourage private entities and other stakeholders to meet their social and moral responsibility in this regard;

Call on all appropriate bodies at international, regional, national and local levels and private actors to undertake steps to promote widespread acceptance and dissemination of these Principles and give effect and practical implementation to them at all levels.

SECTION 1: General principles

Principle 1: Key terminology

For the purposes of these Principles:

- a) The term persons with disabilities includes those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- b) Right to freedom of expression refers to the right to freedom of expression and information which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, orally, in print, in the form of art, through print, broadcast or digital media or through any other media of his or her choice;
- c) Accessibility means a precondition for persons with disabilities to live independently and to participate fully and equally in society. It encompasses a duty to ensure access to the physical environment, and to all facilities and services which are open and provided to the public, including to information and communication services, and digital communications technologies and systems;
- d) The term adaptive technology refers to any object or system that is specifically designed for the purpose of increasing or maintaining the capabilities of persons with disabilities, in particular access to digital technologies;
- e) The term assistive technology refers to assistive, adaptive and rehabilitative devices for persons with disabilities that enable them to independently perform tasks that they would be otherwise unable to accomplish, or would have great difficulty accomplishing, including but not limited to Braille translation programmes, CCTV, video or screen magnifiers or enlargers, screen readers, closed captioning and subtitling, audio description, keyboard emulation, on-screen keyboards, light signaller alerts, reading tools and learning disabilities programs, screen or voice recognition tools, text-to-speech or speech synthesizers and others;
- f) The term communication include languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;
- g) Discrimination means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;
- h) The term reasonable accommodation refers to necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. Reasonable accommodation should be made to include and support persons with disabilities as long

as the adjustments are reasonably possible to do, and are within the financial and technological capabilities of those doing the adjustments;

- i) The term universal design refers to the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design. It should not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Principle 2: Right to freedom of expression and information

States must adopt all necessary and appropriate legal, policy and practical measures to guarantee the right to freedom of expression to all persons with disabilities. They should ensure that all persons with disabilities can exercise the right to freedom of expression on an equal basis with others and through all forms of communication of their choice.

Principle 3: Obligation to respect, protect and fulfil the right to freedom of expression of persons with disabilities

1. States have an obligation to:
 - a) Respect the right to freedom of expression of persons with disabilities: States should not prevent, hinder or restrict their right to freedom of expression except to the extent allowed by international human rights law;
 - b) Protect the right to freedom of expression of persons with disabilities: States should undertake reasonable steps and positive measures to enable persons with disabilities to effectively exercise the right to freedom of expression on an equal basis with others. This includes adopting necessary measures to prevent violations by third parties; and ensuring that no private party interferes with an individual's rights to freedom of expression and protection from discrimination without substantial justification. They are required to establish a regulatory system for service providers that includes mechanisms to ensure genuine public participation, independent monitoring and compliance with regulations; and
 - c) Fulfil the right to freedom of expression of persons with disabilities: States should establish an enabling environment for the full enjoyment of the right to freedom of expression for persons with disabilities. They should take steps, to the maximum of their available resources and by all appropriate means, to ensure enjoyment of the right to freedom of expression of persons with disabilities. This includes providing effective remedies for violations of the right.
2. States should ensure that the exercise of the right to freedom of expression and information of persons with disabilities is subject to restrictions only on the grounds specified by international law. No restriction on freedom of expression and information may be imposed unless the state can demonstrate that the restriction:
 - a) Is prescribed by law: the law must be accessible, unambiguous, and worded with sufficient clarity and precision so as to enable individuals to foresee whether a particular action is unlawful;

- b) Pursues a legitimate aim, namely the respect of the rights and reputations of others, the protection of national security or of public order (ordre public), or of public health or morals;
- c) Is necessary and proportionate in a democratic society in pursuit of these legitimate interests.

Principle 4: Legal and policy framework for the protection of the right to freedom of expression

1. States should become parties and give effect in their domestic legislation, through incorporation or otherwise, to all international and regional human rights treaties guaranteeing the right to freedom of expression and information, as well to specific treaties and instruments for the protection of the rights of persons with disabilities.
2. States should ensure that the right to freedom of expression of persons with disabilities and the right to equality and non-discrimination is protected in their domestic legal system by:
 - a) Enshrining them in domestic constitutional provisions or their equivalents, in accordance with international human rights law;
 - b) Adopting clear legal and policy frameworks for their protection, in full compliance with international standards and best practices;
 - c) Establishing a clear legal, policy and institutional framework for protecting and promoting formal and substantive equality and for combating discrimination of persons with disabilities in its various forms, including direct and indirect discrimination, harassment and victimisation; they should also adopt comprehensive measures providing for reasonable accommodation and accessibility for persons with disabilities;
 - d) Adopting immediate, effective and appropriate measures to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the right to freedom of expression of persons with disabilities;
 - e) Adopting and implementing an explicitly gender-sensitive approach to all decision-making relating to persons with disabilities, in order to address the particular needs of women and girls and ensure that these are met;
 - f) Ensuring that persons with disabilities and civil society can meaningfully participate in the development and implementation of all disability related laws and policies and fully taking into account their views when developing and implementing such laws and policies.

Principle 5: Access to remedies

States should provide for sufficient safeguards against violations of the right to freedom of expression of persons with disabilities. They should provide for prompt, full and effective scrutiny of the validity of any restriction by an independent court, tribunal or other independent adjudicatory body as required by the rule of law. They should ensure that accessible and effective remedies are available when rights are violated: these should include pre-cautionary measures and non-judicial remedies, such as those awarded by dedicated regulatory agencies, dedicated human rights institutions and/or ombudspersons.

Principle 6: Accessibility

- 6.1. States should recognise that accessibility is indeed a vital precondition for persons with disabilities to exercise their right to freedom of expression independently, fully and on an equal basis with others. They should address accessibility in all its complexity, including media and digital technologies and services; and denial of access should be considered to constitute a discriminatory act, regardless of whether the perpetrator is a public or private entity.
- 6.2. Accessibility should be taken into account in all aspects and issues addressed in these Principles; it should be provided to all persons with disabilities, regardless of the type of impairment, their legal or social status, gender, age, or any other status.

Principle 7: Equality and non-discrimination

States should recognise equality before and under the law for all, prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. They should also take all appropriate steps to ensure that reasonable accommodation is provided in order to promote equality and eliminate discrimination against persons with disabilities. All persons with disabilities should have access to all the opportunities and resources that are available to the public and be able to participate in public life freely and openly.

Principle 8: Diversity

In adherence to the standards set out in these Principles, States should acknowledge and take into full consideration the diversity of persons with disabilities, recognising that different measures, solutions and responses are required to meet the needs of persons with disabilities.

Principle 9: Transparency and accountability

All international, regional, national and local decision-making related to disability must be transparent and, if necessary, evidence-based. It must ensure respect for the right to freedom of expression and information of persons with disabilities. Inter-governmental organisations and states should ensure that treaties and agreements, multi-lateral, bi-lateral and others, are



fully consistent with international human rights obligations to protect and promote the rights of persons with disabilities, including the right to freedom of expression and information.

SECTION 2: Freedom of information

Principle 10: Right of access to information for all

States should adopt specific and comprehensive legislation on access to information, guided by the principles specified in international law, in particular:

- a) Access to information should be guided by the principle of maximum disclosure. Laws which are inconsistent with the principle of maximum disclosure should be amended or repealed;
- b) Public bodies should be under an obligation to proactively publish key information;
- c) Public bodies should actively promote open government in all matters;
- d) Exceptions to the right to freedom of information should be clearly and precisely worded and subject to strict 'harm' and 'public interest' tests. This means that any refusal to disclose information must relate to limited legitimate aims; disclosure must threaten to cause substantial harm to that aim; and the harm to the aim must be greater than the public interest in releasing the information;
- e) Requests for information should be processed rapidly and fairly and an independent review of any refusals should be available;
- f) Individuals and organisations should not be deterred from making requests for information by costs;
- g) Meetings of public bodies should be open to the public;
- h) Individuals who release information on wrongdoing and who disseminate information about wrongdoing should be protected.

Principle 11: Persons with disabilities and the right of access to information

11.1. In adherence to standards set in the Principle 10, States should adopt additional measures to ensure that persons with disabilities have access to reliable and accurate information about all matters relevant for the realisation of their rights on the basis of proactive disclosure, in accessible formats and technologies appropriate to different kinds of disabilities. This should include, in particular, information related to:

- a) Health and health related services, including medical services, medical treatment and their alternatives;
- b) Sexual and reproductive rights;
- c) Social protection and other areas of support, including crisis support;
- d) Rehabilitation and community based rehabilitation services;
- e) Education and employment;

- f) Broad range of service deliveries;
- g) Publically funded programs;
- h) Housing, including community support, residential support, independent and congregate living facilities and opportunities, assistance with self-care, household care, mobility, leisure, and community participation;
- i) Communication support and community access;
- j) Information and advice services – including professional, peer support, advocacy, and supported decision-making.

11.2. Public bodies have a particular duty to ensure that their information is accessible in a range of formats responding to the diverse needs of persons with disabilities, including sign language, Braille, audio, electronic and easy-to-read and understand versions. Such bodies should also be models of best practice for the private sector, and all those providing services to persons with disabilities, who should also be encouraged to adopt such practices.

Principle 12: Collection of information, data and statistics

1. Public bodies and other duty bearers should ensure that accurate, reliable and comprehensive information and data related to disabilities are collected on a regular basis and maintained in an organised and systematic manner, while fully respecting the right to privacy and data protection, and for full realisations of human rights of persons with disabilities. In particular:
 - a) Information and data should be made available in open and machine-readable formats, using commonly available, open source or free software tools. Public authorities and other duty bearers should ensure that the data can be processed, evaluated, published and reused without undue restrictions;
 - b) Data should be disaggregated and reveal the multi-layered exclusions that persons with disabilities experience, including, but not limited to, disaggregation according to underserved areas, urban and rural disparities and upper and lower income quintiles.
2. Public authorities should develop indicators and benchmarks that monitor a state's progress towards the full realisation of the rights of persons with disabilities. In doing so, states should obtain guidance from relevant international global agencies with experience in producing indicators on different aspects of human development, such as the United Nations Department of Economic and Social Affairs, the United Nations Children's Fund and the World Health Organization; as well as proposals for indicators and benchmarks developed by experts and civil society. They should also collect best practices with regards to legal, policy and regulatory factors impacting persons with disabilities and share information and knowledge in this area.

Principle 13: Facilitating access to information for persons with disabilities

1. States should ensure that all procedures for accessing information apply to information relevant to persons with disabilities and ensure that the information is provided to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities. These procedures should ensure that requests for information are processed rapidly and fairly, there is an independent review of any refusals, complaint mechanisms are available and applicants are provided with assistance if necessary.
2. Information contained in publicly accessible registers, files or lists should be available free of charge. Alternatively, the costs of obtaining relevant information should not be prohibitive and should never exceed the actual cost of producing or supplying a copy. Costs should be waived in public interest cases and for applicants who would otherwise be unable to cover the costs.

Principle 14: Access to knowledge and culture

States should guarantee, in law and practice, that persons with disabilities have access to knowledge and culture on an equal basis with others and have the freedom to seek, receive and impart information and ideas in the form of art. This obligation includes, but is not limited to:

- a) Providing a limitation or exception to domestic copyright law for the blind, visually impaired and otherwise print disabled. The rights subject to such limitation or exception should include the right of reproduction, the right of distribution, and the right of making available to the public in order to facilitate the availability of works in accessible format copies for such beneficiaries. Authorized entities may, on a non-profit basis, produce accessible format copies, which can be distributed by non-commercial lending or by electronic communication; this should include having lawful access to the work, introducing only those changes needed to make the work accessible, and supplying the copies only for use by beneficiary persons. The blind, visually impaired and otherwise print disabled persons may also make a personal use copy where they have lawful access to an accessible format copy of a work;
- b) Allowing the import and export of accessible format copies under the conditions set in the Marrakesh Treaty;
- c) Ensuring that policies, funding and budgeting related to arts and culture are inclusive of accessibility features for persons with disabilities, and that that the universal design standards are adopted for the design of all libraries, cultural buildings, spaces, events, programmes, exhibitions, and related products and information;
- d) Requiring from tenders for public procurement of services in the area of knowledge and culture that they demonstrate their experience and understanding of needs, accessibility and inclusion of persons with disabilities.

SECTION 3: Access to all means of communication

Principle 15: Persons with disabilities and access to all means of communication

- 15.1. States must promote and adopt necessary measures - to the maximum of their available resources - to ensure universal and affordable access of persons with disabilities to all means of communication and to media services, including the Internet, digital technologies and mobile telephony. States must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, universal and affordable access to all means of communication. Even where the available resources are demonstrably inadequate, states should strive to ensure the widest possible access under the prevailing circumstances.
- 15.2. States should support the use of digital technologies in the realisation of the rights of persons with disabilities, especially by:
- a) Ensuring that the necessary infrastructure exists for access to all means of communication, including digital technologies and mobile telephony, and taking measures to ensure their maximum geographical reach;
 - b) Using accessible digital technologies to submit applications, forms, complaints and grievance redress mechanisms, to organise consultations issues related to persons with disabilities and provide help-lines;
 - c) Promoting digital literacy skills so that a wide range of individuals understand the benefits of digital technologies for the realisation of their rights and have the necessary skills to use them;
 - d) Enabling persons with disabilities to choose, and independently use, the digital technologies that best serve their needs.

Principle 16: Universal design

1. States should recognise and ensure that the development of digital technologies accommodates the needs and preferences of all persons with disabilities and is guided by the principles of universal design based on Universal Design for All and Open Access principles. This means that digital technology products and communications services should comply with the principles of:
 - a) Equitable use: they should be useful and marketable to persons with diverse disabilities;
 - b) Flexibility in use: they accommodate a wide range of individual preferences and abilities of persons with disabilities;
 - c) Simple and intuitive use: they are easy to understand regardless of the individual's experience, disability, knowledge, language skills, or current concentration level;
 - d) Perceptible information: they communicate the necessary information effectively to the person, regardless of ambient conditions or his/her sensory abilities;

- e) Tolerance of error: they minimise hazards and the adverse consequences of accidental or unintended actions;
 - f) Low physical effort: they can be used efficiently and comfortably, helping to reduce fatigue and the impact of a person's disability;
 - g) Size and space for approach and use: they are of the proper size and provide appropriate space for approach, reach, manipulation, and use, regardless of a person's disability.
2. States should promote universal design principles to develop, implement and promote digital technologies, including assistive technologies and equipment, as well as apps, browsers, web-pages, databases, software and products design, which could facilitate the participation of persons with disabilities in political and public life. These technologies and equipment should be accessible and affordable to all persons with disabilities.
 3. States should encourage, support, inspire, incentivise and lead partnerships with the private sector, and scientific and technology community to meet the needs of persons with disabilities in relation to accessible, affordable and inclusive products, services and content. They should provide education to decision-makers, developers and designers on accessibility and universal design and foster research in the areas where the technical means for achieving accessibility are still lacking.

Principle 17: Persons with disabilities and the media

1. States should create an enabling environment for persons with disabilities to realise their right to freedom of expression through a variety of means of communication, including traditional media, digital media, community media, social networks and mobile telephony.
2. States should adopt legal, regulatory and public policy frameworks for the media, including digital technologies, which promote their independence, diversity and pluralism, and thus allow for independent investigation and reporting on issues relating to persons with disabilities. Such frameworks should, inter alia, ensure that:
 - a) Persons with disabilities have equitable access to media resources, including training opportunities, and can use them in pursuit of their rights;
 - b) A wide range of independent media and ownership exists, allowing for pluralism and diversity of voices, viewpoints and languages of persons with disabilities within the media as a whole;
 - c) Persons with disabilities and their communities are able to freely access and use media and digital technologies for the production and circulation of content, including content relating to the rights of persons with disabilities, regardless of frontiers;
 - d) Public service and state media have a special obligation to provide information about, and permit, promote and inform debate on various concerns of persons with

disabilities and in so doing, should ensure that they give voice to diverse points of view, issues and stakeholders;

- e) Diversity, including in terms of media targeting different persons with disabilities and communities, is one of the criteria for assessing broadcasting licence applications;
- f) Community media, including community radio, are able to operate and to engage in content production and the dissemination of information relating to various concerns of persons with disabilities and to promote and exchange information about related issues;
- g) Any restrictions on the use of minority or local languages that have the effect of discouraging or preventing media to specifically address the views or interests of persons with disabilities, should be repealed.

SECTION 4: Empowerment to participate in public affairs

Principle 18: Persons with disabilities and public participation

18.1. States should require political parties, state and local institutions on all levels, broadcasting corporations and other bodies in receipt of state subsidies, licensing or funding to ensure that persons with disabilities have access to information which falls within the field of their activities, and that their infrastructure enables the meaningful participation of persons with disabilities, including but not limited to:

- a) Mainstreaming disability and the rights of persons with disabilities, including the right to freedom of expression, into their activities;
- b) Making sure that election information, political debates, campaigns and events are accessible to persons with disabilities and information is available in all necessary alternative formats, and are easy to understand;
- c) Ensuring political parties organise their public meetings and events in an accessible way;
- d) Guarantee the right to vote and provide reasonable accommodation for persons with disabilities to participate in elections at all levels. In particular, where persons with disabilities need assistance in order to vote or express their opinion, the state should ensure that, for example, they are allowed to be accompanied by a person of their choice in the voting booth when casting their vote. "Assistance" here means helping the person with disabilities to express his or her decision, not taking the decision in his or her place.

18.2. States should make sure that persons with disabilities and/or their representative organisations are involved in the whole policy cycle: programming, planning, implementing, monitoring and evaluating policies that affect persons with disabilities and their communities. States should support the active, free and meaningful participation of individuals, communities and groups representing them in decision-making processes– at national, regional and local levels – by:

- a) Ensuring that consultation processes are not merely superficial or limited to overall information sharing, but are conducted in good faith and provide real and meaningful opportunities to freely and actively influence decisions. This should include ensuring that:
 - i. All related information is communicated in accessible formats in an efficient manner, at the start of the decision-making and throughout the process at an appropriate time, through multiple channels and using culturally appropriate procedures;
 - ii. Meetings are organised in locations that can be easily accessed, and in a manner that renders them accessible to persons with disabilities;
 - iii. Consultations begin at the start of the initiative, process or project and sufficient and reasonable time is allocated at every stage for the public participation of persons with disabilities;

- iv. Funds are appropriately spent on interventions that are needed and which strengthen the capacity of persons with disabilities to engage;
- v. Appeal mechanisms are available for affected persons with disabilities and their communities if they believe that their opinions were not fairly considered.

18.3. States should take effective steps to ensure that women with disabilities are fully included in decision-making processes concerning them. They should promote gender-sensitive participatory processes that both empower women and raise awareness of gender issues in the society at large.

Principle 19: Promoting inclusion of persons with disabilities

19.1. States should adopt a range of positive measures – including in the fields of media regulation, education, social security, health care, access to goods and services, immigration, crime, sport and culture – to tackle prejudice and discrimination against persons with disabilities, including:

- a) Creating independent equality institutions, with proper financial support, and with mandates to develop data collection mechanisms and to promote empirical and other research on discrimination on grounds of disability;
- b) Conducting public education and information campaigns to combat prejudices, negative stereotypes of, and discrimination against, persons with disabilities and foster enabling environments for persons with disabilities in society. Such campaigns should be integrated into primary, secondary and tertiary education, and complemented with concrete anti-bullying policies, including the provision of support services for victims of bullying, including peer-led initiatives;
- c) Imposing obligations on public officials at all levels, including ministers, to avoid as far as possible making statements that promote discrimination or undermine the equality of persons with disabilities. For civil servants, this should be reflected in formal codes of conduct or employment rules;
- d) Providing trainings for public officials and other public figures on the rights of persons with disabilities, including the right to freedom of expression and the right to equality and non-discrimination, particularly where discrimination might be institutionalised or go unchallenged, such as in schools and other educational settings, the medical profession, the judiciary, legal services or political associations;
- e) Mainstreaming disability to their work through making the concerns and experiences of persons with disabilities an integral part of the design, implementation, monitoring and evaluation of their policies and programmes. This requires that all measures, programmes, services and practices are assessed to determine their impact on the participation of persons with disabilities, instead of simply assuming their neutrality.

19.2. Prohibitions of incitement to discrimination, hostility and violence and “hate speech” should include disability among protected grounds and comply with international freedom expression standards, which include:

- a) The criminalisation of incitement to violence, hostility and discrimination against persons with disabilities should be narrowly construed and criminal sanctions should not be the only measures used when prohibiting incitement, but rather be the last resort when imposing sanctions;
- b) A variety of civil and administrative remedies should be available to persons with disabilities who are victims of incitement and/or “hate speech” and states should also consider alternative forms of remedy for victims;
- c) The judiciary, law enforcement authorities and public bodies should consider the perspective of victims with disabilities when deciding incitement and “hate speech” cases.

SECTION 5: Other actors

Principle 20: Roles and responsibilities of other actors

20.1. All media organisations, private companies operating in the field of digital technologies and other stakeholders, in particular libraries, should recognise that they have a moral and social responsibility to promote the right to freedom of expression and equality and non-discrimination of persons with disabilities. In particular, they should:

- a) Ensure that their workforces are diverse and representative of society as a whole;
- b) Adopt guidelines, strategies and procedures for mainstreaming disability into their work.

20.2. All mass media organisations should take steps, in particular, to:

- a) Seek a multiplicity of sources and voices of persons with disabilities, rather than representing persons with disabilities as a monolithic bloc;
- b) Adhere to high standards of information provision that meet recognised professional and ethical standards;
- c) Ensure that professional codes of conduct for the media and journalists reflect equality principles and that effective steps are taken to promulgate and implement such codes;
- d) In their work, media outlets and journalists should:
 - i. Take care to report about persons with disabilities in context and in a factual and sensitive manner, while ensuring that acts of discrimination are brought to the attention of the public;
 - ii. Be alert to the danger of discrimination or negative stereotypes of persons with disabilities being furthered by the media;
 - iii. Avoid unnecessary references to disability that may promote intolerance and pointing out disability only when relevant;
 - iv. Raise awareness of the harm caused by discrimination and negative stereotyping of persons with disabilities;
 - v. Report on different groups of persons with disabilities and giving their members an opportunity to participate in a way that promotes a better understanding of these groups, while at the same time reflecting the perspectives of different individuals, groups or communities.

20.3. Private companies operating in the field of digital technologies, including those that design, develop, manufacture and distribute digital technologies should, in particular, take steps to:

- a) Mainstream digital products for persons with disabilities;
- b) Improve their knowledge and ability to respond to the needs and views of persons

with disabilities and involve them in development and design of accessible, affordable and inclusive products and services, taking into account universal design principles as outlined in Principle 16;

- c) Expand the accessibility skills of digital technology professionals, including by organising educational programmes, trainings and exchanges, global and local cooperation and harmonisation of accessibility practices and technical standards;
- d) Actively participate in public – private partnerships to help meet the needs of persons with disabilities in relation to accessible, affordable and inclusive products, services and content.

Background

These Principles are part of ARTICLE 19's International Standards Series, an ongoing effort to elaborate in greater detail the implications of freedom of expression in different thematic areas. Their development was motivated by a desire to encourage greater global consensus about the importance of the right to freedom of expression for all people in the society, in particular groups who are marginalised and discriminated against.

These Principles are the result of a process of study, analysis and consultation, drawing on extensive experience and work by experts and organisations in many countries around the world. The process of developing these Principles included a meeting of experts on freedom of expression and persons with disabilities in London on 18 – 19 June 2014. Following this meeting and further consultations and internal discussions, ARTICLE 19 drafted the Consultative Version of the Principles that are available for comments and discussion in a period of October – December 2016. Civil society organisations, activists, policy makers, academics, media and all other stakeholders are invited to feedback on the draft and to contribute to the final version of the Principles.

ARTICLE 19 appreciates the input and support of all individuals and organisations that wish contribute to the development of these Principles.

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