COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES
Fourth Session
Day of General Discussion - 7 October 2010

Memorandum submitted by G3ict, the Global Initiative for Inclusive ICTs
On Implementing the ICT Accessibility Provisions of the Convention on the Rights of
Persons with Disabilities

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Preface

The Convention on the Rights of Persons with Disabilities (CRPD) at large - and more specifically its Article 9 - creates the first universal legal and policy framework for State Parties to promote the accessibility of Information and Communication Technologies - ICTs - and assistive technologies.

An estimated 650 million persons live with disabilities worldwide, whose ability to enjoy fundamental freedoms and full participation to society is increasingly dependent upon their ability to interactwith multiple and pervasive ICT interfaces and applications in their daily lives such as mobile phones, ATMs, web sites, television, electronic forms, digital books, computers or voting machines, many of which are not accessible.

How the implementation by State Parties of the Right to ICT Accessibility articulated under Article 9 of the CRPD may be facilitated by the tools and activities developed by the Global Initiative for Inclusive Information and Communication Technologies (G3ict) is the subject of this submission to the Committee on the Rights of Persons with Disabilities (Committee).

G3ict's Submission to the Committee on Disability for 7 October 2010

G3ict submits the following written contribution regarding Right to Accessibility. G3ict's intends to address the following two subtopics: (a) The right to access, on an equal basis with others, to information and communications; and (b) Discussion of best practices on the implementation and promotion of the Right to Accessibility. Furthermore, G3ict will describe how its operational priorities, capacity building programs and benchmarking tools contribute to the Right to Accessibility under the CRPD. In addition, G3ict will discuss the short- and long-term prospects of its projects and practices for use by the Committee - and other interested stakeholders.

A description of G3ict's mission, background and activities is available at the end of this document in Annex II.

Accessibility Rights and ICT Accessibility in the CRPD

This is the age of information. More specifically, technology has more than ever put information at the center of economic and social development. Information is a global resource of unlimited potential for all. Information belongs to the public. Countries do not create information for their own benefit alone, but for the benefit of their citizens,

as part of the legitimate and routine discharge of governments' duties. Information is generated with public money by public servants paid out of public funds.

The preamble of the CRPD is quite vigorous in its depiction of "accessibility" in general as a fundamental right of persons with disabilities. It specifically covers information and communication together with education, health, environment, etc. enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms. This language is written in the preamble in subparagraph (v), making accessibility a cornerstone of the CRPD. As such, it is one of the most important dispositions that will affect the lives of persons with disabilities around the world. Accessibility includes the right to <u>seek</u>, <u>receive</u> and <u>impart</u> information and ideas concerning human, civil, social, political, and economic issues in an equitable way.In fact, Article 9 of the CRPD defines accessibility in a very strict fashion. It elevates access to ICTs to a par with access to the physical environment and to transportation. This has immense consequences because many ICT interfaces are inaccessible today.

A direct and far reaching consequence of the definition of accessibility in article 9 is that each mention of"access", "accessibility" or "reasonable accommodation" automaticallyimplies accessible ICTs or accessible interfaces for users. How many times do words such as "access", "accessible", "accessibility" or "reasonable accommodation" appear in the text of the CRPD? Through its own analysis, G3ict identified 17 instances of the word "access" or "accessible" or "accessibility" and seven times the words "reasonable accommodation" in the text of the CRPD. So in effect, almost half of the CRPD Articles which are non-procedurals contain dispositions which imply some form of ICT accessibility obligation.

Furthermore, in October 2009, the U.N. Secretary General issued guidelines on the treaty-specific reporting document to be submitted by State parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities (CRPD/c/2/3). How many times do words such as "access", "accessible", "accessibility" or "reasonable accommodation" appear in the text of CRPD/c/2/3? G3ict identified 52 instances of the word "access" or "accessible" or "accessibility" and five times the words "reasonable accommodation" in the text of the Guidelines CRPD/c/2/3 (See, Table below).

CRPD Articles and Guidelines to State Parties Applicable to ICTs

CRPD Dispositions Applicable to ICTs	CRPD Articles	Accessibility Requirements	Reasonable Accommo-dation	Promoting Assistive Technologies
Non discrimination	5		✔	
E-Government	9.2.a	✔		
Media and Internet	9.1, 9.2.g	✔		
Television	30.1.b	✔		
Private Sector Services	9.2.b	✔		
Liberty and Security	14		✔	
Living independently	19			✔
Education	24	✔	✔	✔
Employment	27	✔	✔	
Political Rights	21, 29	✔		✔
Emergency services	9.1.b, 11	✔		
Culture & Leisure	30.5.c	✔		
Private sector services	9.2.b	✔		
Personal Mobility	20			✔
Rehabilitation	2			✔
Accessibility standards	9.2.a	✔	✔	✔
ICT product development	9.2.h	✔	✔	✔
International Cooperation	32	✔	✔	✔

Statistics and data	31	✓	✓	✓

Pertinent and Available G3ict Projects for the Monitoring and Promotion of Good Practices and Policies in support of accessible and assistive ICTs

A key feature of G3ict's work has been the development of a suite of best practice knowledge, curriculum and benchmarking tools aligned with the CRPD and the Right to ICT Accessibility. These deliverables can be effectively used by ratifying States to address their implementation and reporting requirements under the CRPD.

In this regard, G3ict deliverables include:

(a) The "Self-Assessment Framework" based on the CRPD, and developed by G3ict's Research Committee;

(b) TheG3ict CRPD Progress Report on ICT Accessibility for Persons with Disabilities,developed with the support of Disabled People's International (DPI) and the Washington, D.C.-based law firm POWERS PYLES SUTTER & VERVILLE P.C.,

(c) An online "e-Accessibility Toolkit for Policy Makers" in collaboration with the International Telecommunications Union (ITU) and the support of the World Blind Union and the National Disability Authority of Ireland, and;

(d) Capacity building programs for State Parties' Policy Makers, Disabled Persons Organizations and industry

The Self-Assessment Framework

One fundamental goal of States that have ratified the CRPD is to take ownership of their compliance obligations under the treaty that they have signed. Relying on the Self-Assessment Framework,ratifying States -- as well as States planning to ratify the CRPD – can evaluate their own progress toward domestic conformity with the CRPD's ICT accessibility requirements. Self-assessment can be the most constructive way to discover problem areas in extant methods of CRPD implementation while engaging relevant stakeholders in the process.

The gaps between the reality of the national situation and CRPD requirements should become clear when States scrutinize policy and practice to develop their self-assessment reports.Self-assessment results and reports can be used to mobilize concerned actors within States to work together to promote the CRPD agenda, especially if various governmental agencies, disabled persons organizations (DPOs) and nongovernmental organizations (NGOs) contribute to the Self-assessment and reporting

process. Self-assessment may facilitate advocacy and needed improvement on many levels by encouraging cooperation among concerned actors within States.

The Self-Assessment Framework is available for free download at:
http://g3ict.org/resource_center/publications_and_reports

The e-Accessibility Policy Toolkit for Persons with Disabilities

The Toolkit is designed for policy makers from all sectors of government as well as for advocacy organizations and private sector operators seeking references on ICT accessibility solutions, standards, good practices and policies. Organized by areas of policy making and areas of technology and services, the Toolkit looks at all the policy aspects of implementing the ICT accessibility and Assistive Technologies dispositions of the CRPD. It includes a series of horizontal issues and non-sector specific issues that may fall outside the mandate of the traditional ICT policy makers and regulators.

For example, accessibility advocates have found that public procurement procedures that require government agencies to purchase only accessible ICTs leads vendors to produce accessible equipment that is sold to private customers as well. Likewise, while a voting machine may incorporate ICTs, few ICT ministers or regulators have been given a mandate to regulate ICT-enabled voting machines which may be inaccessible.

Policy makers and regulators - and others - can read and explore the full range of issues covered by this Toolkit. ICT-sector policy makers may well find that they can adopt some of the horizontal practices to promote greater e-accessibility. Similarly, policy makers outside the ICT sector can adopt sector-specific practices in their own domain, for example, to develop accessible e-government websites. For ease of use, the Toolkit includes an electronic index that enable those users concerned with more specific issues to quickly access best practices related to their area of concern.

The e-Accessibility Policy Toolkit for Persons with Disabilities is available at:
www.e-accessibilitytoolkit.orgA print version of the Toolkit will be available in November 2010.

The G3ict CRPD Progress Report on ICT Accessibility for Persons with Disabilities

The G3ict CRPD Progress Report on ICT Accessibility offers States and international organizations monitoring the progress of the implementation of the CRPD by State Parties a unique benchmarking tool that collects data on country level laws, policies,

and programs pertaining to Accessible and Assistive Information and Communication Technologies around the globe. It includes 57 data points relative to the status of ICT accessibility and assistive technologies for each country surveyed.

Data collection for the first edition of the G3ict Progress Report on ICT Accessibility has been completed in cooperation with Disabled Persons' International and various local disabled person's organizations and experts in countries where DPI did not have a functioning assembly.

Two questionnaires, one for legal experts and one for ICT accessibility experts have been filled by over 70 local correspondents in 32 countries for its 2010 edition.

Data is collected and presented within the following clusters of data points:

- State PartyCRPD legal and programmatic commitments;
- State Partycapacity for implementation;
- Assessment of the State's implementation and actual results for Persons with Disabilities

By drawing links between states' commitments and implementation/impact on people with disabilities and comparing data from various countries including from other international statistical sources, significant findings, benchmarks and recommendations may be derived from the G3ict Progress Report for policy makers and monitoring international institutions.It identifies the degree to which each of the dispositions of the CRPD on ICTs is actually enacted in local laws, policies and regulations and their impact.

The G3ict Progress Report on ICT Accessibility first edition includes 32 ratifying countries and its first results have been compiled in time for the October 7 Day of Discussion on Accessibility organized by the Committee on Disability (see annex 3).   Based on the results of this first edition and feedback received by G3ict, a second edition of the G3ict Progress Report will be produced in 2011. G3ict will also discuss the merit of creating a web based country data repository on accessibility.

Capacity Building

International cooperation and capacity building activities for State Parties focus on the following topics:

1. Developing an accessible information infrastructure
2. Establishing programs to promote accessible ICT products and servicessuch as awareness raising of solutions, standardization or public procurement activities

3. Make assistive technologies and services available to persons with disabilities via specific channels such as schools and universities, workplaces and rehabilitation centers.

Addressing the information infrastructure is an excellent opportunity for the Committee on Disability to promote ICT accessibility policies among State Parties. State Parties are indeed well equipped to work with theirnational Telecommunications Regulatory Authorities: they oversee and regulate in most countries land line telephony, mobile services, Internet Service Providers and often broadcasting. In addition to existing regulatory processes in place, most regulatory authorities have good levels of expertise, monitor international trends and are members ofthe ITU and various international associations of regulators. Quite often, regulatory authorities also work with other government agencies involved in developing national e-government or ICT development plans including e-government services. In addition, they are an excellent starting point to affect change on a large scale:
-        ICT infrastructure and services are run by a limited number of operators impacting most of the population on a national scale
-        They provide services with the greatest reach (mobile phones, television, landlines)
-        ICT accessibility solutions exist, are sustainable and already implemented around the world on standardized technical platforms, so there is no technical obstacle
-        Regulatory authorities can work with their national Universal Service Fund to cover costs associated with the deployment of accessible and assistive ICTs consistent with universal service obligations

All aspects mentioned above are covered by the ITU-G3ict e-Accessibility Policy Toolkit for Persons with Disabilities and included inawareness raising and capacity building programs for interested State Parties which have been deployed since 2007 in cooperation with the ITU, UNESCAP, World Bank, UNESCO, NGOs and national government agencies.

Within the United Nations, several agencies, in addition to the ITU, are engaged in critical ICT accessibility issues such as the UNESCO in relation to information, culture and education or the ILO in relation to the work place, opening the door to capacity building programs covering specific areas of ICT accessibility and assistive technologies. A cooperation agreement between UNESCO and G3ict was executed in 2010 to this effect.

Possible synergies between G3ict Activities and the Objective s of the Committee on Disability (and Ratifying States)

The Committee on Persons with Disabilities and ratifying States can use these G3ict deliverables to address the general mandate of the Right to ICT Accessibility, as well as the specific requirements of the CRPD regarding information, and accessible ICTs and

ATs. The Self-Assessment Framework allows a State to comprehensively <u>identify where it strengths and weaknesses</u> lie. The <u>G3ict Progress Reporton ICT Accesibilityoperates as a 'dashboard'</u> allowing a State to succinctly gauge the status - alone, and in relation to other ratifying States- of its progress with key Right to Accessibility elements of the CRPD. The e-Accessibility Toolkit provides States - and stakeholders - with a wealth of knowledge about <u>policies, programs and practices benchmarked to pertinent CRPD dispositions</u> and can be used by a State to address weaknesses and gaps identified through a State's self-assessment activity. Capacity building programs leveraging the Toolkit and its network of contributors are also a good way to raise awareness and create a positive environment for local policy makers and their stakeholders to define national ICT accessibility roadmaps.

Those tools seem particularly relevant in the context of the guidelines issued by the United Nations Secretary General on the reporting document to be submitted by State parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities (CRPD/c/2/3). It specifies in particular that *"State Parties, regarding article 9 should report on <u>the identification and elimination of obstacles and barriers to accessibility including from both within the public and the private sector, and national accessibility plans established with clear targets and deadlines"</u>*.

ANNEX I

Recommendations to the Committee on the Rights of Persons with Disabilities regarding monitoring and promoting ICT Accessibility

RECOMMENDATION #1 – Reference the three tools (G3ict CRPD Progress Report on ICT Accessibility, Toolkit, and Self-Assessment)developed by G3ict in cooperation with other international organizations among the various data sources which will be used for monitoring purposes, provide feedback and guidance as needed to G3ict,and suggest their useby nations that ratify the CRPD.

RECOMMENDATION #2 –Recommend that the Committee on Disability establishes a minimum set of data to be reported by countries on ICT accessibility and thatinternational organizations cooperate with G3ict to coordinate data collection and include questions on ICT accessibility and assistive technologies in their regular annual statistical surveys of members states (ITU, UNESCO, ILO, WHO and World Bank in particular).

RECOMMENDATION #3 – Recommend that G3ict, in cooperation with State Parties, relevant international organizations and professional associations, continue the development of capacity building for policy makers promoting the accessibility of national information infrastructures with a focus on mobile phones, television and assistive technologies in education.

RECOMMENDATION #4–Recommend that G3ict and Standard Development Organizations provide an annual report to the Committee on Disability regarding the progress made in establishing and promoting ICT Accessibility Standards as per article 9.2 (a): "States Parties shall also take appropriate measures to: Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public".

ANNEX II

About G3ict - The Global Initiative for Inclusive Information and Communication Technologies

G3ict is a flagship advocacy initiative of UN-GAID, the United Nations Global Alliance for ICT and Development. Initiated in December 2006 in cooperation with the Secretariat for the CRPD at UN DESA, G3ict is a nonprofit multi-stakeholder organization dedicated to facilitating the implementation around the world of the ICT Accessibility Agenda defined by the Convention on the Rights of Persons with Disabilities. Its activities are supported by a global network of ICT accessibility experts, policy makers, public sector institutions, ICT industries and the private sector, international standards development organizations, associations of persons with disabilities, and academia. Participating international institutions include the International Telecommunication Union (ITU), the United Nations Education, Cultural and Scientific Organization (UNESCO), the United Nations Institute for Training and Research (UNITAR), the World Bank, the European Commission, and the Global Partnership for Disability and Development.

Funding and logistic support of G3ict's capacity building programs for State Parties to the CRPD is provided since inception by private sector donors, foundations and international institutions among which the Mozilla Foundation, the Dominic Foundation, the World Blind Union, the National Disability Authority of Ireland, the Roselli Foundation, Politecnico di Milano, George Washington University, the Center for Internet and Society (India), China Disabled Persons Federation, several national and local host governments, IBM, Microsoft, AT&T, Samsung, Air France, W2i, the Wireless Internet Institute, TecAccess, Internet Speech, the International Telecommunication Union, UNESCO, UNITAR and UNESCAP.

G3ict is chaired by His Excellency Luis Gallegos, Ambassador of Ecuador to the United States, past chair of the United Nations Ad-hoc Preparatory Committee of the Convention, and is led by its President and Executive Director, Axel Leblois, who served for over 20 years as president and CEO of several corporations in the ICT industry. Directors, committee members and editorial contributors and experts of G3ict serve on an honorary basis.

To accomplish its mission, G3ict implements the following set of priorities:

1.	Raise awareness on effective public policies, private sector initiatives, and standardization references. It reached 4,500+ ICT accessibility stakeholders via over 60 conferences, seminars, outreachactivities, and publications as of August 2010;

2.	Facilitate the sharing of solutions and good practices through a Web-based platform www.g3ict.orgincluding an electronic newsletter, worldwide databases on country

achievements, companies ICT accessibility policies, and case studies, books and white papers from leading authors and institutions on specific areas of technology or public policy of interest to member states;

3. Foster harmonization and standardization by facilitating on-going discussions with the participation of ITU, ISO, ETSI, ANSI, TEITAC and other leading Standards Development Organizations via forums and Web-based activities;

4. Support policy makers with capacity building programs and benchmarking tools in close cooperation with international development organizations such as the ITU, UNESCO, UNESCAP, the World Bank or UNITAR.

ANNEX III

Results of the G3ict CRPD Progress Report on ICT Accessibility

See complete presentation separately