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Web accessibility in the European Context

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Introduction

This paper is intended to serve as a background information resource on the state of policy initiatives and progress in the field of web accessibility within the European Community. It will provide an overview of the evolution of policy development on e-accessibility, that is, the accessibility of information and communication technologies (ICT), by the EuropeanCommission and focus in particular on its commitment to realizing an accessible web for all for its citizens with disabilities.

In spite of long-standing clear recommendations to Member States by the European Commission that all public websites are to be made accessible by end 2010, policy measures to date have had very limited impact on the state of website accessibility. A 2008 study that examined a sample of public sector websites throughout Member States showed that only 5.3% of these reached the minimum level of accessibility recommended.[1] With no appreciable improvement in this situation evident over the past 3 years it is reasonable to assume that the target of reaching 100% compliance by the end of this year is nowhere close to being realized.

This paper will make recommendations, based on the evidence available to date, for future policy developments by the European Commission as it moves towards ratifying the UN Convention on the Rights of Persons with disabilities (CRPD).

The author suggests that the Committee on the Rights of Persons with Disabilities take a specific action, in whatever way its deems appropriate, to encourage the European Commission to meet the targets it has set for the realization of an accessible web within the European Union through the introduction of strong legislation and support measures as highlighted in the *Recommendations* section below.

European Community and the UN CRPD
In addition to its 27 Member States, the European Community has signed the UN CRPD and is currently considering its ratification and signing the Optional Protocol.The Convention contains significant obligations for all State Parties on securing the right of persons with disabilities to accessICTs. [2]

An important sub-set of ICT accessibility is access to the web. This paper focuses specifically on the issues of policy development in support of web accessibility for the following reasons:

- accessibility of websites facilitates persons with disabilities to enjoy and participate in a wide range of life activities such as education, employment, commerce, social interaction and public services.

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[1] http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm
[2] Full text of the Un Convention on the Rights of Persons with Disabilities is available here:
http://www.un.org/disabilities/default.asp?navid=13&pid=150

- The UN CPRD contains specific dispositions on the accessibility of ICTs including access to digital media and the internet as a means for the enjoyment of other rights by persons with disabilities
- International standards on web accessibility have been in place since 1999 and were updated in 2008.
- Web accessibility has long been, and continues to be, the subject of policy development in EU Member states, by the European Commission and in other regions around the world

In spite of all of the above, levels of web accessibility, as measured by European Commission monitoring reports are shown to be very low and with no appreciable improvement overtime. It likely that current and future targets set by the Commission will continue to go unmet without the introduction of strong legislation and other supportive measure by the Commission to be adopted by Member states.

Innovative nature of UN CRPD in relation to ICT's

The Convention contains a number of innovative and progressive concepts on the enjoyment of human rights by persons with disabilities through access to ICTs.[3]The preamble to the Convention recognizes the "importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms". Accessibility is one the over-arching General Principles of the Convention contained in Article 3. Article 9 holds that the accessibility of ICTs is of equal importance to other domains such as the built environment and transportation in enabling persons with disabilities to live independently and participate fully in the social economic and political life of the state. It is defined in Article 9 to include access to new and existing ICTs, electronic services and the Internet. Therefore all sector specific accessibility dispositions that follow in the Articles of the Convention cover ICT accessibility. These sectors include e-government, media and the internet, education, employment, political rights, emergency services, culture and leisure and private sector services.

Current state of web accessibility in Europe

A 2008 study "Measuring Progress of e-Accessibility in Europe" (MeAC)[4] study used a variety of testing methods (automated and manual) to test a representative sample of key public and sector/commercial websites in each Member State against the minimum level of accessibility of the international standards (Web Content Accessibility Guidelines version 1.0)[5]. The study found that only a very small percentage of public websites (less than 12.5% for automated and 5.3% for manual tests) were found to meet the minimal levels of accessibility as per the international guidelines. The situation was somewhat worse for private sector website with 3.9% passing the automated testing and

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[3] http://www.un.org/disabilities/default.asp?navid=23&pid=151#iq1
[4] http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm
[5] http://www.w3.org/TR/WCAG10/

none passing the more detailed manual testing. Low levels of web accessibility across member states presents barriers to optimal functioning of the internal market in areas such as cross-border shopping, procurement of web-development products and services, and free movement of the many citizens with eAccessibility needs

Current legislative approaches – national and European level

EU e-inclusion and e-accessibility policy is framed within the context of general social equality and economic EU policies.   The following is a brief history of policy recommendations and targets set for web accessibility by the European Commission over the past 10 years.

- i2010 is the EU policy framework for the information society and media[6]. It promotes the positive contribution that information and communication technologies (ICT) can make to the economy, society and personal quality of life.[7]
- At the 2006 ministerial conference in Riga, the Riga Ministerial Declaration was signed by ministers from 34 European countries comprising of EU Member States, accession and candidate countries, and EFTA/EEA countries.[8] It contained a range of specific e-Inclusion targets including that that all public websites are to be made **100% accessible by 2010.**
- A highlight recommendation contained in the European Commission Communication "Towards an accessible information society" adopted in December 2008 is that Member States should move towards **adopting the new version of the international guidelines** (WCAG 2.0) on their release. The new version of the guidelines became a full recommendation by the World Wide Web Consortium (W3C) shortly thereafter.[9]
- In two recent communications from the Commission, "Single Market for the 21st Century" and "Renewed Social Agenda", e-inclusion goals in general and equal access to the internet in particular are put forward are key objectives in the formation of the Single Market, enhancing economic prosperity and social cohesion and tackling social exclusion.
- In 2005 the European Commission issued a mandate to the European Standardisation Organisations (ESOs) to develop common requirements for ICT in the field of **public procurement**, including conformance assessment mechanisms. Phase 1 of Mandate 376 (now complete) identified current relevant accessibility standards,

[6] http://ec.europa.eu/information_society/eeurope/i2010/index_en.htm
[7] http://ec.europa.eu/information_society/eeurope/i2010/key_documents/index_en.htm#i2010_Communication
[8] http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/06/769&format=HTML&aged=0&language=EN&guiLanguage=en

[9] http://ec.europa.eu/information_society/newsroom/cf/itemdetail.cfm?item_id=4569

conformity assessment methods and procurement practices.[10] Phase 2 will develop a number of influential deliverables including:

- a **European standard on e-accessibility** for older people and people with disabilities
- a guidance document on using the Standard including
- an electronic procurement toolkit
- and guidance on conformity assessment.

- "A Digital Agenda for Europe" is Europe's new action plan for promoting economic growth and inclusion. It contains a number of actions lines on e-inclusion specifically action 2.6 that states that based on a review of options the Commission will make proposals by 2011 "that will make sure that public sector websites (and websites providing basic services to citizens) are **fully accessible by 2015**". [11]

- A proposed "Equal Treatment" Directive currently in draft will implement "the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation".[12] When enacted this Directive will introduce EU-wide protections against discrimination in relation to access to goods and service provided to the public. The extent to which this will cover e-accessibility is still unclear with some commentators saying that the provisions for web accessibility should be significantly strengthened in order to provide older people and people with disabilities with equitable access to online goods and services. This would be inline with advancements being considered in web accessibility regulation in the USA which is moving towards extending current federal regulations include website as places of "public accommodation".

With EU-level policy measures on web accessibility in place for 10 years, almost all Member States have developed some national web accessibility policies. The 2008 study "Measuring Progress of e-Accessibility in Europe" (MeAC) identified the range of these policy approaches which include:
- frameworks of e-government or disability law
- equality legislation
- Interventional approaches such as ministerial resolutions,
- national action plans,
- strategic policy frameworks and
- codes of practice

The MeAC report concludes that inspite of significant policy recommendations to Member states that

"Ultimately **a legislative approach may be required** to achieve the levels of progress and coordination that are needed. Such an approach would be consistent with many of the key policies and objectives of the European

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[10] http://ec.europa.eu/information_society/activities/einclusion/archive/deploy/pubproc/eso-m376/index_en.htm
[11] http://ec.europa.eu/information_society/digital-agenda/index_en.htm
[12] COM(2008) 426 final, Brussels, 2.7.2008

Union, including internal market and freedom of movement, consumer policy, the Lisbon Strategy for the knowledge society and the social agenda, as well as the more specific fields of equality/non-discrimination and the implementation of commitments under the UN Convention on the Rights of Persons with Disabilities"[13].

Conclusions and Recommendations

It is clear that the European Commission views web accessibility as a key priority for the achievement of a single market and the inclusion of persons with disabilities. It is important that the work of key units within the DG Employment, Social Affairs and Equal Opportunities and DG for Information Society and Media continues. However new legislation and further affirmative action is clearly required that firmly enforces the rights of persons with disabilities to access information and services on-line.

This includes:
- European legislation requiring member states to make their website accessible
- The development of technical regulations for web accessibility which member states must adopt and comply with. This regulation should adopt WCAG 2.0 and include an element of international cooperation with other regions that have implemented web accessibility regulations
- A mechanism for monitoring, reporting and self-learning within the legislation that will allow the regulation to be reviewed and improved overtime and that enables transparency on the performance of Member States in relation to their obligations. The introduction of a certification scheme based on previous work funded by the Commission should also be reconsidered[14].
- A mechanism as national and EU level for complains to be made and action taken to encourage persistently non-compliant Member states or websites to take remedial action
- The completion of the second phase of Mandate 376 and the related Mandate 420. There has already been a Ministerial commitment given in 2006 to fully leverage this approach as part of the eInclusion efforts of the EU.[15] This would potentially place obligations on Member states to adopt a European eAccessibility standard and a related toolkit for public procurement.

The evidence suggest that that the new targets for web accessibility in Member states set by the Commission in the Digital Agenda for Europe will continue to remain unmet without the strengthening of existing legislation and the introduction of new binding legislation at EU level. The Digital Agenda for Europe allows for the development a review of options and the introduction of new proposals. It is imperative that these new proposals take the form of binding legislation with sufficient support actions such as monitoring and capacity building to ensure that this impart ant human right is realized in Europe

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" [13] *Empirica Gesellschaft für Kommunikations und Technologieforschung mbH, Bonn, Work Research Centre Ltd, Dublin and others, Accessibility of ICT products and services to Disabled and Older People. Evidence-based analysis for a possible coordinated European approach to web accessibility, November 2008.* Page 41
http://ec.europa.eu/information_society/activities/einclusion/docs/access/comm_2008/coordinated_approach.doc

[14] http://www.wabcluster.org/

[15] Ministerial Declaration Approved Unanimously on 11 June 2006, Riga, Latvia
(http://ec.europa.eu/information_society/events/ict_riga_2006/doc/declaration_riga.pdf.)