



G3ict

The Global Initiative for Inclusive ICTs
A Flagship Advocacy Initiative of the United Nations Global Alliance for ICT and Development

WEB ACCESSIBILITY POLICY MAKING: AN INTERNATIONAL PERSPECTIVE

A G3ICT WHITE PAPER

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Introduction

Life in the 21st century has been significantly transformed by the Internet. Indeed, every region in the world has experienced over 100% growth in Internet usage in the last eight years.¹ Information, news, email, social interactions, shopping, and entertainment are available in an instant across the world. Yet, for anyone with a disability or impairment—over 650 million people worldwide—there is no way to fully access this singular portal to modern life. As a result persons with disabilities are left on one side of a digital divide.

It is true that the Internet and modern information communication technologies (ICT) have revolutionized the lives of the disabled. Assisted by electronic screen readers which read text out loud, the blind no longer are dependent on either others reading to them or on expensive and not widely available materials such as audiotapes or Braille texts. The deaf can more easily read transcripts of speeches or view videos with close-captions. Those with motor disabilities, otherwise unable to pick up a book, can access the web through personally tailored assistive technologies. Yet, the potential of the web to connect those with disabilities into contemporary life is vastly underutilized. Often, websites are only navigable with a mouse. Very little video content has been captioned for the deaf. Many website graphics lack text that would enhance access for the blind.

While the Internet has vast potential to revolutionize disabled persons access to information, simple oversights such as these leave much of that potential untapped. Enhanced web accessibility benefits the non-disabled sectors of society as well in a myriad of ways. Businesses and governments are increasingly recognizing that it is unwise to exclude the sizable portions of the population with disabilities from online access to information, from both economic and legal perspectives. And most of the adaptations that make web content accessible to the disabled in fact benefit nearly everyone: additional illustrations and captions, easy-to-use navigation systems, and coherent organization improve information accessibility for all. The case for web accessibility initiatives is clear.

The International Legal Context

In light of the mutuality of interests inherent in improving web accessibility, many countries are taking measures to attain this goal. While different nations exhibit slightly different approaches, a common trend is for nations to support and adopt the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines and Techniques (WCAG), originally developed in 1999 and updated in 2008. The Guidelines provide a ready reference of accessibility principles for

¹ <http://www.internetworldstats.com/stats.htm>

websites, web software and website tools, and easy means of assessing the accessibility of websites. These have been incorporated, either verbatim or in essence, in whole or in part by many countries within their policy frameworks.

Countries also attempt to align their web accessibility initiatives with the stipulations of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which came into force in May 2008 and requires signatories to ensure the full enjoyment of human rights and equality under the law by those with disabilities. Many of the rights of persons with disabilities affirmed in the convention mirror those found in other UN Conventions, but others are specific to the UNCRPD. Among the guiding principles of the convention is accessibility: by signing the Convention, states pledge to “enable persons with disabilities to live independently and participate fully in all aspects of life” by, among other things, “promot[ing] access for persons with disabilities to new information and communications technologies and systems, including the Internet.”² The emphasis on accessibility represents a deliberate paradigm shift in the conceptualization of disability in international human rights law, from a model of exception to a model of inclusion. Whereas once disability was defined within a “difference” paradigm which tried to find special and alternative arrangements for persons with disabilities, the UNCRPD invokes a social model of disability rights that focuses instead on the state’s responsibility to make society accessible to all persons on an equal and non-separate basis.³ About half the signatories of the Convention are also signatories to the Optional Protocol that was drafted in conjunction with the UNCRPD. States signing the Protocol thereby enable individuals or groups within their jurisdiction to present claims of violations of the provisions of the Convention to a UN committee tasked with conducting an investigation into the complaint and issuing recommendations to the state.

This Study

This paper seeks to identify some of the initiatives and best practices which have been adopted by countries around the globe as a first step towards policy formulation for countries. Many of the countries included in the study are developed nations since the aim is to look not merely at a collection of policies in place, but at a wide gamut of regimes where the principle of accessibility has taken shape in different forms, ranging from legislations and policies to directives and ordinances, and observe the efficacy of these forms in their respective national environments. It is hoped that the various frameworks embodying this principle illustrated in this study, would serve as an inspiring example to other developing countries in Asia and neighbouring continents to enact similar legislations and policies and help to build a more inclusive world. The paper

² United Nations Convention on the Rights of Persons with Disabilities, Article 9.
<http://www.un.org/disabilities/convention/conventionfull.shtml>

³ Tara J. Melish, The UN Disability Convention: Historic Process, Strong Prospects, and Why the U.S. Should Ratify, 14 NO. 2 Hum. Rts. Brief 37.

explores 15 countries and the European Union as subjects of study. The countries include the United States and Canada from the Americas; the United Kingdom, Germany, Italy, Portugal, Ireland, Sweden in Europe; and Australia, New Zealand, Japan, the Philippines, Korea and Thailand from the Asia Pacific.

This document contains a detailed report on the initiatives taken by each country and concludes with a brief summary and a set of generic recommendations for policy makers.

Australia

Australia has generic legislation in the form of a Disability Discrimination Act and covers web accessibility through advisory notes that supplement the DDA and are applicable to both public and private sector organizations. In addition, Australia also has guidelines for minimum website standards and accessibility case law and is a signatory to the UNCRPD.

Introduction

Like in the United Kingdom, Australia's web accessibility regime comprises of one central Disability Discrimination Act and a plethora of specific guidelines on web accessibility. All governments in Australia also have policies and guidelines that deal with accessible public websites. A benchmark Australian case provides additional guidance on the subject. The legislations, guidelines and case law are as follows:

Disability Discrimination Act, 1992

The focus on web accessibility in Australia has largely come as a result of the [Australian Disability Discrimination Act of 1992](#) (DDA, 1992) which prohibits discrimination on the ground of a person's disability in many areas of public life and includes several statements which could directly apply to web accessibility. Under section 24 it is unlawful for a person who provides goods, facilities or services to discriminate on the grounds of disability by:

- refusing to provide the other person with those goods or services or to make those facilities available to the other person; or
- in the *terms or conditions* on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to another person; or
- in the *manner* in which the first mentioned person provides the other person with those goods or services or makes those facilities available to the other person.⁴

World Wide Web Access: Disability Discrimination Act Advisory Notes

Created in 2002, this document contains specific guidelines for website authors and designers on what exactly the requirements of the DDA are in this area and how

⁴ Australian Legislation, WebAIM, available at <http://www.webaim.org/articles/laws/world/australia.php>.

compliance can be achieved—who the DDA applies to and what web services should be accessible. Though the guidelines in themselves do not have a legal force, advice is provided therein, about how web designers and website owners can avoid disability discrimination without sacrificing the richness and variety of communication offered by the Internet. Moreover, they are considered when dealing with complaints launched under the DDA.

Guide to Minimum Website Standards, 2000, Revised April 2003

The Guide to Minimum Website Standards is designed to assist the Australian Government departments and agencies implement the government's minimum website standards.

Better Practice Guide: Internet Delivery Decisions

Of particular interest to Australian web designers is the Better Practice Guide: Internet Delivery Decisions, published by the Australian National Audit Office. Component 9 of this document deals with web accessibility, and provides a concise and easy-to-read summary of the main principles of accessible web design.

Maguire v. Sydney Organizing Committee for the Olympic Games (2000)

A rather famous case that might have been a pre-cursor of these advisory notes and guidelines is the success of Bruce Maguire in suing the Sydney Organizing Committee for the Olympic Games (SOCOG) for not making their website accessible.

Type of Policy

Overreaching Legislation, Advisory Notes, Guidelines, Case Law.

Compliance with WCAG

Australian government departments and agencies are required to adopt the [WCAG](#). The Guide to Minimum Website Standards also discusses the minimum accessibility standard and the implementation requirements.

Applicability

The requirement in the DDA applies to any individual or organization developing a web page in Australia, or placing or maintaining a web page on an Australian server. This includes pages developed or maintained for purposes relating to employment, education, provision of services

including professional services, banking, insurance or financial services, entertainment or recreation, telecommunications services, public transport services, government services, sale or rental of real estate, sport, activities of voluntary associations, or administration of Commonwealth laws or programs. All these are areas specifically covered by the DDA.

State Party to the UNCRPD

Australia has both signed and ratified the Convention. Has not signed nor ratified the Optional Protocol.

List of referenced and accompanying documents

- **Disability Discrimination Act, 1992-** The objectives of the Disability Discrimination Act 1992 (DDA) are "to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of: work, accommodation, education, access to premises, clubs and sport; and the provision of goods, facilities, services and land; and existing laws; and the administration of Commonwealth laws and programs; and to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community." The provision of information and online services through the Worldwide Web is a service covered by the DDA. Equal access for people with a disability in this area is required by the DDA where it can reasonably be provided. While the Act itself does not directly address Internet sites, case laws and supporting documents clearly indicate that Internet sites can be covered under DDA.

The Disability Discrimination Act is the single most important legislation on Web Accessibility, on the basis of which various other Notes and Guidelines were prepared.

- **World Wide Web Access: Disability Discrimination Act Advisory Notes**

These advisory notes are issued by the Australian Human Rights Commission (previously known as the Human Rights and Equal Opportunity Commission, HREOC) under section 67(1)(k) of the Disability Discrimination Act 1992 (the DDA), which authorises the Commission to issue guidelines for the purpose of avoiding discrimination.

These advisory notes are intended to assist people and organizations involved in developing or modifying Worldwide Web pages, by making clearer what the requirements of the DDA are in this area, and how compliance with them can be achieved. These notes do not have direct legal force, nor do they substitute for the provisions of the DDA itself. However, the Commission and other anti-discrimination agencies can consider these notes in dealing with complaints under the

DDA. Following the advice provided here should also make it far less likely that an individual or organization would be subject to complaints about the accessibility of their web page.

The Notes considerably emphasize the fact that where a feature does not itself provide equal accessibility, an effective accessible alternative should be provided, unless this is not reasonably possible. The Commission's view is that organizations who distribute content only in PDF format, and who do not also make this content available in another format such as RTF, HTML, or plain text, are liable for complaints under the DDA.

Developments in standards, protocols and technologies used on the Internet take place at a very rapid rate. These notes are therefore not designed to be exhaustive, or to provide technical advice about current practices. In considering any complaints about access, the Commission would take into account the extent to which a service provider has attempted to utilise the best current information and advice wherever it can be found.

The advice provided in these notes is intended to give effect to the requirement of the DDA for access to be provided without unreasonable barriers that exclude or disadvantage people with a disability. In some (but not all) circumstances, obligations under the DDA to provide equal access are limited by the concept of unjustifiable hardship.

A provider may be able to demonstrate that it would involve unjustifiable hardship to meet particular access requirements. Where issues of unjustifiable hardship have to be decided, Section 11 of the DDA requires the Commission or the courts to consider all relevant circumstances of the case, including:

1. the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and
2. the effect of the disability of a person concerned; and
3. the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and
4. in the case of the provision of services, or the making available of facilities-an action plan given to the Commission under section 64. Some of the ways these factors may apply to Web access issues are as follows.

- **Maguire v. SOCOG (2000)**

In 2000, an [Australian](#) blind man won a court case against the [Sydney Organizing Committee of the Olympic Games \(SOCOG\)](#). This case, brought by Bruce Maguire, was the first of its kind known within the Westminster legal system, where a judicial body was required to rule on the rights of accessibility in respect of websites. This was the first successful case under [Disability](#)

[Discrimination Act 1992](#) because [SOCOG](#) had failed to make their official website, [Sydney Olympic Games](#), adequately accessible to blind users.

The case centred around the website of the Sydney 2000 Olympics, and the ability of those with various impairments in respect to sight being unable to efficiently utilise the website in comparison to an able-bodied person. In his decision, the Honourable W. J. Carter QC for the Commission found that SOCOG had discriminated against the complainant in contravention of Section 24 of the Disability Discrimination Act, "in that the web site does not include ALT text on all images and image maps links, the Index to Sports cannot be accessed from the Schedule page and the Results Tables provided during the Games on the web site will remain inaccessible." The Commission's decision also struck out claims by SOCOG that modifying the site to meet the requirements would cause unjustifiable hardship and that such hardship cannot be used to avoid liability for breaching Sect. 24 of the act. SOCOG was further ordered to render the website accessible by 15 September 2000.

Protocol for evaluating and monitoring

The Human Rights and Equal Opportunity Commission (HREOC) has responsibility for promoting the objectives of the Disability Discrimination Act (DDA) and provides advice about the implications and monitoring of the Act for website operators. Agencies are required to be familiar with the document from HREOC called: *World Wide Web Access: Disability Discrimination Act Advisory Notes*.

In considering a disability discrimination complaint about World Wide Web accessibility, the Commission would take into consideration the extent to which the best available advice on accessibility had been obtained and followed. The Commission encourages web designers to use expert information that is kept up to date with World Wide Web publishing and access challenges and solutions.

There are a number of evaluation tools and techniques that web designers can employ to test the accessibility of their sites. However, there is no real substitute for user-testing, and designers should, wherever possible, involve users of assistive technology in the testing and evaluation of the accessibility of their websites.

Another useful resource for web designers is "Bobby", a software tool that checks Web pages for accessibility, reports on problem areas, and suggests possible improvements. *Bobby* and other automated evaluation tools are not a substitute for user testing, but they do allow web designers to get a sense of how accessible their pages are.

There is also a [Productivity Commission](#) enquiry that was initiated by the Australian government to evaluate the effectiveness of the Disability Discrimination Act, and it published its findings in 2004.

The DDA allows for and the Commission encourages service providers to prepare Action Plans indicating the provider's own strategies for eliminating discrimination in its services. Relevant terms of such an Action Plan are required to be taken into account in considering a complaint against a provider that has submitted its Action Plan to the Commission. These Guidelines may assist service providers in preparing Action Plans in relation to their Worldwide Web presence. The Commission also has materials available on the process of preparing an Action Plan and (subject to resource limits) may be able to provide further advice in this respect on request.

Links

1- The Disability Discrimination Act, 1992

<http://scaletext.law.gov.au/html/pasteact/0/311/top.htm>

2- World Wide Web Access: Disability Discrimination Act Advisory Notes

http://www.humanrights.gov.au/disability_rights/standards/www_3/www_3.html

3- Guide to Minimum Website Standards, Revised edition April 2003

<http://www.agimo.gov.au/archive/mws/accessibility>

4- Better Practice Guide: Internet Delivery Decisions

http://www.humanrights.gov.au/disability_rights/webaccess/anao_guide.htm

Canada

Canada has a combination of web accessibility standards and human rights legislations that advocate and stipulate accessibility requirements. The applicability of the guidelines is to all Government Departments and Ministries and agencies but not to any private organizations. Canada has also established mechanisms for updating of the guidelines and for monitoring adherence to the standards.

Introduction

Canada has one important set of standards known as the “Common Look and Feel Standards for the Internet” under which it has adopted much of the WCAG 1.0. It comprises of four parts, namely:

- Part 1: Standard on Web Addresses
- Part 2: Standard on the Accessibility, Interoperability and Usability of Web sites
- Part 3: Standard on Common Web Page Formats
- Part 4: Standard on Email

The standards also address additional accessibility issues not covered by the Web Accessibility Initiative. Federal institutions had to comply with these standards by the end of 2002.

Other than these standards, Canada has many human rights legislations which advocate accessibility and other offices and reports which deal with the issue. These include:

- The Employment Equity Act and the Treasury Board Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service
- Task Force on Access to Information for Print-Disabled Canadians
- The Canadian Human Rights Act
- Communications Policy of the Government of Canada
- [Ontarians with Disabilities Act](#), 2001
- Industry Canada's Assistive Devices Office

Type of Policy:

Standards

Compliance with WCAG:

The CLF standards are aligned with the WCAG. They emphasize adapting to Priority 1 and 2 of WCAG 1.0

Applicability:

The CLF standards are applicable to all institutions listed in schedules I, I.1 and 2 of the Financial Administration Act, which essentially includes all Government Departments and Ministries and agencies and not any private organizations. It requires the federal government internet websites to meet the WCAG 1.0 Checkpoints Priorities 1 and 2 (Double A conformance level)

State Party to the UNCRPD:

Yes. Signatory but not ratified as of December 1, 2009.

List of references and accompanying documents

- **Common Look and Feel Standards for Internet 1.1**

These are standards and guidelines, which remained in effect till December 31, 2008. The Treasury Board of Canada, under these standards, has adopted the WCAG 1.0 Priorities 1 and 2 checkpoints. The standards also address additional accessibility issues not covered by the Web Accessibility Initiative. These standards were superseded by CLF 2.0

- **Common Look and Feel Standards for the Internet (CLF 2.0)**

The new Common Look and Feel Standards for the Internet were developed to reflect modern practices on the Web, changes in technology and issues raised by the Web community over the past six years as well as to improve navigation and format elements. The standards were rewritten to eliminate duplication and conflict with other Treasury Board policy instruments and were reformatted to improve their structure and organization.

These standards were approved by Treasury Board ministers on December 7, 2006 and these are mandatory for all institutions represented in [Schedule I, I.1 and II of the Financial Administration Act](#) with a two-year deadline ending December 31, 2008, for the conversion of existing sites. Web sites launched after January 1, 2007, must conform to these new standards.

This standard comes into effect on January 1, 2007, and replaces the following Treasury Board [Common Look and Feel Standards and Guidelines for Internet](#):

- Standard 1.1 - W3C Checkpoints;
- Standard 1.2 - Document Technologies;
- Standard 1.3 - Alternate Formats;

- Standard 1.4 - Text Equivalents;
- Standard 6.8 - Validation;
- Guideline 1.1 - HTML 4.0; and
- Guideline 6.1 - Cascading Style Sheets

The standards advocate that where best efforts cannot make the content or application accessible - that is, where a document cannot be represented in XHTML 1.0 Strict or a language described by World Wide Web Consortium (W3C) Recommendations - the institutions must:

- Include an [Accessibility Notice](#) on the same page, immediately preceding the inaccessible element(s), that informs site visitors how to obtain accessible versions including print, Braille, and audio; and
- Include an [Accessibility Notice on the "Help" page\(s\)](#) of the Web site.

Providing accessible versions other than accessible XHTML is a "last resort" measure. It is not intended to be a convenient method of avoiding the often-minimal effort necessary to make Web pages or Web applications accessible.

The CLF Standard respects universal accessibility guidelines by employing a validation methodology to assess the accessibility, interoperability and usability of its Web sites. All sites must be tested with a variety of browser software, platforms and technologies to ensure that Web pages remain accessible and interoperable. Validating Web pages on either existing and future sites against XHTML 1.0 Strict document type definition (DTD) or a similar format that is a recommendation of the W3C will ensure they are syntactically correct. The World Wide Web Consortium provides [validation methodology](#) which is followed. Testing with site visitors, current or potential, is also critical and must cover ease of use, navigation, comprehension and user satisfaction.

For the purposes of CLF, an institution is any organizational entity listed under a unique title in Schedules I, I.1 and II of the *Financial Administration Act*.

- **The Employment Equity Act and the Treasury Board Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service**

The *Employment Equity Act* and the Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service do not apply directly to the public but, rather, to candidates for employment with or employees of the federal government. Nevertheless, they do incorporate the principle of the duty to accommodate and the need to remove barriers to the full social and economic integration of persons with disabilities.

- **The Canadian Human Rights Act**

Section 2 of the *Canadian Human Rights Act* states that the purpose of the Act is as follows:

“[...] to give effect [...] to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices [...].” Among the 11 prohibited grounds of discrimination is disability.

Human rights jurisprudence has established key principles to be followed in devising appropriate accommodation. The most important of these is that accommodation must, to the extent possible,

- Maximize the dignity of the person(s) receiving the accommodation; and
- Ensure that accommodation is as similar as possible to the services provided to people without a disability.

One of these is section 15 of the [Charter of Rights and Freedoms](#), which states that “every individual is equal before the law” and that one of the prohibited grounds of discrimination is “physical disability.” In light of the legal requirements noted above and the jurisprudence, it is clear that if federal departments and agencies make print documents available to the general public, they must have services in place to ensure that persons who cannot read print material are accommodated through comparable alternative means of communication. The duty of accommodation short of undue hardship is a fundamental principle of human rights law, especially with regard to the special needs of persons with disabilities. The duty to accommodate is required to the point of “undue hardship.” Canadian courts have yet to fully define the limits of undue hardship, but they have clearly put a very high value on the obligation of accommodation. Other important Sections are sections 5 and 6 of the [Canadian Human Rights Act](#), which state that access to goods, services and facilities must not be denied to any individual on the basis of a prohibited ground of discrimination.

- **Communications Policy of the Government of Canada-** The Communications Policy of the Government of Canada is the official Treasury Board of Canada Secretariat (TBS) policy governing how federal departments and agencies carry out their responsibilities to communicate with Canadians. This policy is issued under the authority of the Financial Administration Act (FAA), section 7, and applies to all institutions identified in schedules I, I.1 and II to the FAA.

- [Ontario:](#)

1. [Ontarians with Disabilities Act, 2001](#) The newly enacted [Ontarians with Disabilities Act, 2001](#), is "to improve the identification, removal and prevention of barriers faced by persons

with disabilities and to make related amendments to other Acts." Section 6 of the ODA states: 'The Government of Ontario shall provide its Internet sites in a format that is accessible to persons with disabilities, unless it is not technically feasible to do so.' Again, Priorities 1 and 2 have been used as guidelines "to ensure that we are compatible with external, international standards adopted by other jurisdictions," according to the Accessibility Directorate of Ontario.

2. [Ontario Human Rights Code](#)- In Ontario, section 1 of the [Ontario Human Rights Code](#), states that every Ontario resident is entitled to equal treatment as regards the provision of goods, services and facilities. All of this means that if you provide goods or services to the public, you must provide them equally to all people, and not deny them to someone on the basis of their disability.

- [Uvic Web Accessibility Guidelines](#) Some Canadian colleges and universities are adopting Web accessibility policies and guidelines. For example, the University of Victoria's Web policy states, "All official UVic Web sites should be accessible to users with disabilities." [Uvic Web Accessibility Guidelines](#) addresses how to implement its policy.

However, in a study conducted by Dr. Craig Montgomerie at the University of Alberta, he surveyed 350 postsecondary institutions in Canada to evaluate their level of Web accessibility in November 2001, and again in November 2002. Using the well-known accessibility evaluation tool Bobby™ he found that 14.9% of postsecondary institutions surveyed were free of Priority 1 errors in 2001 and 19.9% in 2002, and only 1.7% in 2001 and 5.5% in 2002 were free of both Priority 1 and Priority 2 errors.

- **Industry Canada's Assistive Devices Office**- Industry Canada's Assistive Devices Office works with the private sector, such as telecom companies and banking institutions, encouraging them to enhance the accessibility of their products, systems and services.

Protocol for evaluating and monitoring

Deputy heads of all the institutions are responsible for implementation in their respective institutions. Consistent with the requirements above, deputy heads will monitor adherence to this standard within their institutions, taking direction from Treasury Board's 'Active Monitoring Policy, Evaluation Policy and Policy on Internal Audit'.

At a minimum, the institution assesses the following:

- Compliance with the Web Content Accessibility Guidelines 1.0 Priority 1 and Priority 2 checkpoints of the World Wide Web Consortium (W3C) Web Accessibility Initiative;
- Use of and conformance to XHTML 1.0 Strict and CSS 1.0 as baseline technologies;

- Where presenting the content in XHTML 1.0 Strict or other language described as a W3C recommendation is not possible, the availability of accessible alternate versions and Accessibility Notices;
- Where multiple formats are offered, a text indication of the format, file type and size is provided for each format and a link to any specialized software required; and
- Sufficient contrast between textual elements and background colours or images.

The Treasury Board Secretariat will monitor compliance with all aspects of this standard in a variety of ways, including but not limited to assessments under the Management Accountability Framework, examinations of Treasury Board Submissions, *Departmental Performance Reports* and results of audits, evaluations and studies.

Mechanism for updates

The Treasury Board of Canada delegates to the President of the Treasury Board the power to amend, revoke or add to the approved Common Look and Feel Standards for the Internet. The Treasury Board is to be kept informed of updates and amendments. The Discrimination Prevention Branch is responsible for all aspects of prevention and communications activities, as well as ensuring that federally regulated employers meet the requirement of the Employment Equity Act.

Links

- **Common Look and Feel Standards for Internet**

<http://www.tbs-sct.gc.ca/clf2-nsi2/clfs-nnsi/clfs-nnsi-2-eng.asp>

<http://www.tbs-sct.gc.ca/clf-nsi/2index-eng.asp>

- **Canadian Human Rights Act of 1977**

http://www.chrc-ccdp.ca/about/human_rights_act-en.asp

- **Ontarians with Disabilities Act, 2001**

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01o32_e.htm

- **Task Force on Access to Information for Print-Disabled Canadians**

<http://www.collectionscanada.gc.ca/the-public/003/005003-3000-01-2008-e.html>

- **Web Accessibility in Canada**

http://www.atomiq.org/archives/2004/09/web_accessibility_in_canada.html

http://www.evolt.org/Accessibility_Laws_In_Canada

<http://www.webaim.org/articles/laws/world/canada.php>

Germany

Germany has many regulations covering accessibility for the disabled and is one of the most advanced nations in this regard. Germany is one of the few countries that have signed and ratified both the UNCRPD and the Optional Protocol and its regulations cover accessibility of both web and other electronic infrastructure. It also has provisions for regular review of its legislation.

Introduction

Germany has generic disability legislation in the form of an equal opportunities act for disabled persons and covers web and electronic accessibility through regulation in the form of a federal ordinance.

Act on Equal Opportunities for Disabled Persons

The Federal Republic of Germany's Act on Equal Opportunities for Disabled Persons, which came into force in 2002, is an expansive anti-discrimination law. It essentially obliges the Federal authorities to ensure barrier-free environments in the broadest sense of the word. The Act renders discrimination against persons with disabilities illegal, aiming to ensure equal participation of persons with disabilities in the life of German society and to enable them to lead self-determined lives, whilst duly taking account of their special needs.

The Act also specifically addresses Internet accessibility, stating: "Public authorities shall technically design their Internet presentations and the graphic user interfaces which they make available and which are presented by means of information technology gradually in such a way that they may generally be used by people with disabilities without restrictions."

Federal Ordinance on Barrier-Free Information Technology

The key regulation for web accessibility in Germany is the Barrier-Free Information Technology Ordinance (BITV). It mandates that all Federal government web pages and web sites which are publicly accessible must be in conformity with its Priority Standards. It bases its Standards on the WCAG 1.0 Guidelines, though the states' level of referencing the WCAG in their own versions of the BITV is non-uniform. Most states do, however, have a version of the BITV. The BITV mandates that private web-pages of private companies have the obligation to begin negotiation with registered organizations for handicapped people to generate "targeted agreements" that regulate which measures will be undertaken by the private company to implement the BITV. However, the BITV makes it mandatory only to conduct negotiations, not necessarily to come to a result. Finally, under the BITV, registered

organizations for handicapped people have the right to take legal actions against any federal administration not compliant to the federal BITV.⁵

Type of Policy

Ordinance/Legislation

Compliance with WCAG

The BITV has two priorities and 14 standards, all of which are based on the WCAG 1.0 Guidelines.

Applicability

Section 1 deals with the material scope of the Ordinance. The section says that it shall apply to websites and web pages which are publicly accessible and graphic user interfaces created on the basis of information technology by the authorities of the Federal Administration which is publicly accessible. Thus, the regulation is applicable to authorities, health insurances and other bodies, foundations and public institutions. Internet appearances and publicly accessible graphic program surfaces shall all be accessible. The Ordinance applies to the private sector in a more limited way—mandating negotiations between private companies and registered organizations. The Act is similarly applicable to public authorities, though it charges them with expansive obligations.

State party to the UNCRPD

Germany has signed and ratified both Convention and the Optional Protocol.

List of referenced and accompanying documents

- **BITV- Ordinance on Barrier-Free Information Technology and the Act on Equal Opportunities for Disabled People**

In Germany the law of equality defines accessibility as: *“Free of barriers are structural and other facilities, means of transport, technical basic commodities, information processing systems, acoustic and visual information sources and communication equipment and other*

⁵ Europe’s Information Society, Thematic Portal, Web Accessibility Situation in Germany, http://ec.europa.eu/information_society/activities/einclusion/policy/accessibility/tech_services/wa_germany/index_en.htm.

formed areas, if they are accessible and can be used without particular complication and generally without external help by handicapped people.”

The Federal Government of Germany aims at providing barrier-free design for all websites of the Federal Ministries and agencies in order to ensure that users with disabilities have barrier-free access [e-accessibility] to all websites of the Federal Administration, as laid down in the "Act on Equal Opportunities for Disabled People". Under this act the BITV - Ordinance on Barrier-Free Information Technology had been drawn up to put the aim of e-accessibility into practice.

The BITV itself consists of three parts:

- The regulation itself (deals with general specification on area of application, target group, terms)
- Enclosure 1 (deals with concrete requirements and conditions for accessibility)
- Enclosure 2 (Glossary)

The BITV implements and follows the WAI-guidelines in Germany. Section 4 of the Ordinance deals with period for implementation and it sets a deadline of 31 December 2005, by which it had to be ensured that all public websites of the Federal Administration and their digital information offers are accessible. It aims to make all public sector and private sector websites adhere to w3C standards.

The Federal Government has initiated a number of activities to support the process. For example, the BSI - Federal Office for Information Security developed a module “barrier-free e government” for inclusion in the E-Government Manual. The advisory and support activities of the BVA - Federal Office of Administration include workshops and exchanges of experience on the implementation of the BITV. In the course of these meetings and activities, experts (e.g. representatives of the projects BIK- Barrier-Free Information and Communication and Alliance for the Advancement of Barrier-Free Information Technology provide participants with both general information and problem-specific information, e.g. on designing BITV-conforming Internet offers. The governmental initiative "BundOnline2005" has built up a specialized area on E-Accessibility in its knowledge-management system

The “BIK” stands for “barrier-free information and communication”. It is a joint project of German associations for the blind and visually impaired and D.I.A.S. (Data, Information systems and analyses in the social sphere). It is supported by the Federal Ministry of Health and Social Security. The goal of the project is to make Internet offerings more easily accessible and to improve the workplace opportunities of handicapped people. Up to now, the work of the information providers on dismantling barriers was done on a voluntary basis. This situation will change for federal agencies on 31 December 2005: existing websites and offerings must then be barrier-free pursuant to the “Ordinance on the creation of barrier-free information technology in

accordance with the Act on equal opportunities for the handicapped (BITV)”. BIK examines whether this is the case and classifies the offerings in line with the test result. The BfR offering has been rated “Easily accessible”.

Barrier Free Environment:

The core of the Act on Equal Opportunities for Disabled Persons is the creation of barrier-free environments in a wider sense. Barrier-free environments are conditional on comprehensive access and unrestricted use of all designed environments. Disabled persons are to be enabled to use all areas of life, such as buildings and means of transport, in the usual way, without particular difficulties and without help from others. The Act defines the term ‘barrier-free’, determines the content of actions to create a barrier-free environment and to attain the agreed targets, and it provides for representation powers in proceedings under administrative law or the Social Code.

The goal of general barrier-free environments includes, in addition to removing spatial barriers for wheelchair users and persons with walking difficulties, also designing the living environment in a high-contrast manner for sight-impaired persons. Furthermore, it involves the development of barrier-free communication such as using sign language interpreters or barrier-free electronic media. In addition, three ordinances entered into force in July 2002 which obliged Federal authorities to ensure barrier-free environments in the broadest sense of the word.

With the ordinance on barrier-free documents in the Federal administration, all blind and sight-impaired persons have a right when asserting their rights in administrative procedures to be provided with documents in a form which is perceptible for them. This right includes written notices, contracts under public law and forms.

Finally, the ordinance to create barrier-free information technology for the Federal Administration contains the preconditions for barrier-free services on the Internet and the time horizon for their implementation. On principle, disabled persons are to be able to use the information of all public Internet presentations and offers of Federal Institutions.

The Federal Institute for Risk Assessment (BfR) is one of the first federal agencies to offer a barrier-free website. The BfR was the first in the portfolio of the Federal Ministry of Consumer Protection, Food and Agriculture (BMVEL) to complete the necessary work and make its website conform to the accessibility standards prescribed in the Ordinance. BfR scored 94 points in the compulsory test of the joint project "barrier-free information and communication". This means it considerably exceeded the 90 points stipulated by BMVEL.

Protocol for evaluating and monitoring

Section 5 deals with the evaluation of the effectiveness of the Ordinance. It provides for the regular review of the Ordinance, taking into consideration the technological development. It gives a time line of not more than three years for the evaluation of the effectiveness of the Ordinance.

Also, the Act on Equal Opportunities for the Disabled Persons provides for the appointment of a Commissioner for the Interests of Persons with Disabilities by the Federal Government and defines his/her responsibilities and powers.

Links

Federal Ordinance on Barrier-Free Information Technology- (Ordinance on the Creation of Barrier-Free Information Technology in Accordance with the Act on Equal Opportunities for Disabled Persons [Barrierefreie Informationstechnik-Verordnung - BITV])-

http://www.einfach-fuer-alle.de/artikel/bitv_english/

http://www.einfach-fuer-alle.de/artikel/bitv_english/bitv_annex1/

Overview of accessibility in ICT procurement (Germany)-

<http://www.einclusion-eu.org/ShowCase.asp?CaseTitleID=155&CaseID=545>

Impressions from a German Web 2.0 accessibility conference-

<http://www.marcozehe.de/2008/05/12/impressions-from-a-german-web-20-accessibility-conference/>

India

While India has legislation generally aimed at prohibiting discrimination of Persons with Disabilities, there is an urgent need for policy formulation to ensure accessibility of IT products and services in general and web accessibility in particular. India needs to develop an action plan coupled with policy formulation and a plan for legislation to ensure universal web accessibility. Given the place of prominence that India has in the field of IT products and services, it is only just that the country takes tangible steps to enable a significant proportion of its population to participate in this medium.

Introduction

India has generic legislation on disability in the form of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act which was enacted in 1995 with the objective of ensuring equal opportunities for people with disabilities and their full participation in nation building. However, there is no accessibility specific legislation or policy as yet.

India has a phenomenally large percentage of disabled persons: conservative estimates approximate that 6% of the population has a disability, while an additional 34% of the population is illiterate⁶ and an additional 77 million are elderly⁷. The largest democracy in the world cannot afford to exclude this significant a chunk of its population from participating in the life of the country, which is increasingly intertwined with the Internet.

Such exclusion is contrary to the Indian Constitution which guarantees to its Citizens a Right to receive information. The Freedom of Speech and Expression enshrined in Art. 19(1) (a) is inclusive of the right to receive information.⁸ This right extends to receiving speech that is of a commercial nature as well.⁹ The equality clause of the Constitution demands that differently

⁶ gov.bih.nic.in/profile/CensusStats-03.htm -

⁷

<http://74.125.153.132/search?q=cache:Bi68K6NN08YJ:iussp2009.princeton.edu/download.aspx%3FsubmissionId%3D92335+total+percentage+of+elderly+population+in+India&cd=9&hl=en&ct=clnk&gl=in>

⁸ This is not an absolute right and is subject to the limitations in Art. 19(2) and other limitations imposed by the official Secrets Act, trade secrets and other confidentiality requirements. *Maneka Gandhi v Union of India* 1978 (1) SCC 248; *Secretary, Ministry of Information and Broadcasting vs. Cricket Association of Bengal* 1995 (2) SCC 161; *People's Union for Civil Liberties and another v Union of India* 2004 (2) SCC 476; *Union of India v. Navin Jindal* 2004 (2) SCC 510

⁹ *Tata Press Ltd. v. MTNL* AIR 1995 SC 2438

circumstanced people are to be treated differently, to assert their equal worth and to enhance their capabilities to participate in society as equals.¹⁰

The disabled do not have a special right to information. However, the information available to the rest of the population must similarly be available to the disabled. The right to receive information is effective only when such information is available in formats that can be accessed. Information in such special formats is rarely provided. Consequently, people with disabilities are deprived of the information available on the internet, while the rest of the population enjoys access to the same. In *Mr. X v. Hospital Z* it was observed that government services cannot be denied to an individual on the basis of his disability.¹¹ Therefore, insofar as online services maintained by the Government are concerned, failure to make their content accessible to the disabled clearly vitiates the Constitutional guarantees of the Right to Information and Equality.

Type of Policy

Though India does not currently have a formal accessibility policy in place yet, work on creating an overarching accessibility policy for the country has been initiated and is in progress.

The obligation on the Government of India is not limited to ensuring access to internet services provided or maintained by the government alone. There is an obligation on the Government of India to act proactively in order to ensure that the disabled are not excluded from cyberspace. India is signatory to the United Nation Convention on the Rights of Persons with Disabilities, 2006¹² (UNCRPD) and the Biwako Millennium Framework Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific, 2002¹³. Both these instruments obligate member states to act proactively in order to secure the Rights of the visually challenged to equal access to information and the Internet. The Biwako Millennium Framework recognizes the Right to Information and Communication as a basic human right.¹⁴

¹⁰ Equal Treatment, Part I, Declaration of Principles of Equality issued by the Equal Rights Trust in April, 2008, cited with approval in *Naz Foundation v Govt. of Delhi* WP(C) No.7455/2001 (The Principle reflects the current international consensus on the concept of equality)

¹¹ (1998) SCC 8 296

¹² Adopted on the 13 December 2006, entered into force on 3rd May 2008. India Ratified the Convention on 30th March 2007. Available at <http://www.un.org/disabilities/convention/conventionfull.shtml>

¹³ Available at <http://www8.cao.go.jp/shougai/english/biwako/1.html> hereinafter the Biwako Framework.

¹⁴ See chapter IV. Targets and action in the priority areas, Para F. Access to information and communications, including information, communication and assistive technologies Para 42.

Information and Communication has been defined as including, “the internet, including web, multimedia content, internet telephony and software used to create web content.”¹⁵

Since there is currently no accessibility specific Indian legislation, case law established by Supreme Court rulings¹⁶ has now led to the settled position of law that international conventions and norms are to be read into domestic laws in the absence of enacted domestic law, to the extent that there is no inconsistency between them.¹⁷ It is now an accepted rule of judicial construction that regard must be had to international conventions and norms for construing domestic law when there is no inconsistency between them.¹⁸

The 1995 Persons with Disabilities Act is silent on the Rights of persons with disabilities in the digital world. In *Javed Abidi v Union of India*¹⁹ the SC observed that the object was to create a barrier-free environment for persons with disability and to make special provisions for the integration of persons with disabilities into the social mainstream apart from the protection of rights, provision of medical care, education, training, employment and rehabilitation. Therefore, clearly the aforementioned international law obligations do not contradict any municipal law. In fact it furthers the object of the Persons with Disabilities Act of 1995. Consequently, the aforementioned international law mandates flowing from the Biwako framework and UNCRPD create a domestic law obligation on the state to secure access for the disabled to cyberspace.

Further, Article 41 of the Indian Constitution requires the state to make effective provisions for securing public assistance in the event of disablement.²⁰ The National Policy for Persons with Disabilities also provides that the Government shall take proactive steps to ensure a disable friendly IT environment.²¹

Given that accessible websites hold untold promise for those with all manner of disabilities to engage in all aspects of modern society, a web accessibility initiative would significantly buttress India’s current disability policy and legal apparatus and improve its adherence to its international

¹⁵ See fn 2 to Para 42.

¹⁶ *Vishaka v. State of Rajasthan* (AIR 1997 SC 3011) and *T.N. Godavarman Thirumilpad v Union of India* ((2002) 10 SCC 606)

¹⁷ *Apperal Export Promotion Council v A.K. Chopra* (1999) 1 SCC 759 *Aban Loyd Chiles Offshore Ltd & oths v. Union of India* 2008 (227) ELT 24; *Chairman School Managing Committee & Othrs. v Vimmi Joshi & Othrs* 2008 INDLAW SC 2009 Civil Appeal No. 7355/2008; *Union for Civil Liberties v. Union of India* (2005) 10 SCC 481

¹⁸ *Id*

¹⁹ 1999 AIR(SC) 512

²⁰ See Art. 41 Constitution of India

²¹ See Para 51 (viii)

legal commitments. India's signing in 2007 of the UNCRPD is an important first step, implying its commitment to facilitating web accessibility. However, while India's legislations and policies for persons with disabilities are all designed to promote access and inclusion reflecting the broad approach of the UNCRPD, they do not include any measures that specifically address web accessibility.

The Persons with Disabilities Act of 1995 seeks to improve access of persons with disabilities to education, employment, transportation, and life services among other things. The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act of 1999 seeks to generally empower persons with the named conditions to "live as independently and fully as possible" and to ensure the "realization of equal opportunities, protection of right and full participation of persons with disabilities." The National Policy for Persons with Disabilities, originally drafted in 1993 and minimally updated as of 2006, is similarly broadly targeted towards facilitating the integration of disabled persons into society by focusing on human resource development and education, employment, accessibility in built environments, and equal opportunity for sports, recreation and cultural activities, among other things. While each of these initiatives embraces the contemporary social model approach to disability, placing the onus on the state to remove barriers between society and the disabled, none of them is tailored to the Internet era. As modern life is increasingly suffused by the Internet, the government will be increasingly unable to fulfil its mandate without facilitating an accessible web.

State party to the UNCRPD

India is signatory to the United Nation Convention on the Rights of Persons with Disabilities, 2006²² (UNCRPD) and the Biwako Millennium Framework Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific, 2002

²² Adopted on the 13 December 2006, entered into force on 3rd May 2008. India Ratified the Convention on 30th March 2007. Available at <http://www.un.org/disabilities/convention/conventionfull.shtml>

Ireland

While Ireland has formulated several policies and programmes dealing with web accessibility for the disabled, there is no specific legislation that directly covers this area. Ireland has national guidelines on accessibility of IT products and services which in the specific case of web accessibility, essentially adopted or incorporated W3C WCAG 1.0 without substantive change. Applicability of guidelines is primarily to the public sector and is again not mandatory. The mechanism for monitoring is more recognition based with awards for excellence in ensuring accessibility certified by a third party audit.

Introduction

There is currently no Irish law that specifically covers the area of web accessibility. The Equal Status Act and Employment Equality Act come closest, but both lack effective enforcement mechanisms. The Disability Act appears to be more comprehensive but is unclear in its meaning. It references making electronic information accessible to persons with a vision impairment to “whom adaptive technology is available” – this is narrow in scope in that many other people apart from people with a vision impairment benefit from an accessible web and many people with vision impairment do not rely on adaptive technology, rather the settings in their browsers to assist them with accessing web content. In addition to disability discrimination legislation, various policies and programmes have been brought forth over the years such as the “New Connections - A Strategy to realise the potential of the Information Society” and the “[National Programme for Prosperity and Fairness](#)” deal directly with web accessibility for the disabled. Some of the Discrimination Legislations are as follows:

- **The Employment Equality Act (1998)**

The Act includes disability as one of the grounds of discrimination.

- **The Equal Status Act (2000, 2004)**

Subsection 4 of the Act defines discrimination affecting people with disabilities in terms of access to services: "For the purposes of this Act discrimination includes a refusal or failure by the provider of a service to do all that is reasonable to accommodate the needs of a person with a disability by providing special treatment or facilities, if without such special treatment or facilities it would be impossible or unduly difficult for the person to avail himself or herself of the service." Thus, prima facie, the Act would appear to cover discrimination in the provision of online and web based services. However, to date, there is not much specific case law which

might clarify this. However one relevant case in this context is Martin O’Sullivan vs. Siemens²³ where O’Sullivan was a visually impaired applicant for an IT Support job with Siemens. He requested an application form in electronic format but was not accommodated. He appealed to the Equality Tribunal and then the Labour Court, where he was awarded £12, 000 in damages on the grounds that: *"the failure of Siemens to make reasonable accommodation in the selection process, and the consideration which Siemens gave to his disability in deciding on his application, constituted a single consolidated act of discrimination"*. The court also found that *“Martin O’Sullivan was denied an opportunity to undertake an integral and otherwise essential part of the selection process because of his disability. This meant that the whole selection process was tainted with discrimination"*

- **The Disability Act (2005):**

Section 27 of the Act provides that: "Where a service is provided to a public body, the head of the body shall ensure that the service is accessible to persons with disabilities".

Section 28 of the Act provides that: "Where a public body communicates in electronic form with one or more persons, the head of the body shall ensure that as far as practicable, the contents of the communication are accessible to persons with a visual impairment to whom adaptive technology is available".

- **NDA Code of Practice:**

The National Disability Authority's Code of Practice, a government order designed to facilitate implementation of the 2005 Disability Act, directs public bodies to aim at achieving "Double-A level conformance with the Web Accessibility Initiative's (WAI) Web Content Accessibility Guidelines".

Accessible procurement: Section 27 of the Code of Practice advises public bodies to "build accessibility into the procurement process as a criterion" in order to meet the requirements of the Disability Act. The NDA has also issued the Public Sector Procurement Regulations 2006, which implements the EU Procurement Directive 2004/18/EC. The Directive states that: "Contracting authorities should, whenever possible, lay down technical specifications so as to take into account accessibility criteria for people with disabilities or design for all users. The technical specifications should be clearly indicated, so that all tenderers know what the requirements established by the contracting authority cover."

²³ <http://list.universaldesign.ie/pipermail/ceud-ict/2007/001366.html>

Type of Policy

Legislation, Policy Document

Compliance with WCAG

The document “[New Connections - A Strategy to realize the potential of the Information Society](#)” recommended the adoption of WAI Level II Guidelines. The Code of Practice also directs public bodies to aim at achieving "Double-A level conformance with the Web Accessibility Initiative's (WAI) Web Content Accessibility Guidelines".

The National Disability Authority have published [national guidelines on accessibility of IT products and services](#). In the specific case of web accessibility, they essentially adopted or incorporated [W3C WCAG 1.0](#) without substantive change. The guidelines, based on WCAG 1.0, were provided to help make them easy to understand and use. The Guidelines consist of:

- Explanation and help for each guideline ("checkpoint" in WAI language)
- A list of simplified guideline statements
- A numbering system based on priority

The simplified statements, additional explanation and help provided by the NDA have not been endorsed by the World Wide Web Consortium. In case of any perceived contradictions, WAI statements and explanations are said to be accepted as definitive in all cases.

The NDA has also published 3 other resources to assist with compliance with WCAG:

The “IT Accessible Procurement Toolkit” provides assistance to IT procurers to include accessibility as a criterion in the tender document and provides guidance on assessing accessibility in tender responses as well as in the developed product before sign-off. The toolkit provides specific advice on Web sites and applications as well as web authoring tools <http://www.universaldesign.ie/useandapply/ict/itprocurementtoolkit>

The “Web accessibility techniques” documents contain advice including best practice examples, code samples and video clips of real users for Developers, Designers and Content creators. <http://www.universaldesign.ie/useandapply/ict/webaccessibilitytechniques>

“Auditing Web Accessibility” provides general advice on how to get the most out of auditing a website for accessibility, reaching a certain level of accessibility and maintaining this level over time. <http://www.universaldesign.ie/useandapply/ict/webaccessibilityauditing>

Applicability

The policies and documents refer to Public Sector websites – in addition these are only recommendations and are not mandatory.

State Party to the UNCRPD

Signatory to Convention but has not ratified as of December 1, 2009. Has neither signed nor ratified the Optional Protocol.

List of referenced and accompanying documents

In 2002, a study of Web accessibility in Ireland was carried out by the [Research Institute for Networks and Communications Engineering](#) at Dublin City University. The study assessed a sample of 159 public and private sector websites against the internationally accepted Web Content Accessibility Guidelines (WCAG 1.0) published by the Web Accessibility Initiative (WAI). It found that 94% of sites failed to meet the criteria required to achieve the minimum level A compliance. None achieved the recommended AA compliance.

In April 2004, accessibility consultants [Ennis Information Age Services](#) assessed the websites of 30 randomly selected Government Departments and agencies. Only one was found to be AA compliant. Although 24 of the 30 sites indicated an awareness of the WAI guidelines, only three displayed the WAI logo and two of these did so inappropriately, as they were actually found to be non-compliant. In July 2004, a study by [IQ Content](#) benchmarked 40 Irish eGovernment sites. The survey found that many organizations showed an awareness of the issue of accessibility but few demonstrated adequate skill in its implementation. There was a clear lack of real understanding of the spirit of the WAI guidelines, so that attempts at making sites technically compliant often did not translate into real accessibility improvements for people with disabilities.

The General public policy on the Information Society was administered by the [Information Society Policy Unit \(ISPU\)](#) in the Department of the Taoiseach (Prime Minister), with advice from the [Information Society Commission](#). This has since moved to the Department of Communications Energy and Natural Resources under the banner of the “Knowledge Society” and eInclusion²⁴.

Some of the Policies and Programmes on web accessibility in Ireland are as follows:

- The National [Programme for Prosperity and Fairness](#):

²⁴ <http://www.dcenr.gov.ie/Communications/Knowledge+Society>

This was agreed by the social partners in February 2000. The [PPF](#) declares that government departments and agencies will have to take all reasonable action to comply with the [NDA Excellence through Accessibility Guidelines](#) within five years. It contains the following explicit commitments (Framework III, Section 3.12):

19. Each Government Department will ensure that reasonable steps are taken to make its services and those of agencies under its remit accessible to people with disabilities. To facilitate effective action and acceptable standards in this regard, the National Disability Authority will issue guidelines in accordance with international norms and will award an accessibility symbol to compliant public offices. Government Departments and agencies will take all reasonable action to qualify within five years.

20. Adequate resources will be provided to the National Disability Authority and the Department of Justice, Equality and Law Reform to monitor, guide and audit progress towards the achievement of this commitment.

The five year deadline passed in February 2005 and this objective is still a long way from being met.

- [New Connections - A Strategy to realise the potential of the Information Society](#).

Irish Government policy does specify Web accessibility. The document [New Connections - A Strategy to realise the potential of the Information Society](#), published in March 2002. This recognises the importance of providing online services in a way that makes them accessible to all citizens, including those with disabilities. This document directly refers to the European Union eEurope 2002 recommendation to adopt the Web Accessibility Initiative (WAI) guidelines for public websites:

7.2.7 Accessibility - Under the eEurope Action Plan, all public sector websites are required to be WAI (level 2) [*sic*] compliant by end-2001.

This deadline has long passed and the target is nowhere near being reached.

- [National guidelines on accessibility of IT products and services](#).

National responsibility specifically in relation to disability policy rests with the [National Disability Authority \(NDA\)](#). This implicitly includes responsibility for Web accessibility. NDA have published [national guidelines on accessibility of IT products and services](#). In the specific case of web accessibility, they essentially adopted or incorporated [W3C WCAG 1.0](#) without substantive change.

However, these "guidelines" are not binding in themselves, and are not explicitly referred to in any current legislation. It is possible that [existing laws on "Employment Equality" and "Equal Status"](#) could be interpreted to involve requirements for web accessibility in various situations.

The Disability Act (2005) - The Disability Act requires that from 31 December 2005 services provided by public bodies must be accessible to people with disabilities, unless it would not be practicable, would not be justified having regard to the cost of doing so or would cause unreasonable delay in making the goods or services available to other persons (Section 27). It also requires that communications in electronic form must be as far as practicable accessible to persons with a visual impairment to whom adaptive technology is available (Section 28).

It should be noted that communications in electronic form need only be accessible to vision impaired people who have adaptive technology. *This effectively excludes many people with hearing, dexterity, language or cognitive impairments. It also excludes people with vision impairments who do not have adaptive technology.*

The Equal Status Act (2000) - The [Equal Status Act](#) requires all service providers to accommodate the needs of people with disabilities through making reasonable changes in what they do and how they do it, where, without these changes, it would be very difficult or impossible for people with disabilities to obtain these goods or services. Although not specifically mentioned, this could in theory cover ICT-based services. This follows from the application of similar general disability legislation in Australia and the USA.

The Employment Equality Act (1998)

The [Employment Equality Act](#) covers the provision of accessible technologies to employees. However, like the Equal Status Act, only accommodations that cost a nominal amount are required. There has never been a test case of this requirement.

Protocol for Evaluating and monitoring:

Complaints under [laws on "Employment Equality" and "Equal Status"](#) are dealt with (in the first instance) by the [Equality Tribunal](#).

The National Disability Authority has developed an [Excellence Through Accessibility award](#) which can be given to public sector organizations on successful completion of a third party audit. The criteria for the award cover three areas – buildings access, quality customer services and accessibility of Information and Communication Technologies (ICT). ICT includes websites.

The Disability Act requires each public body to have an “Enquiry Officer” through whom any complaints under the act are dealt with in the first instance. Complainants not satisfied with the outcome are entitled to bring a complaint to the office of the Ombudsman.

The NDA has a role in monitoring compliance with the Disability Act and Code of Practice. However this is currently done through public bodies filling out a survey. The section dealing with web accessibility is essentially a self declaration of conformance with WCAG.

Links

[New Connections - A Strategy to realize the potential of the Information Society](#)

<http://www.kildare.ie/countycouncil/Publications/InformationSociety/LinkToDocument,6614,en.PDF>

IT Accessibility Guidelines

<http://universaldesign.ie/useandapply/ict>

Web Accessibility in Ireland

<http://eaccess.rince.ie/white-papers/2004/ie-acc-2004/ie-acc-2004.html>

Italy

Italy has enacted legislation that requires public services and information to be accessible, provides for adequate IT working instruments and equipment to be provided to PWDs and stipulates that public procurement of ICT goods and services should always keep accessibility as a consideration. The guidelines apply to national and local public bodies and to private subjects, if they are concessionaries of public information or services, and to public transport and telecommunications companies. Italy has assigned the duty to monitor the enforcement of legislation and guidelines to a ministerial council and a central agency. Further, they are also tasked with tracing the accessibility criteria for the development of IT systems in public administration, and introducing the issues relating to accessibility in public personnel training programs. The central agency also plays an important part in monitoring the enforcement of accessibility policies in the processes of public ICT procurement.

Introduction

Italy is the only country studied, other than Germany, which has signed and ratified both the UNCIPD and the Optional Protocol and has several guidelines and initiatives around accessibility, both in terms of web accessibility as well as IT infrastructure.

During 2003, the European Year of People with Disabilities, the Italian Government chose to address the topic of e-Accessibility through a body of legislative acts which, at the moment, is made up of a law (No. 4/2004, also known as the “Stanca” Law), containing the general principles, and two decrees, containing the implementation regulations and the technical accessibility requirements respectively. This body of laws provides that public services and information should be accessible, that disabled people should be provided with adequate IT working instruments and equipment and the public procurement of ICT goods and services should always take accessibility into consideration. The laws are as follows:

- **Law 4/2004, January 9th 2004: “Provisions to support the access of the disabled to information technologies”**

This is the principal legislation on web and information technology accessibility for the disabled in Italy. It states that the government protects each person’s right to access all the sources of information and their relevant services, such as information technology (IT) and data transmission instruments. More specifically, the Provisions are applicable to public administrations, economic public agencies, regional municipal companies, public assistance and rehabilitation agencies, transport and telecommunication companies in which the state has a

shareholding and to ICT services contractors. Article 4 states in particular that when purchasing ICT goods and services, signing contracts regarding their development and maintenance or carrying out competitive tenders, the accessibility requirements must always be taken into consideration. It also contains the commitment to provide disabled workers with adequate IT equipment in order to allow them to work efficiently.

These guidelines for both usability and accessibility of web sites of the public administration are in line with the recommendations and directives on accessibility of the European Union and those suggested by international regulations, namely the WCAG 1.0. The Minister for Innovation and Technologies is to provide by decree the guidelines that will describe the technical requirements, the different levels of accessibility, and the technical methodologies to verify the accessibility of Internet websites and the assisted evaluation programs. The law also holds that the Presidency of the Council of Ministers, Department for Innovation and Technology, and the support of the National Organism for ICT in the Public Administration will help to monitor the application of the present law. Ultimately, regions, autonomous provinces, and municipalities are responsible for overseeing the use of the provisions of this law.

- **Decree of the President of the Republic, March 1st 2005, No. 75 - “Enforcement Regulations for Law 4/2004 to promote the access of the disabled to information technologies”**

This decree goes further into the topics regarding the implementation of the provisions of Law 4/2004. Web sites must not only be barrier-free but also simple, effective, efficient and they must satisfy the user’s needs. Private subjects must necessarily apply for an accessibility assessment made by a member of the evaluators’ list in order to obtain the accessibility mark. Public agencies and bodies instead may autonomously assess their compliance with the accessibility requirements and with the provisions of the law, in adherence to the principle of self-government.

- **Ministerial Decree, July 8th 2005 - “Technical Rules of Law 4/2004”**

This decree is mainly made up of annexes which contain the technical Web accessibility requirements, the methodology for the evaluation of Web sites and the requirements for accessible hardware and software.

- **Italian law 67/2006 “Provisions for the judicial protection of persons with disabilities, victims of discrimination”**

This law introduces into the Italian legal system some provisions for the judicial protection of individuals with disabilities. It is one of the laws that the Italian Parliament has enacted as to implement the European Union law principle set out at Article 13 of the Treaty of Amsterdam, which states the principle of fight against discriminations, either based on sex, race, ethnic origin, religion, personal beliefs, handicaps, age or sexual preferences. Law No. 67/2006 aims to

grant disabled persons the same rights actually enjoyed by non-disabled persons. Law No. 67/2006 provides disabled persons with a general remedy against discrimination, and that such remedy adds up, and does not derogate, those other provisions containing different forms of protection.

The following recommendations and directives on web accessibility preceded the above legislations. These directives either invited Public Agencies to comply with the Web Content Accessibility Guidelines (WCAG) 1.0 or gave specific suggestions on how to develop accessible web pages.

- March 2001 - Directive n. 3/2001 by the Ministry of Civil Service: “Guidelines for the organization, the usability and the accessibility of Public Administration Web Sites”.
- September 2001 - Circular Letter by the Authority for Informatics in Public Administration: “Criteria and instruments to improve the accessibility of Web Sites and computer programs for disabled people”.
- May 2002 - Directive by the Presidency of the Council of Ministers: “*Information on the use of the ‘.gov.it’ domain*”.

Type of Policy

Legislation, Decrees and Directives.

Compliance with WCAG:

Yes – compliant with WCAG 1.0.

Applicability

Law 4/2004: Article 3 lists the addressees of this act. Those who are involved in the enforcement of the law are all the public bodies and agencies, both national and local. The law also applies to private subjects, if they are concessionaries of public information or services, and to public transport and telecommunications companies. Both Decrees have been made in order to further the enforcement of Law 4/2004, and are hence similarly applicable.

State Party to the UNCRPD

Italy has both signed and ratified the UNCRPD as well as the Optional Protocol.

List of referenced and accompanying documents

The Italian government has always been aware of the importance of the Web as a means of communication. The Italian Presidency of the Council of Ministers was in fact the first government to become an official member of the World Wide Web Consortium (W3C). In order

to grant everyone access to the benefits of the upcoming Information Society, following the works of the Web Accessibility Initiative (WAI), many recommendations and directives addressing e-Accessibility were produced in Italy in 2001 and 2002, inviting Public Agencies to comply with the Web Content Accessibility Guidelines (WCAG) 1.0 or giving specific suggestions on how to develop accessible web pages. Unfortunately though, while these recommendations remained mostly unattended, the associations of the disabled were beginning to claim their rights.

In order to find a solution to this problem, the Government established an Interministerial Committee (the “Interministerial Committee for the development and the employment of IT for the weak” which involved three Ministries) in May 2002. The studies carried on by these experts produced a White Book on accessibility and suggested that a stronger competence centre on e-Inclusion needed to be established. Last but not least, the Commission concluded that a law had to be written to address this topic in order to obtain a quick and positive result.

During 2003, European Year of People with Disabilities, the urge to foster the process of digital inclusion was perceived even more clearly. In July a second Interministerial Committee was established, involving seven Ministries this time, whose scope was extended not only to the inclusion through ICT of people with disabilities but also to the e-Inclusion of the elderly and the disadvantaged.

This Committee was to be supported by a Technical Secretariat which was instituted at the National Centre for Informatics in Public Administration (CNIPA). The Secretariat immediately formed several Working Groups, each of which had to deal with a specific technical issue regarding e-Inclusion.

In the meanwhile, eight bills supported by politicians of various parties in Parliament and the three bills coming from the Senate all merged into a single law which explicitly addressed e-Accessibility. The law was voted unanimously in both Houses before the end of the year and published in January 2004.

- **Law 4/2004**

Article 1 of this law contains a clear reference to the principles of non-discrimination which are imbued in the Italian Constitution and acknowledges the right everyone has to access to public information and services.

Article 2 provides definitions for the terms “accessibility” and “assistive technologies” while article 3 lists the addressees of this act. To simplify, we could say that those who are involved in the enforcement of the law are all the public bodies and agencies, both national and local. The

law also applies to private subjects, if they are concessionaries of public information or services, and to public transport and telecommunications companies.

Article 4 is probably one of the most important since it points out the obligations and duties regarding accessibility and inclusion in the case of public procurement of IT goods and services. In particular, when purchasing ICT goods and services, signing contracts regarding their development and maintenance or carrying out competitive tenders, the accessibility requirements must always be taken into consideration.

At this point there are two different levels of obligation: On the one hand, the compliance with the accessibility requirements is mandatory for public Web sites (and in general for Web applications) and on the other, whenever private or public subjects draw on public grants for the procurement of ICT equipment and tools explicitly meant for disabled users or workers.

In every other case of competitive tender regarding IT procurement, the administration must simply give preference to the bidder which offers the best compliance with the accessibility requirements in the event of similar technical offers. Public agencies must eventually provide an adequate justification for not taking the accessibility requirements into account or for buying a product that fails to reach compliance.

Any stipulated contract failing to respect such mechanism may be declared null and void and this may also entail executive responsibilities and disciplinary actions, as well as civil liability provided for by the current anti-discrimination laws (Article 9). Another important point in this article is the commitment to provide disabled workers with adequate IT equipment in order to allow them to work efficiently.

Article 5 recalls the importance of accessibility in the sector of education including the production of teaching tools, courseware and electronic textbooks. Article 6 fosters the voluntary commitment of the private sector to this law and articles 7 and 8 assign duties and explain how to support, monitor and enforce the provisions of the law both at national and at local level stressing the need to spread the culture of e-Inclusion through positive actions and training courses.

Articles 10 and 11 provide for the writing of two decrees containing the enforcement regulations and the technical accessibility requirements while Article 12 explicitly reminds that these requirements could be updated and that they should be compatible with and inspired by other relevant national and international recommendations on accessibility.

- **Decree of the President of the Republic, March 1st 2005, No. 75**

The “Enforcement Regulations for Law 4/2004 to promote the access of the disabled to information technologies.” goes further into the topics regarding the implementation of the provisions of Law 4/2004.

The most important accomplishment of this decree is the introduction the key concept of usability. Web sites must not only be barrier-free but also simple, effective, efficient and they must satisfy the user’s needs.

In order to give visibility to the most accessible and usable Web sites, a national accessibility mark was established along with a list of trusted accessibility evaluators held by the National Centre for Informatics in Public Administration.

Private subjects must necessarily apply for an accessibility assessment made by a member of the evaluators’ list in order to obtain the accessibility mark. Public agencies and bodies instead may autonomously assess their compliance with the accessibility requirements and with the provisions of the law, in adherence to the principle of self-government.

- **Ministerial Decree, July 8 2005**

Apart from a few articles giving further details on the implementation of the law, the decree “*Technical Rules of Law 4/2004*” is mainly made up of annexes which contain the technical Web accessibility requirements, the methodology for the evaluation of Web sites and the requirements for accessible hardware and software.

In order to enforce a law on accessibility which introduced the concept of managerial responsibility, the requirements had to be as clear and measurable as possible. To achieve this goal, the Technical Secretariat of the Inter-ministerial Committee set up several working groups with the aim of writing the technical accessibility requirements.

Since general consensus was probably the most important success factor, the Working Groups were made up of experts coming from 35 agencies and organizations, including Central Government, local Administration, associations of the disabled, developers associations, W3C, and both national and international ICT companies such as IBM, Microsoft, Oracle, Sun, etc.

The primary sources of inspiration for these groups were of course the W3C’s Web Accessibility Initiative (especially the WCAG 1.0) and the positive experience of Section 508 of the U.S. Rehabilitation Act. For the requirements to be easily applicable though, only those that were measurable were chosen.

As a result Annexe “A” of the Ministerial decree contains 22 technical requirements regarding Web sites. Compliance with these requirements guarantees an almost full WCAG-AA accessibility level. Annexe “C” has a list of 7 requirements for the accessibility of Personal Computer hardware and Annexe “D” is made up of 11 requirements for software accessibility.

Apart from listing the technical requirements, Annexe “A” also explains how the technical accessibility evaluation should be carried out. In detail:

- It sets which and how many pages in a Web site must be tested for compliance:
 - The home page;
 - The first level of pages linked from the homepage;
 - All pages involving user interaction;
 - Samples of response pages;
 - A statistical sample (5%) of pages chosen among those not falling into the above mentioned.
- It provides a list of further checkpoints:
 - The content and the functionalities of a page are the same in different browsers;
 - The presentation of a page is similar in every browser that supports modern Web technologies;
 - The contents and functionalities of a page are still usable when images are not displayed;
 - The contents of audio files are also available in a text version;
 - The contents of a page are usable when the functions of the browser used to define the size of the characters are operated;
 - The page is browsable even using the keyboard alone;
 - The contents and functionalities of a page are still usable when style sheets, scripts and applets and other objects are deactivated;
 - All contents and functionalities are still available even if read through a textual browser.
- It explains how to draw up a final accessibility report;
- It suggests a list of helpful testing tools.

Due to the flexible nature of the Decree, the technical requirements could be updated whenever relevant changes should occur in the national and international e-Accessibility scene.

Protocol for evaluating and monitoring

Law 04/2004 assigns the duty to monitor the enforcement of the Law to the Presidency of the Council of Ministers (Department for Innovation and Technology) and to CNIPA. This applies especially to central public agencies. These two agencies must also trace the accessibility criteria for the development of IT systems in public administration, and introduce the issues relating to

accessibility in public personnel training programs. On the other side, the Regions, the autonomous Provinces and Municipalities are responsible for the enforcement of the provisions of the law by local authorities.

CNIPA also plays an important part in monitoring the enforcement of accessibility policies in the processes of public ICT procurement. One of its institutional duties is in fact to give advice on any relevant public ICT project or contract signed by central agencies.

Taking such advice is compulsory but not binding and one of the checkpoints is the compliance of the project with government laws, directives and policies. Other checkpoints include:

- Comparing the project with the priorities and goals of the administration;
- Assessing the internal coherence with other projects of the administration;
- Comparing the project with similar initiatives by other administrations;
- Updating the solution to the state of the art.

Links

- **Law 4/2004, “Provisions to support the access of the disabled to information technologies”**

http://www.pubbliaccesso.it/normative/law_20040109_n4.htm

- **Decree of the President of the Republic, March 1st 2005, No. 75, “Implementation Regulations for Law 4/2004 to promote the access for the disabled to computer technologies”**

http://www.pubbliaccesso.it/normative/implementation_regulations.htm

- **Ministerial Decree, July 8 2005, containing the Technical Rules of Law 4/2004**

<http://www.pubbliaccesso.it/normative/DM080705-en.htm>

- **Law 67/2006 “Provisions for the judicial protection of persons with disabilities, victims of discrimination”**

<http://www.ittig.cnr.it/BancheDatiGuide/Disabilita/LawNo67of1March2006.html>

Japan

Japan does not have any legislation around accessibility but has specified its accessibility policies for both web and other electronic infrastructure in the form of industrial standards. These standards are applicable to both national and local government agencies but do not have any legislative backing for implementation. Japan has also faced additional difficulties on account of the complexity of the Japanese language and script as compared to English. Japan is a signatory to the UNCRPD.

Introduction

Japan has advanced several initiatives over the years to lay down standards for web accessibility. These have been complicated by the nature of the Japanese language which, as a phonetic language with a large number of characters, is not as suited to the WCAG guidelines, which are more oriented towards alphabet based languages like English. Japan does not have any legislation covering accessibility, but the guidelines for accessibility have been laid down in the form of an Industrial Standard by the Japanese Standards Association.

- **Japanese Industrial Standard (JIS) X 8341:**

In November 2001, the International Organization for Standardization (ISO) and the International Electro technical Commission (IEC) jointly issued “ISO/IEC GUIDE 71: Guidelines for standards developers to address the needs of older persons and persons with disabilities.” In 2004, building on ISO/IEC GUIDE 71 and JIS Z 8071, the Japanese Industrial Standard for web accessibility was released, called “JIS X 8341: Guidelines for older persons and persons with disabilities—Information and communications equipment, software and services.” Although the JIS is not legally binding, and its guidelines are subject to substantial interpretation, it did attract a great deal of attention when first passed.²⁵

Currently, five components of JIS X 8341 have been issued:

- Part 1 (JIS X 8341-1: 2004) “Common Guidelines” (May 2004)
- Part 2 (JIS X 8341-2: 2004) “Information processing equipment” (May 2004)
- Part 3 (JIS X 8341-3: 2004) “Web content” (June 2004)
- Part 4 (JIS X 8341-4: 2005) “Telecommunications equipment” (October 2005)
- Part 5 (JIS X 8341-5: 2006) “Office equipment” (January 2006)

²⁵ Kazuhito Kidachi, Web Content JIS Compliance, available at <http://www.mitsue.co.jp/english/column/backnum/20040625a.html>.

The JIS X 8341-3 was expected to function as a basis to ensure the web accessibility of government websites in the central and local governments in Japan. However, the Ministry of Internal Affairs and Communications found a widespread lack of understanding of and respect for the JIS X 8341-3 among the local governments in Japan and in December 2005 further proposed “Operational Models to Improve Accessibility of Public Web sites” in order to supplement the JIS X 8341-3.

Type of Policy

Industrial Standard

Compliance with WCAG:

Not wholly compliant, but some guidelines have been borrowed from the WCAG.

Applicability

The Guidelines and Standards are mandatory for national and local government agencies and can be followed on a voluntary basis by private companies.

State Party to the UNCRPD

Japan has signed but not ratified the Convention as of December 1, 2009. Neither signed nor ratified the Optional Protocol.

List of referenced and accompanying documents

- **JIS X 8341-3**

JIS (Japan Industrial Standard) X 8341-3 is a "Guideline for older persons and persons with disabilities -information and communications equipment, software and services". The JSA (Japanese Standards Association) Information barrier-free committee and its working groups developed the JIS X 8341-3. JIS X 8341-3 was developed under this three-layer framework; (1) ISO/IEC Guide 71 (JIS Z 8071), (2) a common guideline for ICT area, and (3) a Web content accessibility guideline.

W3C/WAI Web Content Accessibility Guideline is an international Web accessibility standard. As Japan cannot adopt W3C standards, JIS X 8341-3 was developed. This framework is quite different from that of W3C/WAI guidelines.

Feature of JIS X 8341-3:

1. It was developed under the framework of ISO/IEC Guide 71 and a common guideline.
2. It was developed based on WCAG 1.0 and other guidelines and also considers WCAG 2.0 WD. (Pays attention to the importance of international harmonization of Web accessibility standards)
3. It is technology independent (same concept as WCAG 2.0)
4. It involves a lot of examples, which are technology specific. (same as WCAG 2.0)
5. It is aimed mainly for public use: public Web sites should use this guideline.
6. It considers Japanese specific issues.
7. It incorporates some usability aspects:
 - It mentions the importance of process: life-cycle of design, development, evaluation, and maintenance.
 - It is an end-user centered design. The intended user can perceive, understand, and operate content.

• **Past Measures to Promote Web Content Accessibility**

There are a number of problems found as a result of inspecting the top pages of Japanese web sites using the Web Contents Accessibility Guideline 1.0 (WCAG1.0), released by the World Wide Web Consortium (W3C). In a survey inspecting 154 web sites, an average of 148 problems were found, reflecting the extremely low level of accessibility. Unlike the U.S. where a certain level of web content accessibility is required for federal government web sites by the Rehabilitation Act, Section 508, there is no accessibility among the central government sites of Japan. Thus, Japanese web page accessibility is in a dire state, with many existing websites extremely difficult or impossible to use for the disabled and elderly.

Of course, this is not to say that efforts in web content accessibility in Japan were nonexistent. WCAG1.0 was translated into Japanese by individuals and groups with an interest in accessibility and is available on the Web. Furthermore, several companies and private sector organizations have announced their own guidelines on accessibility and stressed the importance of assuring web content accessibility. As for government measures, a Committee of the Ministry of Posts and Telecommunications (now the Ministry of Public Management, Home Affairs, Posts and Telecommunications) announced its policy on accessibility in 1999, which basically consisted of the same contents as WCAG1.0, and the Ministry of International Trade and Industry (now the Ministry of Economy, Trade and Industry) and its affiliated organizations have also conducted studies and research concerning web content accessibility. For example, the Ministry of Public Management, Home Affairs, Posts and Telecommunications (MPHPT) has developed a "web accessibility system" for the purpose of promoting diffusion of websites with high accessibility for the elderly and people with disabilities. The ministry has commenced

verification experiments in order to assess and evaluate availability, functions and user-friendliness of the system with the collaboration of local governments, etc. The MPHPT, based on the WCAG guidelines, has created a support system with functions such as evaluating websites whether or not they are accessible for the elderly and people with disabilities.

The system is composed of:

- 1) Evaluation/correction systems with functions to check problems of given websites, and, if necessary, to automatically correct or to lead the creator to easily correct;
- 2) Access support systems which improve web accessibility for the elderly and people with disabilities, e.g., enlarging fonts or altering coloration to more eye-friendly; and
- 3) Accessibility sensing systems with functions which include screen reader compatibility and showing examples of views of people who cannot distinguish colors.

The evaluation/correction systems, the core function of the entire system, checks websites with more than one hundred items classified in four priority levels, and evaluates checking results in four grades of B, A, AA and AAA. The MPHPT is planning to conduct verification experiments in order to make the support system more easy-to-use. Since September 2001, the verification experiments of the support system have been commenced in three areas (Sendai City, Okayama Prefecture and Fukuoka City) with collaboration of local governments, private companies, website creators, etc. In the verification experiments, the Senior-net (which supports IT use of the elderly and people with disabilities) and PC volunteers participate.

- **Outstanding Issues from Past Measures**

However, the guidelines on web content accessibility announced in Japan so far have no legislative backing or power of enforcement, only indicating objectives to which web designers voluntarily strive to achieve, and therefore, have not received sufficient attention. Furthermore, there is no effective Japanese-compatible validation tool for accessibility and due to the innate differences between the English and Japanese languages, it is not possible to conduct an appropriate evaluation of Japanese web contents using WCAG1.0. These circumstances have made it difficult to create accessible Japanese web pages. In order to improve the current state of web content accessibility, the Ministry of Public Management, Home Affairs, Posts and Telecommunications and the Communications Industry Association of Japan (CIAJ) have created the "Web Accessibility Working Group." Its major activities are:

- Discuss a new accessibility evaluation method, which takes into consideration the information-communications environment and unique characteristics of the Japanese language.
- Develop an accessibility evaluation system, which can be used in Japanese and is made to match the needs of the Japanese language.

- Improve web contents by implementing the newly developed evaluation system.

In order to determine more accurately whether or not an HTML document conforms to WCAG1.0, the working group decided to apply the Techniques for Accessibility Evaluation and Repair Tools (AERT) as a complementary document to WCAG1.0. Though AERT is still a working draft, it specifies the algorithm for evaluating whether or not an HTML document conforms to WCAG1.0. However, the evaluation standard specified in AERT assumes that the text is written in the English alphabet. Therefore, if it is applied to web contents written in Japanese, appropriate evaluation or repairs are not possible. Such problems led to the need for a new standard taking into consideration the unique characteristics of the Japanese language.

The Web Accessibility Working Group concluded that the following items in AERT should be revised in order to make it compatible to the unique characteristics of the Japanese language:

1. Changes in the guideline specifying appropriate length of the alternative text and sentences- The Japanese phonetic alphabet and Kanji characters (mostly originating from Chinese ideographic characters) are 2-byte characters, and with the diversity of characters, Japanese text requires very different characters to express an idea compared to English. Therefore, it is not appropriate to apply the guideline specified in WCAG1.0 as the evaluation standard of appropriate alternative text or sentences. It is necessary to create a separate standard for the Japanese language.
2. Changes in the standard due to differences in sentence construction (especially use of empty spaces)
3. Alphabet-based languages, starting with English, generally insert empty spaces in between words, but Japanese does not. WCAG1.0 evaluation guidelines include items based on the assumption that empty spaces are used. Therefore, is not appropriate for Japanese contents and an alternative standard for evaluation is needed.

However, upon deliberation, the Web Accessibility Working Group concluded that even changing the AERT standard to match the needs of the Japanese language would be insufficient and that a new standard was necessary to tackle the issues unique to the Japanese language. The major considerations were as follows:

1. Need to consider the complexity of kanji characters - The Japanese language uses a unique combination of kanji characters and phonetic alphabet. The phonetic alphabet is limited to about 100 characters, but there are several thousand kanji characters used in everyday communications. Each of these characters are of different complexity, and even among native speakers of Japanese, the ability to read kanji characters differs according to such factors as age, generation, and educational background. Thus, Japanese people replace kanji characters with the phonetic alphabet for kanji characters they can't read. Therefore, in order to make Japanese content accessible, it

is necessary to adjust the text format (balance of phonetic alphabet and kanji character use) to match the comprehension level of the user.

2. Need to consider the multiple ways of reading kanji characters- In Japanese, one kanji character can be read in several ways, and in some cases, they each have different meanings. For example, one Japanese character can be used to mean "direction" or "person," each with different phonetic readings. Therefore, with Japanese web contents, even if they satisfy all check points of WCAG1.0, cases will arise where the system cannot make the proper phonetic reading. One effective solution for a voice system to accurately read aloud written Japanese is to attach phonetic readings to every kanji character. However, there is no clear consensus in Japan on how to use this method of attaching phonetic readings to kanji characters.

- ***Japanese and/or Asian language specific issues:***

As mention in the earlier, there exist some issues that may not be important in English and other European languages. For example,

- 1.** Emphasis on shape of characters and images. This may be derived from that Japanese and some other Asian languages are based on semantic characters. The issue is of Text Equivalentents for these characters.
- 2.** Font size and typeface. Kanji characters are more complicated than Roman characters. The issue is of usability.
- 3.** Difficult foreign terms and difficult words for the intended user of the Web site.
- 4.** Whitespace or line-break inside a word.

There is an emphasis on font shape because differences of font shape between some Zenkaku characters such as "—" (Tyou-on), "—" (Zenkaku dash), and "-" (Zenkaku minus) are ambiguous. A Japanese word "リ — ト" is a correct word that means "lead" in English, while "リ — ト" makes no sense. A sighted user does not even notice this mistake, while users who use a screen reader cannot understand that word. Another example is "Z" (Zenkaku Z) and "Z" (Hankaku Z).

- **New IT Reform Strategy –**

In January 2006, the Headquarters issued the “New IT Reform Strategy,” as a new general policy program of the IT society in Japan and as a successor of the e-Japan Strategy. One of the key policy issues of this new Strategy of 2006 is “an IT society that adopts universal design.” Concrete measures to realize “universal design” included “the creation of guidelines

for the standardization of labelling and methods of operation of devices and terminals” and the “promotion of user-friendly Web sites.” The problem is that due to the emphasis on “universal design” in this new strategy, the issue of the accessibility of electronic government recedes into the background.

Besides the general policy programs such as e-Japan and the New IT Reform Strategy, several basic policy programs clarify the necessity of Web accessibility of an electronic government. For example, the “Basic Programme for Persons with Disabilities,” issued by the Cabinet Office in 2002, declares that the “guidelines for designing accessible telecommunication equipment for persons with disabilities should be standardized by JIS.” This statement is realized through the formulation of the abovementioned JIS standards.

Links

1. JIS X 8341-3 - JIS Web Content Accessibility Guideline

<http://www.comm.twcu.ac.jp/~nabe/data/JIS-WAI/>

http://www.webaim.org/teitac/wiki/JIS_X8341-5.php

2. Research and improving web accessibility in Japan

<http://barrierfree.nict.go.jp/accessibility/proof/event/spie/yokou/index.html>

3. ICT accessibility standardization and its use in policy measures

<http://www.access-board.gov/sec508/refresh/teitac4th/yamada.ppt>.

Korea

Korea offers an excellent example of an Asian country with a measurable action plan to bridge the digital divide which has also enacted overarching legislation that is applicable to public and private sector over a period of time starting with Government agencies in the first phase. Korea also has a comprehensive well structured policy addressing various facets including development of ATs and increasing awareness of web accessibility requirements. Korea has established a set of guidelines covering accessibility of IT products and services in general including web accessibility requirements in particular. Further Korea has established a mechanism for measurement and evaluation of implementation progress.

Introduction

The Korean government has been conducting accessibility research since 2005 with an aim to improve web accessibility of government Web sites, increase awareness of web accessibility and develop policies for web accessibility in Korea.

There are two main authorities charged with responsibility of bridging the digital divide. One is the Ministry of the Public Administration and Security. The other is the National Implementation Society Agents. Further, there are several advisor groups.

In 2002, Korea enacted guidelines to improve accessibility for handicapped People with Disabilities and elderly to the IT services and IT products, to improve accessibility in Korea.

- **The 2007 Korea Disability Discrimination Act:**
 - Provides Information Access Rights
 - Provides reasonable accommodations in IT and communication
 - Defines the role of the governmental agencies
 - Sets Web accessibility obligations (2009 ~ 2015 years)
 - 2009 : Government Agencies and their Subsidiary, etc..
 - 2011 : University and College, Major hospitals, etc..
 - 2013 : Private Corporation, etc..
 - 2015 : Culture & Art Corporation

- **National Informatization Act**

The 2009 National Informatization Act in Korea specifically covers ICT access and usage for PWDs and the elderly:

- Mandates Governmental agencies to respect web accessibility standards

- Defines ICT accessibility guidelines
- Provides for Assistive Technology and ICT for PWDs
- Promotes ICT access environment for PWDs and elderly people
- Provides ICT Learning Opportunities for the underprivileged
- Establishes the “National Information Society Agency (NIA)”

Type of Policy

Legislation, National Guidelines

Compliance with WCAG

Korea’s national standard of web accessibility guidelines is based on the reference

guidelines: Section 508 §1194.22 & W3C WAI WCAG 1.0 & W3C WAI WCAG 2.0

Draft Version(2003. 6).

Applicability

The web accessibility obligations laid down in the Korea Disability Discrimination Act, 2009 are intended to apply to both private and public sector gradually by 2015 as per the current roadmap, starting with Government Agencies and subsidiaries in 2009.

State Party to the UNCRPD

Signed and ratified the convention and optional protocol.

List of referenced and accompanying documents

- National Informatization Act(2009)
- Korea Disability Discrimination Act (2007)
- National Information Society Agency
- Information and telecommunications Accessibility Promotion Standards Forum (IABF)

Protocol for evaluating and monitoring

- **ICT accessibility policies and guidelines in Korea**

Korean policies are classified in five groups:

- Firstly, developing and supplying assistive technologies for PWD
 - Secondly, operating ICT accessibility programs.
 - Thirdly, developing ICT accessibility standards.
 - Fourthly, conducting research; and
 - Finally, increasing awareness.
- **Developing and Supplying ATs for PWDs**
 - Support to develop assistive technologies in order to exchange pure technologies for products since 2004
 - 20 products were developed (Magnification, screen reader, etc.)
 - Supplying the assistive devices such as screen reader, Braille display, etc. (Government Subsidy 80%)
 - 20,160 PWDs had earned subsidy to buy ATs
 - Developing AT exhibition websites (<http://at4u.or.kr/>)
 - **Operating ICT accessibility forums: Information and telecommunications Accessibility Promotion Standards Forum (IABF) formed in 2002**

The purpose of this forum is to promote accessibility to ICT products and services through sharing the relevant information among developers, scholars and other groups.

The activities of this forum include:

- Information sharing on the trend of accessibility technologies such as voice and synthesis, web authoring, etc.
- Research on the state of accessibility proven telecommunication devices and information services and need of these devices and services among the disabled.
- Development of methods and tools needed to implement accessibility evaluation on telecommunication devices and information services.
- International cooperation and participation of international standard organizations (ISO, W3C).
- Promotion of public awareness on accessibility issues through holding seminar and operating homepage.

The IABF operates through three divisions: the policy division, the information and telecommunication divisions and the web accessibility division.

- **Developing ICT accessibility standards,**

Korea has developed various ICT accessibility standards since 2005. In Korea there are two national standards. One is the Internet Web Content Accessibility Guideline of December 2005 and the second is the Automatic Teller Machine Accessibility Guideline

1.0 of October 2007. And especially in Korea, there is the Internet Web Contents Accessibility Guidelines consisting of 4 Basic Principles 14 Checkpoints. This is based

on the Reference Guidelines: Section 508 §1194.22 & W3C WAI WCAG 1.0 & W3C

WAI WCAG 2.0 Draft Version(2003. 6).

Further, in Korea there are other standards such as:

Type	Standard/Guideline	Date
<i>Korea Telecommunications Technology Association (TTA)</i>	Korean Authoring Tools Accessibility Guidelines 1.0	Dec. 2006
	Digital Audio Books Guideline 1.0	Dec. 2006
	Software Accessibility Guideline 1.0	Dec. 2006
	Korean User Agents Accessibility Guideline 1.0	Oct. 2006
	Electronic Document Accessibility Guideline 1.0	Dec. 2007
	Mobile Phone Keypads Accessibility Guideline 1.0	Dec. 2007
	The Standard for DTV Closed Caption System	Aug. 2007
	AD 2D Barcode for the People with Visual Impairment	Aug. 2008
	2D Barcode Specification for Printed Material Accessibility with Text-to-Speech for the People with Visual Impairment	Aug. 2008

- **Conducting research on ICT accessibility**

Initiatives in this area include:

- Conducting Survey on people with disability's computer and internet usage every year
- Investigating the status of web and IT products' accessibility
 - Compliance (Computer, ATMs, Cellular Phone, etc..)
 - Conducting survey on awareness of web accessibility
- Operating Initial projects on Telecommunication Relay Service for the hearing impaired
- Conducting research on ubiquitous accessibility, S/W accessibility

According to the web accessibility annual survey, the average score has increased to 81 in 2008 from 72.2 in 2005 out of a total possible score of 100. Further, according to the survey on awareness of the web accessibilities conducted in 2003 and 2006, the percentage of web developers who know about the web accessibility issues has increased to 84.3 percent in 2006 from 26% in 2003.

- **Increasing awareness of ICT accessibility**

One initiative in this area is operating web accessibility education programs for public servants and the web developers. In 2008, 2491 persons participated in the education programs compared to 226 in 2005.

Another initiative is the development of web accessibility evaluation tools: 2003: “A-Prompt” Korean Version and 2005 : KADO-WAH(Web Accessibility Helper).

Other initiatives include operating web accessibility certification programs since 2007 and holding seminars about ICT accessibility as well as cooperating with agencies and companies such as UN-ESCAP, Microsoft, TRACE Center etc. to increase ICT accessibilities.

Links:

Information and Telecommunications Accessibility Promotion Standard Forum

<http://www.iabf.or.kr/En/About.asp>

National Information Society Agency

www.nia.or.kr

Developing AT websites

<http://at4u.or.kr/>

New Zealand

New Zealand has instituted legislation and guidelines covering web accessibility, which mandate compliance by public sector agencies. The government has also so far updated guidelines in line with the WCAG.

Introduction

New Zealand has several strong legal and policy requirements on agencies to make their websites accessible. Governmental departments need to respond to a mix of legislation and Cabinet directives, as well as international obligations on the government as a whole. A set of specific guidelines called NZ Government Web Standards and Recommendations specifically deal with web accessibility. These guidelines mandate compliance by public sector websites with the standards prescribed, which are based on the WCAG Guidelines.

Earlier, the State Sector Act, 1988 ensured that public service systems were accessible to disabled employees, including intranets and computer applications.

The New Zealand Bill of Rights Act 1990 and Human Rights Act 1993 oblige the government to “reasonably accommodate” persons with disabilities.

Type of Policy

Guidelines, Legislation

- NZ Government Web Standards and Recommendations v1.0 2002, revised in 2007
- New Zealand Government Web Standards and Recommendations v2.0, 2009

Those Guidelines cover only web accessibility and deal with standards, recommendations, strategies, website planning, design operation, etc. New Zealand’s provisions apply to the government.

Compliance with WCAG

Yes, the NZ Government Web Standards are fully based on the WCAG guidelines.

Applicability

New Zealand Government Web Standards and Recommendations apply to any web site that is intended for the public and financed by the public through the crown or through public agencies. This covers:

- All Public Service Departments
- New Zealand Police
- New Zealand Defence Force
- Parliamentary Counsel Office
- New Zealand Security Intelligence Service.

Web sites that are intended for a limited or specialist audience may not be intended for public use. Such sites should nevertheless make every effort to comply, in order to be accessible to the specialist audience. This extends to web sites that are internal to an agency (intranets).

State Party to the UNCRPD

Yes, has both signed and ratified the Convention. However, has not signed or ratified the Optional Protocol.

List of referenced and accompanying documents

- **New Zealand Government Web Standards and Recommendations v1.0**

The State Services Commission published Web Guidelines in December 2002 which were revised in 2007. The major focus is enhancing online access through accessibility.

These standards continue to be based on the international World Wide Web (W3C) Web Accessibility Initiatives. The New Zealand Government Web Standards and Recommendations v1.0 incorporates standards from the WAI that are relevant to New Zealand Government web sites.

According to these guidelines, developers need to:

- Make any existing web site compliant with version 1.0 from 1 January 2008, and
- Comply with any subsequent versions of the New Zealand Government Web Standards and Recommendations produced after 1 January 2008.

- **New Zealand Government Web Standards and Recommendations v2.0**

The New Zealand Government Web Standards 2.0 were released in March 2009. They differ from their predecessors in three main ways:

- The Standards are now grouped in **four sections**: Strategy and operations, Technical, Content and design, and Legal and policy.
- The W3C's **WCAG2.0** standards have been adopted as the Technical Standards.

- The Standards are supported by more advice, templates and examples.

The E Government Initiative of New Zealand consists of a number of different standards, strategies, guidelines, and resources related to electronic information. The scope of the E-Government initiative extends well beyond that of web accessibility, but it does include a web accessibility policy as well, which is referenced within a larger set of web guidelines. The web accessibility policy states that all public sector web sites "*must* deliver services in a way that is accessible to the people it serves" . In general terms, the guidelines state that web content must be adaptable to different user circumstances and preferences, and be accessible to people with disabilities. Specifically, the guidelines lay down that content developers must design content in accordance with WCAG 1.0 guidelines and that they:

- *must* satisfy priority 1 checkpoints
- *should* satisfy priority 2 checkpoints
- *may* satisfy priority 3 checkpoints

There is one exemption to this requirement, as the E-Government documentation explains:

The WAI requirement does not extend to the Māori language in these Guidelines while support for correct rendering in screen readers does not extend to the Māori language. Presumably this is because there is a lack of support for the Māori language in browsers and/or assistive technologies.

State Sector Act 1988

This Act arguably puts responsibility on the public service to ensure its systems are accessible to disabled employees, including intranets and computer applications.

56 (2) For the purposes of this section, a good employer is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring —

- (h) Recognition of the employment requirements of persons with disabilities.

New Zealand Disability Strategy

Departments of the Government are required to implement the New Zealand Disability Strategy, as directed by Cabinet.

Objective 6 of the Strategy says: Foster an aware and responsive public service 6.5 - Make all information and communication methods offered to the general public available in formats appropriate to the different needs of disabled people

New Zealand Bill of Rights Act 1990 and Human Rights Act 1993

It is generally accepted that government is obligated under the New Zealand Bill of Rights Act and the Human Rights Act to reasonably accommodate disabled people. Part 1A of the Human Rights Act applies in particular to the public service. It requires generally that government does not discriminate on the prohibited grounds of that Act:

20I Purpose of this Part:

The purpose of this Part is to provide that, in general, an act or omission that is inconsistent with the right to freedom from discrimination affirmed by section 19 of the New Zealand Bill of Rights Act 1990 is in breach of this Part if the act or omission is that of a person or body referred to in section 3 of the New Zealand Bill of Rights Act 1990.

The references to the Bill of Rights Act are:

3. Application

This Bill of Rights applies only to acts done—

- (a) By the legislative, executive, or judicial branches of the government of New Zealand; or
- (b) By any person or body in the performance of any public function, power, or duty conferred or imposed on that person or body by or pursuant to law. ...

19. Freedom from discrimination

(1) Everyone has the right to freedom from discrimination on the grounds of discrimination in the Human Rights Act 1993.

(2) Measures taken in good faith for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination that is unlawful by virtue of Part 2 of the Human Rights Act 1993 do not constitute discrimination.

Part 2 of the Human Rights Act 1993 includes:

21. Prohibited grounds of discrimination

(1) For the purposes of this Act, the prohibited grounds of discrimination are— Disability, which means—

- (i) Physical disability or impairment
- (ii) Physical illness
- (iii) Psychiatric illness

- (iv) Intellectual or psychological disability or impairment
- (v) Any other loss or abnormality of psychological, physiological, or anatomical structure or function
- (vi) Reliance on a guide dog, wheelchair, or other remedial means
- (vii) The presence in the body of organisms capable of causing illness

Mechanism for updates

The government has thus far updated its standards with changes in WCAG guidelines. The New Zealand Government Web Standards 2.0, which was released in March 2009 recommends compliance with the WCAG 2.0 Guidelines. After the release of the recent Guidelines, a fully new version of the New Zealand Web standards was published.

Links

New Zealand Bill of Rights Act 1990 and Human Rights Act 1993

<http://www.webstandards.govt.nz/accessibility-and-the-new-zealand-legal-environment/>

New Zealand Web Standards

<http://www.webstandards.govt.nz/>

<http://www.webaim.org/articles/laws/world/australia.php#nzlegis>

<http://www.e.govt.nz/standards/web-guidelines/>

New Zealand Web Guides

<http://www.webstandards.govt.nz/web-guides/>

Meeting the Standards

<http://www.webstandards.govt.nz/meeting-the-standards/>

Philippines

The Philippines is making progress towards developing a policy and enacting legislation for web accessibility. The Philippine Web Accessibility Group (PWAG) is tasked with overseeing and implementing relevant programs on accessible ICT. PWAG together with concerned government agencies has begun formulating an official set of Philippine Web Accessibility Design Recommendations based on a distinctly Philippine web accessibility regime rather than adopting the WCAG. The PWAG aims to develop standards that they feel are calibrated to the country's needs and capabilities.

Introduction

The Philippines provides an example of a web accessibility regime in a developing Asian country. Though it currently lacks legislation or policy addressing web accessibility, The Philippines is currently striving to make progress towards that end in a manner that it feels is tailored to its specific context.

- **Leadership at the United Nations**

In 2003, the Philippines sponsored an UN-supported workshop on Accessibility of ICT for Persons with Disabilities. This workshop produced documents that answer the relevant accessibility and technology questions of developing nations. They are the [Manila Declaration on Accessible ICT](#), and the [Manila Accessible ICT Design Recommendation](#). The purpose of the declaration was to include accessible information as a human right, while the recommendation is a set of threshold level functional specifications for accessibility of technology. Co-developed by the United Nations and Cynthia Waddell, one of the chief architects of the U.S. Section 508, the Recommendation is a set of best practices tailored to developing countries. Though these initiatives lack the force of law, many organizations in the Philippines adopt their provisions voluntarily.

- **The Philippine Web Accessibility Group (PWAG)**

Originally founded as a government-affiliated ad hoc working group in 2006, the Philippine Web Accessibility Group (PWAG) is now formalized and government-supervised through the Department of Social Welfare and Development-National Council on Disability Affairs (DSWD-NCDA) and the National Computer Center-Commission on Information and Communications Technology (NCC-CICT). The PWAG is now tasked with overseeing and implementing relevant programs on accessible ICT in the Philippines. It fosters dialogue among activists, web designers, academics, the government and other relevant actors in the field; evaluates web sites

for accessibility; and together with concerned government agencies (NCDA and NCC-CICT) has begun formulating an official set of Philippine Web Accessibility Design Recommendations. The PWAG seeks to develop a distinctly Philippine web accessibility regime rather than adopting the WCAG. Using the Manila Accessible ICT Design Recommendation as a basis for the development of standards, the PWAG aims to develop standards that they feel are calibrated to the country's needs and capabilities. Consulting with policymakers, webmasters, and persons with disabilities, the PWAG has developed a separate vision of web accessibility:

We asked the question, *'what is accessibility in the Philippine context?'* The answers were different from those of the developed nations. They were also different from those of the other developing nations... The dominant Information and Communication Technologies used are cell phones and short-message systems (SMS). Only a small fraction of the population is using computers, and almost nobody uses or can afford screen readers...Through collaboration, we have a clear idea of the balance between the needs (and wants) of persons with disabilities, and what web producers can reasonably and economically build. We will be basing our standards on that balance.²⁶

The sense of the PWAG is that adopting the WCAG would be more costly than necessary given the above context, and as such costs would prohibit actual compliance. The PWAG has realized though that accessible web design actually saves money when it is adopted in conjunction with new web development. Remediation of old websites imposes more costs. As such the PWAG recommends adopting accessible designs primarily in conjunction with website design, redesign, or update.

Type of Policy

Working group attempting to formulate policy

Compliance with WCAG

Ultimate standards will likely be partially compliant, not totally compliant.

Applicability

Not yet determined.

State Party to the UNCRPD

Signed and ratified Convention, has not signed Optional Protocol.

²⁶ The Philippines Web Accessibility Group, About Us, <http://www.pwag.org/aboutpwag.htm#aboutpwag>.

List of referenced and accompanying documents

N/A

Protocol for evaluating and monitoring

N/A

Links

- The Philippines Web Accessibility Group, <http://www.pwag.org/aboutpwag.htm#aboutpwag>

Portugal

Portugal has put in place web accessibility guidelines for public websites while there is no specific legislation that has been enacted. The guidelines do not refer in particular to the WCAG. However, it may be inferred that they are broadly on the same lines at a high level. Portugal has also instituted some initiatives for compliance by the private sector with the accessibility guidelines. Further there is a mechanism instituted to and evaluate compliance and to receive suggestions and resolve complaints for improvement.

Introduction

Portugal does not have any specific legislation mandating web accessibility but has taken several measures to put accessibility guidelines for public websites in place and is a signatory to both the UNCRPD and the Optional Protocol.

- **Accessibility of Public Administration Web Sites for Citizens with Special Needs (Resolution of the Council of Ministers N° 97/99).**

Although there is no direct legislative measure in Portugal that imposes a clear legal requirement for website accessibility, as far back as 1999 the Resolution of the Council of Ministers No 97/99 stated that information layout and presentation in public administration websites (central and local) should allow or facilitate access by persons with special needs. The resolution stated that accessibility should address, at a minimum, the relevant information for understanding and searching the website's content. This resolution was a response to a "Petition for the Accessibility of the Portuguese Internet", by the Portuguese Accessibility Special Interest Group, and was the first petition of its kind submitted to a Parliament in Europe.

- **Other measures**

Under Axis 1: Accessibility and Information, Strategy 1.2 of the 1st Action Plan for the Integration of the persons with Disability or Incapacity (PAIPDI) (2006-2009) there is a measure to guarantee the application of web accessibility standards to all public websites.

Action 2.5(b) of the National Plan for the Promotion of Accessibility (PNPA) 2007-2015 refers to electronic access to public services. This action is intended to ensure accessibility for people with a disability (namely, people with vision and hearing impairments) to public services available in electronic format.

Action 7.2 of the National Program for the Inclusion of Disabled People in the Information Society is to promote training and incentives regarding Internet usage by disabled people.

Type of Policy

Resolution in the Parliament

Compliance with WCAG

The Portuguese law does not mention the WCAG explicitly. The reference to web accessibility is instead broad. Article 1, Point 1.1 of the Resolution states, "The methods chosen for organizing and presenting the information (...) must permit or facilitate access thereto to all citizens with special needs." And Point 1.2 says "The accessibility referred to in article 1.1 above shall apply, as a minimum requirement, to all information relevant to the full understanding of the contents and for the search of same".

Further, the Article 2 states that "To achieve the goals referred to in the previous article, the organizations mentioned therein must prepare both the written contents and the layout of their Internet pages so as to ensure that: a) Reading can be performed without resorting to sight, precision movements, simultaneous actions or pointing devices, namely mouses. b) Information retrieval and searching can be performed via auditory, visual or tactile interfaces."

Thus, we see that there is no specific reference to WCAG guidelines in the Resolution, but we can conclude that there is a broad reference to the general guidelines of the WCAG or we can say that the Resolution is partly along the lines of the WCAG, but at a very high level.

Applicability

Article 1, Point 1.1 of the Resolution provides that the information made available by General Directorates and similar agencies, departments or services, as well as that rendered available by any public corporations must permit or facilitate access thereto to all citizens with special needs. These General Directorates and Agencies include universities, schools, and State held corporations like state television, radio, and banks.

State Party to the UNCRPD

Yes. Signatory to both Convention and Optional Protocol, but has not ratified either.

List of referenced and accompanying documents

Back in 1997, under the direct responsibility of the Minister of Science and Technology, a Mission Team for the Information Society was set up with the goal of starting a national debate

on the issue of Electronic Accessibility. As a result of this discussion, a Green Paper containing a set of measures to implement the Information Society was presented to Parliament and approved by the Council of Ministers in 1997.

One of the key areas of this document is to ensure that the information society is democratic. A concern of the utmost importance within this framework is guaranteeing that everyone, including people with special needs, has access to the benefits of new information and communication technologies.

In this context, the document proposes two concrete measures for people with disabilities:

- Giving priority to programmes to include citizens with disabilities in the Information Society;
- Including older workers and citizens with disabilities in the labour market.

Ministers Council Resolution 96/99 and 97/99 and INCNESI

Following the submission of an electronic Petition for the Accessibility of the Portuguese Internet by the Portuguese Accessibility Special Interest Group – PASIG (9,000 citizens submitted this petition to the Portuguese Parliament), the Council of Ministers approved a Resolution obliging Directorates-General and similar agencies and departments to adopt rules of accessibility for people with disabilities in their web design (Resolution 97/99).

The same Council of Ministers approved the National Initiative for People with Special Needs in the Information Society (INCNESI), jointly with a Guidance Paper (Resolution 96/99).

The broad objective of this initiative is to help citizens with special needs, namely people with physical and mental disabilities, the elderly and the long-term bed-ridden, to take full advantage of the benefits that new information technology can offer them as a factor of social integration and improvement in their quality of life.

The principles are as follows:

Principle 1: *The benefits of the information society are for all.*

Principle 2: *Priority should be given to developing products and services for people with special needs, on economically accessible terms.*

Principle 3: *To promote the universal design concept.*

Principle 4: *To ensure that research and development are carried out to extend existing knowledge and skills in connection with the integration of people with special needs into the information society.*

Principle 5: *To reinforce the co-operation between users and the public and private sectors in developing technologically advanced products adapted for people with special needs.*

Principle 6: *To raise society's awareness of the need to integrate people with special needs.*

Portugal also has several national programs that include efforts to improve Electronic Accessibility.

In 2000, the team of the ACESSO Unit of the Ministry of Sciences, Technology and Higher Education's Unit for Innovation and Knowledge (UMIC) published a brochure about "visibility requirements" to support the improvement of the existing public websites. It defined a set of basic accessibility requirements and the inherent technical specifications that allow for visiting the site. The requirements included in the brochure relate to the presentation of information, contact, navigation and conformity (with web accessibility guidelines W3C, presentation of accessibility symbol, etc).

Since then UMIC has carried out various relevant activities:

1. Technical specifications Annex for ICTs Public Tenders;
2. Guidance papers and CD-ROM toolkits (Portuguese translation of WAI guidelines);
3. Provided a web accessibility helpdesk for webmasters;
4. Training on web accessibility;
5. Accessibility Gallery (list of all accessible public sites).

In terms of private organizations, UMIC has made some efforts to introduce accessibility requirements in the banking sector. UMIC has also identified electronic shopping and online press for future intervention in terms of web accessibility standards.

In 2001, UMIC developed training actions directed at the developers of web contents for educational institutions under the e-U projects. From 2000 to 2004, UMIC has promoted several training actions for the webmasters of Public Administration organizations, aiming at the improvement of accessibility provisions for people with special needs. Since 2004, the UMIC gives direct consultancy to the teams responsible for web site/portal development in public organizations during its development and tries to correct some accessibility aspects.

Action 7.2 of the National Programme for the Inclusion of Disabled People in the Information Society has put in operation, with the Government's support, a network of Internet access places, which includes more than 150 of such spaces created in NGOs working with / for people with a disability. Support structures and relevant technologies for accessibility of a number of municipal internet places have been provided (the rule followed was one adapted personal computer per Internet place). Also, the Government has supported the creation of a network for Internet access, free to all NGOs with activities in the disability field, which includes more than 260 Internet access points and manages more than 70 electronic postboxes.

Protocol for evaluating and monitoring

Article 5 of the Resolution states that the Minister for Science and Technology shall monitor and evaluate the enforcement of this Legislative Act, and shall inform the Government regularly of the progress of its application.

Article 4 also provides that a progress report on its implementation must be submitted to the Minister to which the organizations referred to in article 1 report within a period not exceeding one year from the date of enforcement.

Action 1.2 of the National Program for the Inclusion of Disabled People in the Information Society (2003) established a mechanism for monitoring and receiving suggestions and claims concerning public website accessibility and general ICTs used in public administration services.

In 1999, the Minister of Science and Technology set up a support unit, ACESSO, to monitor the implementation of the National Initiative for People with Special Needs in the Information Society and propose appropriate measures and technical solutions. It is the responsibility of this Task Force, for example, to support the Government and Public Services in the designing of accessible web sites for people with disabilities.

Links

- **Resolution of the council of ministers concerning the accessibility of public administration web sites for citizens with special needs**

http://www.acessibilidade.net/petition/government_resolution.html

http://www.acesso.unic.pt/acesso/res9799_en.htm

- **Portuguese Web Accessibility Legal Resources**

http://www.icdri.org/hispanic/portuguese_legal_resources.htm

<https://countryprofiles.wikispaces.com/Portugal>

- **Overview of accessibility of ICT in Portugal**

<http://www.einclusion-eu.org/ShowCase.asp?CaseTitleID=379&CaseID=874>

Sweden

Sweden has national guidelines, ordinances and bills requiring web accessibility of public sector websites as well as stipulating that government products and services are accessible to persons with disabilities. Further, Sweden has passed laws requiring that IT products and services should be accessible to and usable by everyone as far as this is at all possible, including people with disabilities and this is applicable to all in Sweden. The guidelines are not mandatory and apply primarily to public agencies with responsibility for the procurement, development and maintenance of websites.

Introduction

Though Sweden was one of the first countries to introduce legislation covering IT accessibility, there is no law in Sweden specifically addressing web sites or web accessibility. Swedish policy on web accessibility is a composite of the following laws and guidelines:

- **Swedish National Guidelines for Public Sector Websites (24 hour agency web guidelines, 2002)**

Published by Verva, the Swedish Administrative Development Agency, these guidelines draw heavily from the WCAG and from the legislations listed below. Web accessibility is presented as an integrated element of the development process generally and not as a separate issue. Web accessibility guidelines are incorporated into general web development guidelines. Subsequent versions, produced on Verva's own initiative, have taken later EU Action Plans, e.g. i2010, into account. Verva, which was a central advisory agency, was shut down at the end of 2008 and no other agency has been empowered to look into e-accessibility. While they are not mandatory, they are followed by a significant proportion of the public sector agencies. A survey carried out in February 2007 showed that over 90 % of those responsible for public administration websites in Sweden were aware of the Swedish National Guidelines for Public Sector Websites, with 80 % or more actively using them. The purpose of the Guidelines is to support the procurement, development, and maintenance of a website by a public administration so that it offers equal opportunity usage for all citizens.

- **Swedish Ordinance 2001:526 -**

Ordinance (2001:526), which concerns the responsibility of national authorities for the implementation of disability policy, states that government agencies are responsible for ensuring that their activities, premises and information are accessible to citizens with disabilities. This work includes conducting inventories and drawing up working plans.

- **Swedish Government Bill 2004/05:175 –**

The Government bill entitled *From an IT policy for Society to a Policy for the Information Society (Government bill 2004/05:175)* says that IT must be accessible to everyone. Infrastructure and being able to utilize the technology are important factors and necessary for success.

- **Swedish Government Bill 1999/2000:79 –**

This is the Government's Working Plan for Disability Policy "From Patient to Citizen" and was passed by the Swedish Parliament in 2000. It says that IT products and services should be accessible to and usable by everyone as far as this is at all possible, including people with disabilities. It is applicable to everyone in Sweden.

- **Disability Ombudsman Act (1994:749)**

The Disability Ombudsman shall work to ensure that inadequacies in statutes and other enactments as regards people with disability are remedied. The Disability Ombudsman monitors the rights and interests of people with disability. The objective is that people with various kinds of disability should be able to participate fully in the life of the community and live on the same terms as others.

- **Prohibition of Discrimination in Working Life of People because of Disability Act (1999:132)**

This legislation safeguards the rights of the disabled in the workplace, ensuring that a disabled person is accorded the same position and treatment as any other employee and that disabled persons are not discriminated against in the grant of employment and in other aspects of employment.

- **The EU's i2010 Action Plan**

Sweden supports the EU i2010 Action Plan – the European Information Society for growth and employment. To paraphrase, it says that IT must benefit all citizens by improving public services and making them more cost efficient and accessible in addition to improving the quality of life.

Type of Policy

Legislation, National Guidelines, Ordinances.

Compliance with WCAG

The Guidelines draw heavily from WCAG 1.0, and are almost completely compliant with them (only three guidelines are not included).

Applicability

The Guidelines are not mandatory. The main subjects of the Guidelines are those people in Swedish public administrations with responsibility for the procurement, development and maintenance of websites. However, the Guidelines can also be applied by any organization (Public or Private sector alike) that wants to improve the quality of its website for its users.

The Swedish Government's Action Plan, encapsulated in Government Bill 1999/2000:79 applies to one and all - authorities, county councils, municipalities, companies and organizations.

State Party to the UNCRPD

Sweden has signed and ratified both the Convention and the Optional Protocol.

List of referenced and accompanying documents

(Include which legislations also contain relevant provisions, Length of the document, author, which department is responsible for this and if possible the name of the person)

- **“From patient to citizen. A national action plan for disability policy”**

This is the most important policy document in Swedish disability policy. This action plan covers all sectors of society and shows disability policy to be of an inter-sectoral nature. The national objectives of disability policy are:

- A social community based on diversity;
- A society designed to allow people with disabilities of all ages full participation in the life of the community;
- Equal opportunities in life for girls and boys, women and men with disabilities.

- **Swedish National Guidelines for Public Sector Websites**

The Swedish Government has a goal of making all public administration websites accessible to its citizens by 2010, in line with Europe's i2010 initiative.

This goal is to be achieved through Sweden's disability policy of inclusion and equality, which is designed to create “a working social community based on diversity; a society designed to allow

people with disabilities of all ages full participation in the life of the community; equal opportunities in life for people coping with disabilities.”

In order to realise a society that caters to the needs of all individuals, public administrations have been asked to set a good example and lead the way.

The support that the Guidelines provide to public administrations in achieving this goal can be seen by their widespread adoption in Sweden.

The Guidelines were maintained by Verva, as part of its goal to ensure that all communications between citizens and public administrations (Government authorities, municipalities and county councils) are perceived as simple, efficient and suitable for their purpose.

The purpose of the Guidelines is to support the procurement, development, and maintenance of a website by a public administration so that it offers equal opportunity usage for all citizens.

The primary audience for the Guidelines is those people in Swedish public administrations with responsibility for the procurement, development and maintenance of websites. There are approximately 1,000 public administration websites in Sweden; 300 of these websites belong to Government authorities. However, it is fair to say that the Guidelines can also be applied by any organization (Public or Private sector alike) that wants to improve the quality of its website for its users.

The Guidelines contain criteria which cover the entire lifecycle of a website; from its conception to the publication of ‘live’ web content. These criteria address several areas which should be considered, including:

- Accessibility
- Usability
- Web standards
- Privacy issues
- Information architecture
- Developing content for the web
- Content Management Systems (CMS)/ authoring tools selection
- Development of web content for mobile devices.

In addition, the Guidelines cover strategic planning, website design, development and administration. The guiding principles are based on research, best practice and recommendations given by experts.

Protocol for evaluating and monitoring

Until it was shut down in 2008, Verva regularly performed automated testing on over 900 public administration websites, checking specific pages against various criteria from the Guidelines. The most recent benchmarking study was performed in April 2008 and clearly showed that the Guidelines were also being applied.

Links

- **Swedish National Guidelines for Public Sector Websites**

www.verva.se/english/guidelines/public-sector-websites

- **Prohibition of Discrimination in Working Life of People because of Disability Act**

<http://www.equalrightstrust.org/ertdocumentbank/dad1e2d6.pdf>

- **The Disability Ombudsman Act**

http://www.ho.se/upload/Disability_Ombudsman_Act,%20uppdaterad2.pdf

Thailand

Thailand has formulated a strategic action plan for achieving web accessibility as well as promotion of local ATs. Thailand has also developed web accessibility guidelines based on a modified version of WCAG intended to be promoted in the public and private sector. These measures do not have the force of legislation at this time.

Introduction

Thailand has incorporated web accessibility priorities into its general telecommunications policy. It features an action plan for bridging the digital divide and an indigenous set of web accessibility standards.

- **Thai Web Content Accessibility Guidelines (Th-WCAG)**

In consultation with web developers Thailand developed its own national web accessibility guideline for web developers which were in effect a modified version of Level 1 of WCAG2.0. Though lacking the force of law, the intent was to promote these guidelines in both the public and private sectors.²⁷

- **Bridging the Digital Divide Strategic Plan (2008-2010)**

The Ministry of Information Technology (MICT) has developed the Bridging the Digital Divide Strategic Plan (2008-2010) as its roadmap for promoting web accessibility as well as research and development of the local assistive technology industry. The Plan seeks to increase web accessibility, develop an assistive technology industry, and to increase access channels and personnel related to assistive technology and related technologies. The goals of the Plan include: obtaining sufficient funding from the public and private sector for reducing the barriers of accessing information, redesigning government websites based on the MICT's web accessibility standards, establishing an assistive technology industry, and providing training to persons with

²⁷ Namnueng Mitsamarn, Waragorn Gestubtim and Sirilak Junnatas, Web Accessibility: A government's effort to promote e-accessibility in Thailand, <http://delivery.acm.org/10.1145/1330000/1328498/p23-mitsamarn.pdf?key1=1328498&key2=7936739421&coll=GUIDE&dl=GUIDE&CFID=46293378&CFTOKEN=36045122>.

disabilities in the use of assistive technologies. The MICT laid out four Strategies and 16 projects to achieve these goals, but as yet, data on their implementation and effectiveness are lacking.²⁸

Type of Policy

Indigenous guidelines, strategic plan.

Compliance with WCAG

The Th-WCAG are partially compliant with WCAG 1.0.

Applicability

The Strategic Plan has aspirations of reaching both the public and private sectors.

State Party to the UNCRPD

Thailand signed and ratified the Convention, but has not signed the Optional Protocol.

9. LINKS:

- Manila Design Recommendations on Accessible Information and Communications Technologies (ICT): <http://www.un.org/esa/socdev/enable/manilarecom.htm>
- Manila Declaration on Accessible Information and Communication Technologies (ICT): <http://www.un.org/esa/socdev/enable/maniladecl.htm>
- Proadpran Punyabukkana, Suchai Thanawastien, Ajin Jirachiefpattana, Thailand's National Digital Divide Strategic Framework: <http://delivery.acm.org/10.1145/1370000/1368065/p97punyabukkana.pdf?key1=1368065&key2=9821839421&coll=GUIDE&dl=GUIDE&CFID=46301622&CFTOKEN=39347689>.
- Namnueng Mitsamarn, Waragorn Gestubtim and Sirilak Junnatas, Web Accessibility: A government's effort to promote e-accessibility in Thailand <http://delivery.acm.org/10.1145/1330000/1328498/p23-mitsamarn.pdf?key1=1328498&key2=7936739421&coll=GUIDE&dl=GUIDE&CFID=46293378&CFTOKEN=36045122>.

²⁸ Proadpran Punyabukkana, Suchai Thanawastien, Ajin Jirachiefpattana, Thailand's National Digital Divide Strategic Framework, <http://delivery.acm.org/10.1145/1370000/1368065/p97-punyabukkana.pdf?key1=1368065&key2=9821839421&coll=GUIDE&dl=GUIDE&CFID=46301622&CFTOKEN=39347689>.

United Kingdom

The United Kingdom has generic disability legislation in the form of a Disability Discrimination Act but no specific accessibility-related legislation. Web Accessibility guidelines are provided through a publicly available specification and there is a Code of Practice that provides guidelines on providing accessible services. This is applicable to any service provider – both public and private. The UK is a signatory to both the UNCRPD and the optional protocol.

Introduction

The United Kingdom's web accessibility regime emanates from its general disability discrimination legislation. Additionally, a formal code of guidelines helps in the creation of accessible websites.

- **Disability Discrimination Act, 1995:**

The Disability Discrimination Act (DDA) was introduced to end discrimination against disabled people and give them new rights in the areas of employment, access to goods and services, and buying or renting land or property. Section 19 of the Disability Discrimination Act of 1995 (DDA) makes it unlawful for a provider of services to discriminate against a disabled person by refusing to provide to the disabled person any service which he provides, or is prepared to provide, to members of the public.

Section 19 also includes "access to and use of information services" among its examples of services to which the rules apply. It states that a person is a "Provider of Services" if he provides access to and use of information services to the Public. Web Accessibility comes under this ambit of 'Information Services' and thus this section comprises websites. The term 'service provider' includes people who provide websites for customers to use.

Section 21 of the DDA makes it mandatory for a Provider of Services to take reasonable steps to change practices or policies which make it impossible or difficult for the disabled persons to make use of the services.

The SENDA (Special Education Disability Act 2001) extended the DDA 1995 into education.

- **The Disability Discrimination Act, 2005:**

This Act amended the DDA of 1995 and placed an additional duty on the public sector to promote equality for the disabled in the full range of public sector activity, including procurement, policy-making and service delivery. This duty builds upon the specific DDA duties to make reasonable adjustments for disabled people, which apply to public sector bodies as employers, providers of services and deliverers of public functions.

- **The Code of Practice (Revised): Rights of Access services to the public, public authority functions, private clubs and premises:**

The Code of Practice deals with the duties placed by Part III of the DDA on those providing goods, facilities or services to the public and those selling, letting or managing premises. While not an authoritative statement of law, the Code must be considered, in relevant part, by the courts when they hear claims under the DDA. The Code additionally seeks to prevent illegal action in the first place by outlining good practice. In explaining the services which a business should make accessible to people with hearing or visual disabilities, the Code cites "accessible web sites" among its examples.

- **PAS 78: Guide to good practice in commissioning accessible websites:**

PAS78 is a Publicly Available Specification published in 2006 by the British Standards Institution (BSI) in collaboration with the Disability Rights Commission (DRC). It provides guidance to organizations in how to go about commissioning an accessible website from a design agency. It describes what is expected from websites to comply with the DDA, making websites accessible to and usable by disabled people.

A major driver of accessibility is WCAG recognition and, in the public sector, the Central Office of Information's own guidelines <http://coi.gov.uk/guidance.php?page=128>.

Type of Policy

Legislation

Compliance with WCAG

Not wholly. However, the PAS78 refers to the WCAG Guidelines.

Applicability

Any Service Provider (includes any site which provides service to the public, including the private sector).

State Party to the UNCRPD

The United Kingdom signed and ratified the UNCRPD. It also signed the Optional Protocol, but has not ratified it.

List of referenced and accompanying documents

1. Disability Discrimination Act, 1995:

The Disability Discrimination Act 1995 (DDA) is an Act of the Parliament of the United Kingdom which makes it unlawful to discriminate against people in respect of their disabilities in relation to employment, the provision of goods and services, education and transport. It is a civil rights law. The Equality and Human Rights Commission provides support for the Act.

Section 19 of the Disability Discrimination Act, 1995 makes it unlawful for a provider of services to discriminate against a disabled person in refusing to provide to the disabled person any service which he provides, or is prepared to provide, to members of the public. It also includes "access to and use of information services" among its examples of services to which the rules apply. It states that a person is a Provider of Services if he provides access to and use of information services to the Public. Web Accessibility comes under this ambit of 'Information Services' and thus this Section include Websites. The term 'service provider' includes people who provide websites for customers to use.

Section 21 of the Disability Discrimination Act, 1995 makes it mandatory for a Provider of Service to take reasonable steps to change practices or policies which make it impossible or difficult for the disabled persons to make use of the services.

In addition to imposing obligations on employers, the Section places duties on service providers and requires "reasonable adjustments" to be made when providing access to goods, facilities, services and premises.

The duties on service providers have been introduced in three stages:

- Since 2 December 1996 - It has been unlawful for service providers to treat disabled people less favorably for a reason related to their disability;
- Since 1 October 1999 - Service providers have had to make 'reasonable adjustments' for disabled people, such as providing extra help or making changes to the way they provide their services.
- Since 1 October 2004 - Service providers may have to make other 'reasonable adjustments' in relation to the physical features of their premises to overcome physical barriers to access.

Although facets of the Disability Discrimination Act 1995 have been introduced in stages, the act has applied to websites since it was implemented in 1996. At first, there was some ambiguity because the wording of the Disability Discrimination Act did not specifically refer to websites - although the consensus had long been that the reference to "information services" includes websites. Any ambiguity was removed by the publication in February 2002 of a Code of Practice which is based on the Act. In explaining the services which a business should make accessible to people with hearing or visual disabilities, the Code cites "accessible web sites" among its examples. So the duty on an organization with a website that is not accessible to the disabled is to take "reasonable" steps to make that site accessible. In considering what is reasonable, the Code suggests that the financial resources of an organization will be among the factors that should be taken into consideration. Therefore, in simple terms, a large company will struggle to justify any failure to make its site accessible, while a small business or a charity may have a better defence, if it can show that it cannot afford the necessary development work.

The DDA does not specify a minimum level of WCAG 1.0 that must be achieved before it considers a site to be accessible. Nor does the DDA insist that all sites must be accessible. What the DDA does is it seeks to ensure that there is no *unreasonable discrimination* against people on the grounds of disability.

There has not been a legal test case on the DDA 1995 and web accessibility but the Royal National Institute of Blind People (RNIB) achieved a landmark out of court settlement which secured an accessible web site from the UK's biggest retailer, TESCO.

2. The Code of Practice: Rights of Access services to the public, public authority functions, private clubs and premises

Code of Practice deals with the duties placed by Part III of the Disability Discrimination Act 1995 on those providing goods, facilities or services to the public and those selling, letting or managing premises. The Act makes it unlawful for service providers, landlords and other persons to discriminate against disabled people in certain circumstances. In explaining the services which a business should make accessible to people with hearing or visual disabilities, the Code clearly cites "accessible web sites" among its examples. Hence, this amendment cleared the existing ambiguity as the original DDA did not use the term 'website'.

3. PAS 78: Guide to good practice in commissioning accessible websites:

Guidance on commissioning an accessible website is available in this document known as PAS78. A PAS is a publicly available specification and PAS 78 offers practical, non-technical tips for any organization that is building a new site or reviewing an existing one. Evidence that PAS 78 has been followed could help an organization in the event of a challenge under the DDA. It was published by the British Standards Institution (BSI) in collaboration with the Disability

Rights Commission (DRC). It provides guidance to organizations in how to go about commissioning an accessible website from a design agency. It describes what is expected from websites to comply with the UK Disability Discrimination Act 1995 (DDA), making websites accessible to and usable by disabled people

The principal audience are businesses within the UK, but it is a relevant document for charity and volunteer organizations, as well as local and central government. It is also a useful document for web design agencies and web developers as a guide to what is expected of them. It is written from a business perspective and describes the web standards and usability testing needed for producing accessible websites.

The Disability Rights Commission's Legal Operations Director, Nick O'Brien confirmed that PAS 78 would be used in supporting evidence in a court case against businesses that run inaccessible websites.

In April 2004 the DRC (UK government body) published its findings about the accessibility of 1000 UK websites and found that 81% of websites tested failed to reach basic levels of [web accessibility](#) (Level A compliance to the W3C's Web Content Accessibility Guidelines). To alleviate the confusion within UK businesses about their obligations under the DDA, one of the DRC's recommendations was to establish a best practice in how to commission websites that are accessible. PAS 78 is that set of best practice guidelines.

PAS 78 covers the general principles of building an accessible website, along with a discussion of how disabled people use computers and websites. The supplementary documentation contains a number of resources including suggested user profiles for building up test cases, success criteria, suggested questions for web design agencies, available accreditation schemes, how to select a content management system and a collection of references including organizations and books about web accessibility.

PAS 78 does not define any new standards or guidelines. It is an umbrella document, or summary document that explains the web standards and technologies already out there. It currently references the W3C's Web Content Accessibility Guidelines, as well as promoting the use of structured mark up, avoiding presentational attributes, and advises the use of CSS layouts. In essence, PAS 78 advocates the use of existing web standards.

Protocol for evaluating and monitoring

There is no specific legislation or policy which deals with reviews and monitors the existing laws and guidelines. However, the PAS78 is expected to be replaced in the summer of 2009 by the BSI. A draft of the standard was published on 1st December 2008 for consultation.

Links

1. **Disability Discrimination Act 1995**

http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_4

<http://www.statutelaw.gov.uk/content.aspx?activeTextDocId=3330327>

2. **The Code of Practice: Rights of Access services to the public, public authority functions, private clubs and premises**

<http://www.ukdda.com/uk-disability-discrimination-act-1995.php>

<http://www.equalityhumanrights.com/en/publicationsandresources/Pages/COPRightsofAccessservices-to-the-public.aspx>

3. **PAS 78: Guide to good practice in commissioning accessible websites:**

<http://www.equalityhumanrights.com/en/publicationsandresources/Disability/Pages/Websiteaccessibilityguidance.aspx>

United States

The United States was one of the earliest countries to put in place accessibility policies and guidelines and has federal legislation covering all aspects of accessibility including infrastructural requirements as well as web accessibility. The latter is applicable only to federal government and agencies but each state has its own additional policies and guidelines. The USA is a signatory to the UNCRPD but has not signed the optional protocol.

Introduction

Representing a sharp change of course from the previous presidential administration, the United States signed the UN Convention on the Rights of Persons with Disabilities (UNCRPD), on July 30, 2009. Long prior to its signing of the Convention however, the United States enacted legislations to cover various aspects of accessibility. Accessibility is a mandatory requirement for federal websites, though the standards for state websites vary, from state to state. Some of the federal regulations relating to accessibility in different areas are outlined below:

- **Section 251(a)(2) and 255 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996:**

Requires manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable.

- **Section 504 of the Rehabilitation Act, 1973:**

This was the first civil rights legislation in the United States designed to protect individuals with disabilities from discrimination based on their disability status. The law stipulates that no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that either receives federal financial assistance or is conducted by any executive agency or the United States Postal Service. Section 504 only applies to entities that are federally funded such as federal government agencies, federally-funded projects, K-12 schools and some postsecondary entities (state colleges, universities, and vocational training schools).

- **Section 508 of the Rehabilitation Act of 1973, as amended in 1998:**

This section bars the Federal government from developing, maintaining, using or procuring electronic and information technology goods and services that do not offer comparable access to data and information for those with disabilities, including

employees and members of the public. This includes web design services, as the section specifically mentions the Internet.

Section 508 directed an Access Board to clarify the meaning of “accessibility” by developing a set of standards. The US Access Board entered into formal rule making to establish the electronic and information technology accessibility standards. Towards this end, the Board entered into consultation with key groups from different areas like government, academia, industry, and disability advocacy, to create the first set of accessibility standards, published on December 21, 2000.

Although limited to federal agencies, Section 508 is an extremely influential piece of legislation. First, although the WCAG had existed prior to the standards of Section 508, the WCAG were more nebulous guidelines, rather than standards and, coming from a voluntary international association had no regulatory teeth. Section 508 by contrast, provided a checklist in binding statutory language, facilitating compliance and monitoring. Second, Section 508 binds most states: any state receiving federal funding under the Assistive Technology Act of 1998 must adhere to the standards, and many states have codified the federal law as state law. Finally, any business supplying information and communication goods and services to the government must comply with Section 508, and in fact, many large corporations have adopted the section as their official policies.

Additionally, a compliance mechanism is in place: citizens may file complaints with the U.S. Department of Justice, with U.S. administrative agencies, or file a private lawsuit. The Attorney General evaluates overall conformance with Section 508 and provides reports to the government every two years.

- **Americans with Disabilities Act (ADA), 1990:**

The ADA is a very comprehensive legislation which prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. The ADA does not explicitly deal with Internet accessibility. However, the legal community generally agrees that the ADA sections prohibiting discrimination in communications and public accommodations may apply to web accessibility. While the question of whether the ADA applies to the Internet has been raised in U.S. courts, and various rulings provide some guidance, there is no definitive answer yet. There is a distinction between public web sites and private web sites. For example, under US case law, the ADA applies to the Internet for ADA Title II public entities. In other words, State and local government websites must be accessible. As for ADA Title III private web sites, case law varies by jurisdictions and is not settled.

Yet, the increasing prevalence of lawsuits over inaccessible websites may provide reason in and of itself for organizations to make their websites accessible. In 2008 for example, two major retailers, Target and Apple entered into settlements with the National Federation for the Blind (NFB) over allegations that the retailers' web sites violated the ADA because they were not accessible to the blind. Although the retailers disagreed with the NFB about what the ADA required, they agreed to make changes and improve the accessibility of their sites.²⁹

- **The Assistive Technology Act, 1998:**

An exclusive act to support programs of grants to states to address the assistive technology needs of individuals with disabilities. This act talks about incorporating the principles of universal design in all technologies so that they may be adapted to suit the needs of disabled persons. It also helps to provide financial assistance to states to maintain and strengthen permanent comprehensive statewide programs of technology-related assistance, for individuals with disabilities of all ages.

- **US Department of Education's Requirements for Accessible Electronic and Information Technology (E&IT) Design v2.0, 2001:**

These requirements were developed to promote compliance with Sections 504 and 508 of the Rehabilitation Act, and lay out the minimum standards to be adhered to by manufacturers and developers of products and tools used by the Department of Education. This is to ensure the accessibility of its programs and activities to individuals with disabilities – specifically, its obligation to acquire accessible electronic and information technology. The document covers not only web accessibility and software/OS accessibility, but also lays down comprehensive requirements in the area of electronic accessibility.

Other acts include Architectural Barriers Act, Individuals with Disabilities Education Act, Fair Housing Act, among others, which cover other aspects of accessibility from buildings to education to housing. In addition to federal government policies, each state government may have its own web accessibility policies and standards.

Type of Policy

Legislation, Departmental Requirements

²⁹ Gonzalo E. Mon, New Settlements Suggest Online Retailers Should Focus on Website Accessibility, 25 NO. 8 e-Commerce L. & Strategy 1.

Compliance with WCAG

Not wholly compliant, certain basic components of the WCAG are not covered by Section 508.

Applicability

Section 508 of the Rehabilitation Act of 1973 does not apply to all federal government departments, some are exempt. In addition it applies only to federal departments and agencies and not to the private sector. The provisions are applicable to all federal government departments, contractors who work with the federal government, and software used by the federal government. The Department of Education's Requirements are similarly applicable. These, as well as Section 504 of the Rehabilitation Act 1973, are geared towards making tools used by government agencies and the federal government accessible to federal employees with disabilities.

The ADA does not apply to the Federal government - only state and local government public websites. The ADA is applicable to the private as well as public sectors, though as mentioned above it is likely but not certain that the ADA applies to the Internet. It, and the relevant sections of the Telecommunications Act, are geared towards making telecommunications, public services, transport, employment, and accommodation among other things accessible to persons with disabilities.

State Party to the UNCRPD

The United States have signed the Convention, but not ratified it. The United States did not sign the Optional Protocol.

List of referenced and accompanying documents

1. SECTION 508 OF THE REHABILITATION ACT OF 1973 AS AMENDED BY THE REHABILITATION ACT AMENDMENTS OF 1998:

Section 508 is a part of the Rehabilitation Act of 1973 which requires that electronic and information technology developed, procured, maintained, or used by the Federal government be accessible to people with disabilities. On August 7, 1998, the President signed into law the Workforce Investment Act of 1998, which includes the Rehabilitation Act Amendments of 1998. Section 508 was originally added to the Rehabilitation Act in 1986; the 1998 amendments significantly expand and strengthen the technology access requirements in Section 508. The 1986 version of Section 508 established non-binding guidelines for technology accessibility, while the 1998 version creates binding, enforceable standards and will incorporate these standards into Federal procurement regulations.

Section 508 requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, they must ensure that it is accessible to people with disabilities, unless it would pose an undue burden to do so.

Exception- A Federal agency does not have to comply with the technology accessibility standards if there is an undue burden to do so where an undue burden refers to a significant difficulty or expense. If a Federal agency determines that it would pose an undue burden to comply with the standards, it must still provide information and data to individuals with disabilities through ‘*alternative means of access*’ that can be used by the individuals.

This section also caters to establishing Electronic and Information Technology Standards by the Architectural and Transportation Barriers Compliance Board (referred to in this section as the "Access Board") in consultation with many other Federal Agencies. The Access Board created an Electronic and Information Technology Access Advisory Committee (EITAAC) to advise it on the standards.

The General Services Administration and the Access Board will provide technical assistance on the requirements of Section 508. Agencies and individual may also seek information from the many public, non-profit, educational, or private institutions and organizations that specialize in making technology accessible to people with disabilities.

Section 508 does not apply to national security systems as defined by Section 5142 of the Clinger-Cohen Act of 1996. These are systems used for military command, weaponry, intelligence, and cryptology activities. The exemption does not apply to routine business and administrative systems used for other defense-related purposes or by defense agencies or personnel.

2. ASSISTIVE TECHNOLOGY ACT OF 1998:

The Assistive Technology Act, 1998 is an exclusive act to support programs of grants to States to address the assistive technology needs of individuals with disabilities. This act talks about incorporating the principles of universal design in all technologies so that they may be adapted to suit the needs of disabled persons. It also helps to provide financial assistance to States to undertake activities that assist each State in maintaining and strengthening a permanent comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages.

Title I of the Act deals with State Grant Programs where it is mandatory to provide to eligible States suitable grants to support capacity building and advocacy activities, designed to assist the States in maintaining permanent comprehensive statewide programs of technology-related assistance. Title II deals with the co-ordination of Federal research efforts and the setting up of a National Council on Disability.

Article 104 of the Act caters to the scope of Technical Assistance and the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

3. AMERICANS WITH DISABILITIES ACT (ADA), 1990:

The Americans with Disabilities Act (ADA) requires covered entities to furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities, unless doing so would result in a fundamental alteration to the program or service or in an undue burden. Auxiliary aids include taped texts, Braille materials, large print materials, captioning and other methods of making audio and visual media available to people with disabilities.

The policy ruling states that ADA Titles II and III require State and local governments and the business sector to provide effective communication whenever they communicate through the Internet. The effective communication rule applies to covered entities using the Internet for communications regarding their programs, goods or services since they must be prepared to offer those communications via an accessible medium.

The ADA also prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation and telecommunications. It also applies to the United States Congress. The Act is one of the most comprehensive and exclusive legislations as it caters to almost all the rights of the disabled right from Employment, Public Transportation, Telephone Relay Service, Education, Health Care, Labour, Housing, Recreation and Agriculture. The ADA ensures that there is efficient negotiation with other Federal Agencies to provide maximum opportunities to the disabled.

Title I of the ADA requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings). State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with

people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

4. ACCESSIBILITY GUIDELINES UNDER THE COMMUNICATIONS ACT OF 1934 AS AMENDED BY THE TELECOMMUNICATIONS ACT OF 1996:

This provides guidelines for accessibility, usability and compatibility of equipment covered under the Telecommunications Act 1996.

Section 255 and Section 251(a)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, require manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable. These amendments ensure that people with disabilities will have access to a broad range of products and services such as telephones, cell phones, pagers, call-waiting, and operator services that were often inaccessible to many users with disabilities.

5. U.S. DEPARTMENT OF EDUCATION'S REQUIREMENTS FOR ACCESSIBLE ELECTRONIC AND INFORMATION TECHNOLOGY (E&IT) DESIGN:

Established on February 1, 2001, by the office of the Chief Information Officer at the Department, these Requirements bring the Department in compliance with Section 508 provisions. A product that meets these requirements ensures minimum accessibility for individuals with disabilities and qualifies for use by the Department. Nonetheless, the Department of Education encourages E&IT technology developers to be creative and maximize their design of E&IT to be universally accessible.

The Requirements are split into three sub-heads: Specific Functional Requirements, General Functional/Performance Requirements, and Information, Documentation and Support Requirements. Web accessibility is only dealt with under Specific Functional Requirements, under the head "Web-based intranet and internet information and applications". It contains requirements for alternate text for non-text-based content, designs requiring particular screen flicker rates, provision of text-only pages for each primary page, features enabling the use of assistive technology to complete forms and other operations on a webpage, etc.

There is also a detailed sub-head dealing with OS and software accessibility. The other sub-heads under which requirements are specified are: telecommunications products, video and multimedia products, desktops and portable computers, and self-contained and closed products.

Protocol for evaluating and monitoring

Section 508 of the Rehabilitation Act empowers the Access Board to periodically review and amend the standards to reflect technological advances or changes in electronic and information technology. The section also makes it mandatory for the head of each federal department or agency to evaluate the extent to which the electronic and information technology of the department or agency is accessible to and usable by individuals with disabilities and submit a report containing the evaluation to the Attorney General, who in turn must submit a report to the President on the state of accessibility of federal electronic information technology.

The Federal Communications Commission monitors the implementation of Section 251(a)(2) and 255 of the Telecommunications Act which provides guidelines to the manufacturers to ensure accessibility of the equipments and services manufactured.

Links

1- **Section 251(a)(2) and 255 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996-**

<http://www.fcc.gov/Reports/1934new.pdf>

2- **Section 508 of the Rehabilitation Act, 1973**

<http://www.accessboard.gov/sec508/guide/act.htm>

<http://www.ed.gov/policy/speced/reg/narrative.html>

3- **Americans with Disabilities Act (ADA)**

<http://www.ada.gov/>

<http://www.ada.gov/cguide.htm#anchor62335>

4- **Assistive Technology Act, 1998 -**

<http://www.section508.gov/docs/AT1998.html#201>

5- **Requirements for Accessible Electronic and Information Technology (E&IT) Design-**

<http://www.ed.gov/fund/contract/apply/clibrary/software.html>

European Union

The EU has adopted a charter of fundamental rights and an action plan designed to protect the rights of Persons with Disabilities and extend accessibility of IT products and services including web accessibility. The EU has also issued communications and adopted resolutions as well as action plans with the aim of providing increased accessibility to public websites and content as well as increased availability of IT products and services to persons in the EU. While guidelines comply with WCAG, the implementation of the same is still in progress. Further applicability is still restricted to public sector agencies, products and services.

Introduction

In addition to just looking at the accessibility related legislation and policies of several countries, we have also reviewed the provisions for accessibility at the level of a larger international entity like the European Union. The EU has several provisions for ensuring the accessibility of its institutions and sites.

- **The EU Charter of Fundamental Rights** makes reference to people who are disabled. Article 21 prohibits discrimination on the basis of disability, among others and Article 26 provides explicit recognition of the rights of persons with disabilities and the need to ensure their independence, social and occupational integration and participation in the life of the community. However there is no direct link established with web accessibility.
- In 2000, the Feira European Council adopted an **eEurope Action Plan 2002**, a wide-ranging initiative designed to speed up and extend the use of the Internet to all sectors of European society. The action plan seeks to bring European citizens on-line in all aspects of their lives, allowing them to participate in and benefit from the possibilities offered by digital technologies. These actions are in line with the aims of the principle of non-discrimination set up in the Treaty on the European Union. The Plan recommended that all member states adopt the WCAG Guidelines by the end of 2001 for their public websites.
- In September 2001, the European Commission formally issued the **Communication eEurope 2002: Accessibility of Public Web Sites and their Content**.
- Following this, there was a **Council Resolution** of 25th March 2002 on the ‘eEurope Action Plan 2002: accessibility of public websites and their content’ passed which stressed on the need for Web Accessibility in the European Institutions.
- This was immediately followed in 2002 by the Seville European Council which launched the **eEurope 2005 Action Plan**. This had an objective of providing all citizens of EU an opportunity to participate in the global information society. The action plan aimed at

“stimulating secure services, applications and content based on a widely available broadband infrastructure”.

- In the year 2005, on the conclusion of the above program, another initiative was introduced by European Commission named ‘i2010 Strategy Framework’. It was the EU policy framework for information society and media and aimed at promoting “the positive contribution that information and communication technologies (ICT) can make to the economy, society and personal quality of life”.
- Also in the year 2005 a Communication titled the European Commission’s Communication on eAccessibility was adopted. This Communication proposed a set of policies to foster eAccessibility and exhorted its members and stakeholders for a voluntary positive action for making ICT products and services accessible to persons with disabilities and older persons in Europe. This Communication also intended to contribute to the i2010 Strategy Framework.
- In 2007 a study “Measuring progress of eAccessibility in Europe” was commissioned as a follow-up to the European Commission’s Communication on eAccessibility of 2005. The report assessed the then prevailing status of the eAccessibility situation in the member states; state of development of the policy in member states, and the future needs of a new policy or enhancements into current policy.
The report of the Meacc Study states that only a small fraction of EU wide public web sites conform to WCAG 1.0

Type of Policy

Resolution/Action Plan

Compliance with WCAG

Yes, the plan fully complies with the WCAG 1.0 Guidelines but implementation is not yet there..

Applicability

Public sector web sites and their content in European Commission Member States and in the European institutions.

Party to the UNCRPD

Yes. The European Community has signed the Convention but it has not concluded it. It has not signed or concluded the Optional Protocol. However on 29 August 2008, the Commission adopted and transmitted to the European Parliament and the Council two proposals concerning

the conclusion by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol. On 24 April 2009 the European Parliament endorsed both proposals and furthermore, by accompanying the relevant reports with a Resolution³⁰, it acknowledged that the conclusion of this UNCRPD is a landmark for the European Community since for the first time it becomes party to a comprehensive UN human rights Convention. The Council is currently working on the adoption of the decision.

List of referenced and accompanying documents

(Include which legislations also contain relevant provisions, Length of the document, author, which department is responsible for this and if possible the name of the person)

- **eEurope Action Plan 2002**

The *eEurope Action Plan 2002*, adopted by the Feira European Council in June 2000, is a wide-ranging initiative designed to speed up and extend the use of the Internet to all sectors of European society. The action plan seeks to bring European citizens on-line in all aspects of their lives, allowing them to participate in and benefit from the possibilities offered by digital technologies. This increased use of the Internet will, in turn, fuel the development of the new, knowledge-based economy. These actions comply with the principle of non-discrimination set up in the Treaty on the European Union. One of the action plan's specific targets is to improve access to the Web for people with disabilities.

The action plan emphasizes that, "Public sector web sites and their content in Member States and in the European institutions must be designed to be accessible to ensure that citizens with disabilities can access information and take full advantage of the potential for e-government". This action is to be executed by the European Institutions and the 15 European Union Member States (at the time of the initiative, now there are 27 Member States) through the Adoption of the Web Accessibility Initiative (WAI) Guidelines for public Web sites by the end of 2001.

Within the short deadline implied by the *eEurope Action Plan 2002*, the Member States and European institutions have been encouraged to act quickly and decisively. The purpose of swift action is clear. By adopting the Guidelines, it is also possible to make a major impact on accessibility across the other target areas of *eEurope*. For instance, applications for *eHealth*, *eGovernment* and *eLearning* based on public Web sites will have to address accessibility issues by making sure that their services are designed for all citizens. This will contribute to enabling people with disabilities to use the same on-line services as any other citizen.

³⁰ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0334+0+DOC+XML+V0//EN>

eEurope Action Plan - Participation for all in the knowledge-based economy		
Action	Actor (s)	Deadline
Policies to avoid info-exclusion will be more effectively co-ordinated at European level through benchmarking of performance and exchange of best practice between Member States.	Member States, European Commission	End of 2001
Publication of "Design for all" standards for accessibility of information technology products, in particular to improve the employability and social inclusion of people with special needs.	European Commission, Private Sector	End of 2002
Review relevant legislation and standards to ensure conformity with accessibility principles.	Member States, European Commission	End of 2002
Adoption of the Web Accessibility Initiative (WAI) guidelines for public websites.	European Commission, Member States	End of 2001
Ensure the establishment and networking of national centres of excellence in design-for-all and create recommendations for a European Curriculum for designers and engineers.	European Commission, Member States	End of 2002

- **eEurope 2002: Accessibility of Public Web Sites and their Content**

In furtherance to the Action Plan of 2002, the European Commission adopted the “Communication eEurope 2002: Accessibility of Public Web Sites and their Content” in September 2001. In order to support the adoption and implementation of the WCAG Guidelines by Member States and the European institutions, the Commission has prepared this Communication. It outlines the relevant policy frameworks; the technical aspects covered by the Guidelines; a range of strategies for implementing the guidelines and for monitoring the accessibility of public Web sites based on the experiences of the World Wide Web Consortium/Web Accessibility Initiative and on best practices identified within the Member States, the European Commission, Australia, Canada, and the United States; and a set of conclusions and recommendations. It provides a broad framework upon which web sites can be made accessible and it is the main document on Web Accessibility.

Protocol for evaluating and monitoring

In connection with the implementation of the eEurope Action Plan 2002 in the area of “Participation for all in the knowledge-based society”, the High Level Group on Employment and the Social Dimension of the Information Society (ESDIS), which was composed of representatives from all the Member States, was mandated to monitor developments in the area.

An eAccessibility expert group was set up to support the work of the High Level Group. The eAccessibility expert group has provided written and oral input to a review of progress of the Member States’ adoption and implementation of the WCAG Guidelines. This review describes a variety of approaches, plans and methods for using the Guidelines. The eAccessibility expert group has also agreed to organize a monitoring exercise among the 15 Member States.

The eAccessibility expert group has played a role in identifying examples of good practice. Examples of such practice can be cited in areas that relate to the development and dissemination of information, training of personnel, monitoring of Web sites for compliance with the Guidelines, the improvement of existing Web sites, promotion of best practice, and the provision of support and assistance mechanisms for Web content developers.

Recently the Commission issued another Communication called Towards an Accessible Information Society:

<http://eurlex.europa.eu/Notice.do?checktexts=checkbox&checktexte=checkbox&val=484093:cs&pos=1&page=1&lang=en&pgs=10&nbl=1&list=484093:cs,&hwords=COM+%282008%29+0804%7E&action=GO&visu=#texte>

and the Disability Action plan 2008-2009

<http://ec.europa.eu/social/main.jsp?catId=430&langId=en>

In both the documents web accessibility continues to play an important role.

Links

- **Charter of the Fundamental Rights of the European Union- Relevant Sections:**

http://ue.eu.int/uedocs/cms_data/docs/2004/4/29/Charter%20of%20fundamental%20rights%20of%20the%20European%20Union.pdf

- **Council Resolution of 25 March 2002 on the eEurope Action Plan 2002: accessibility of public websites and their content (2002/C 86/02)**

<http://www.legi-internet.ro/index.php?id=149&L=2>

- **e Europe - An Information Society For All - Action Plan**

Prepared by the Council and the European Commission for the Feira European Council
19-20 June 2000

http://ec.europa.eu/information_society/eeurope/i2010/docs/2002/action_plan/actionplan_en.pdf

- **Web Accessibility**

http://europa.eu/geninfo/accessibility_policy_en.htm

<http://www.webaim.org/articles/laws/world/europe.php#eu>

Analysis & Conclusion

In this chapter, we look at the common themes and the differences in approach across different countries.

Common Themes—Developed Countries

All the countries studied as part of this research have put in place measures to ensure web accessibility. Some countries lead the way with specific enforceable legislation while others have less comprehensive and robust initiatives in the form of recommendations and guidelines. All countries have a form of disability discrimination act, which covers the issue of accessibility more broadly defined. In addition though, six countries of the countries studied have regulations on web accessibility in the form of legislations, while two countries have their own standards on web accessibility. While most of the countries have specific legislations pertaining only to web accessibility, countries like Korea, Japan, Germany and Ireland have included accessibility policies on other electronic infrastructure along with their web accessibility policy.

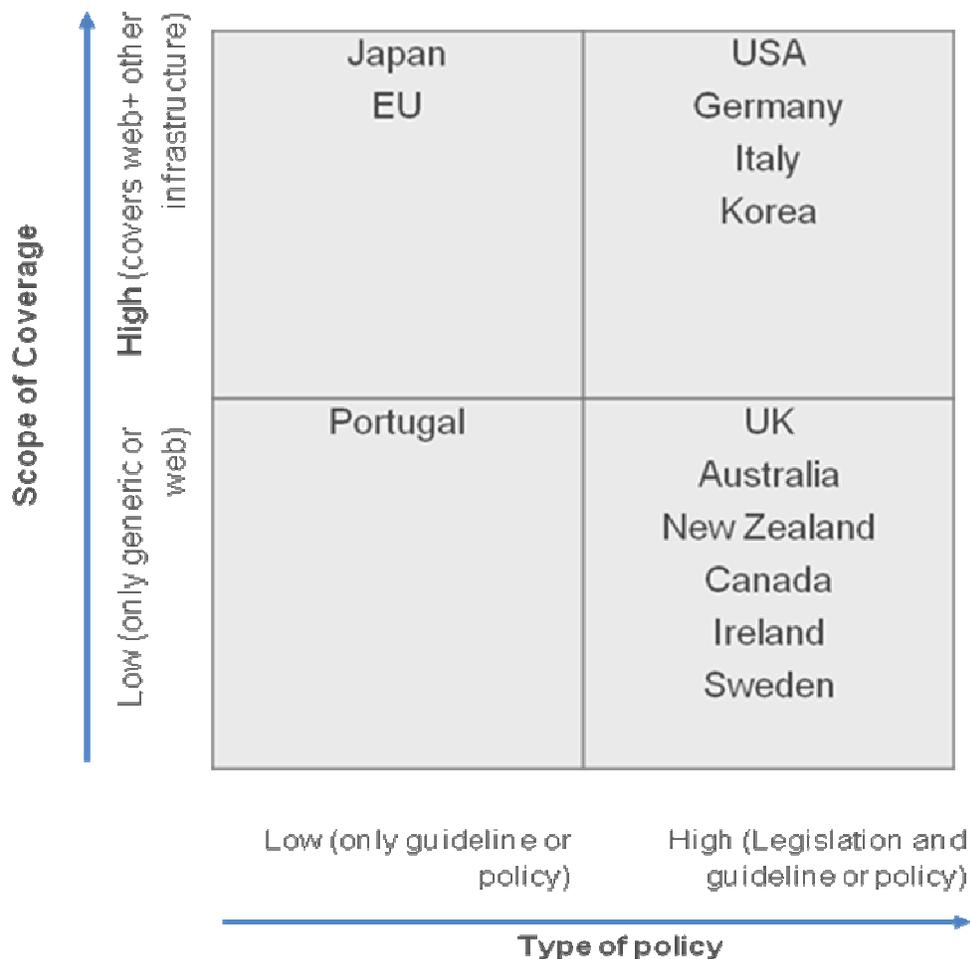
The Web Content Accessibility Guidelines (WCAG) issued by the World Wide Web Consortium are known to be the standard guidelines which most of the countries look to before making a legislation or a policy for their country. Not surprisingly, as many as ten of the countries studied have their legislations, policies and standards based on the WCAG. Countries like Japan and Portugal have borrowed some guidelines from the WCAG in creating their standards. However countries like Japan whose national language uses a different script and a phonetic alphabet, have found that the WCAG is better suited to languages utilizing Latin script and have moved to augment it with language specific accessibility considerations.

Most countries have focussed on having legislations which make it mandatory only for the government and related public sector departments to maintain accessible websites. In Australia and the United Kingdom however, any service provider or individual or organization creating a web page, must ensure that it is accessible. And in the United States it is likely the case, but remains to be seen whether the Americans with Disabilities Act applies to private websites³¹. There is much case law in such countries deriving from successful suits against organizations not maintaining accessible websites. All those countries studied are signatories of the UNCRPD, the United Nations Convention on the Rights of Persons with Disabilities. However many countries have not ratified the Convention, and the Optional Protocol has been signed by only a very few countries.

³¹ See Target case analysis: <http://www.lctjournal.washington.edu/Vol4/a10Bashaw.html>

Differences—Developed Countries

Two fundamental ways in which countries' web accessibility regimes vary are 1) in terms of their scope, that is, to what sectors of society they apply, and 2) in terms of their strength, that is, whether or not they have the force of law. One way to assess the overall robustness of the regime is by looking at these variables together. The following grid maps a few of the countries included in this study according to these variables:



Accessibility Policy Classification by scope of coverage and type of policy

The above grid plots the policy type along the x-axis—from low (guideline or policy) to high (legislation and guideline or policy), and plots the scope of the policy along the y-axis—from low (generic or web only) to high (includes web and other infrastructure as well). The resulting grid

contains four boxes, each of which corresponds to a type of policy and scope of coverage, which is to say, an index of the robustness of that country's web accessibility regime. The robustness of the regime increases as we move up and right along the axes, and decreases in the reverse. Portugal inhabits the lower left quadrant of the grid, as its regime has both a weak policy-type and a low scope. Japan and the EU inhabit the top left quadrant, as they have comprehensive regimes that are not backed by the force of law. The United States, Korea, Germany, Italy land in the top-right quadrant of the grid, as they exhibit both highly comprehensive and legally enforceable web accessibility regimes.

The above schema is a useful tool for parsing rhetoric from action: a nation's official affirmations of the importance of web accessibility and the rights of persons with disabilities are something separate from a strong legal and policy infrastructure. This should be kept in mind whenever analyzing the particular details of a country's web accessibility regime. We turn now to such analyses.

The U.S. web accessibility regime is well-established and well functioning for the public sector. Section 508 is an effective, direct, and targeted legislation which provides for a systemised process of complaint registration in cases of non-compliance. Though it originally applied only to the federal government it has had a watershed effect: most states have now adopted it as state law and many companies have adopted it as their official policies. This phenomenon is instructive: a national regime backed by effective enforcement mechanisms may likely induce the voluntary compliance of other institutions and sectors of society who would rather adhere early on than potentially stand at odds with national law and policy later. Section 508 also provides for the setting up of an Access Board to periodically review and amend the standards. Yet, it remains unclear whether U.S. anti-discrimination law applicable to the private sector also applies to the Internet. Though current case law suggests that the private providers of goods and services may not discriminate against the disabled on the Internet, and many companies are preempting future lawsuits by adopting accessibility policies of their own, a more definitive and affirmative answer would dramatically improve the U.S. web accessibility regime

The United Kingdom's regime takes a different form: It does not have legislation directly addressing web accessibility. Rather, its keystone is the Disability Discrimination Act, a general law prohibiting discrimination against the disabled in the provision of goods, facilities and services, Though the Act contains no direct reference to web sites or web accessibility, it is not designed to mention any goods or services specifically, and focuses instead on the responsibility of the service provider to ensure equitable access. The practical meaning of the Act is instead outlined in the Code of Practice for the Act which does explicitly mention websites. Additionally a document called the PAS78 provides guidance to organizations in how to commission an accessible website from a design agency. The enforcement of these legal provisions depends primarily on disabled users filing complaints, culminating in legal action. The unequivocal application of the United Kingdom's web accessibility law to the private sector is a key source of its strength.

The Australian web accessibility regulations are also rooted in the Australian Disability Discrimination Act. The Advisory Notes which contain specific guidelines for “authors and designers to make their Worldwide Web documents accessible to the broadest possible audience” buttress the general antidiscrimination regime, ensure its applicability to the Internet, and enhance enforceability and compliance. The pioneering case of *Maguire v. SOCOG*, where a blind man successfully sued an organization, is highly relevant, as the outcome of the case was influenced heavily by the WCAG. This case will likely be a point of reference for other courts, in Australia and abroad, hearing website accessibility suits.

In contrast to the legislative approach, industrial standards called the JIS X 8341-3 on web content constitute the bulk of Japan’s web accessibility regime. Though parts of these standards have been borrowed from the WCAG, they lack the force of law.

Germany, perhaps, represents the opposite end of the spectrum: its broad Barrier-free Information Technology Ordinance covers web accessibility and contains provisions for regular evaluation and review of the Ordinance. Contrary to the legislations of other countries, the German Ordinance requires no additional interpretation to see that it addresses web accessibility: it is directly and unequivocally on-point.

The Portuguese web accessibility regime is distinct for its robust monitoring component. The Resolution of the Council of Ministers on the Accessibility of Public Administration Web Sites for Citizens with Special Needs states that information layout and presentation in public administration websites (central and local) should allow or facilitate access by persons with special needs. The Resolution also provides for a Minister to be appointed to monitor and evaluate the enforcement of this piece of legislation and requires a report to be presented on its implementation.

New Zealand’s web accessibility regime, primarily comprised by its set of “New Zealand Government Web Standards and Recommendations”, exemplifies those regimes based largely on the WCAG. This is an important reminder that countries seeking to adopt web accessibility regimes need not necessarily engage in extensive processes of policy development: the WCAG provide a ready reference for the development of effective web accessibility law and policy.

Canada’s Internet standards, the “Common Look and Feel Standards for the Internet” are, like those of the United Kingdom, largely dependent on the private filing of complaints. People who are unjustly discriminated against may file a confidential complaint with the Canadian Human Rights Commission.

While Ireland has no law that specifically addresses web accessibility, it has a few policy programs in the area of nondiscrimination against the disabled and accessibility more broadly defined. The National Disability Authority has also published the [national guidelines on accessibility of IT products and services](#) in the public which have sections on web accessibility.

While these guidelines are advisory rather than compulsory, there is evidence that they have been adhered to by national and sub-national governments.

Italy provides an example of a country responding to the evolution of international norms by implementing domestic web accessibility initiatives. It is not coincidental that the umbrella law concerning access for the disabled to ICT, Law 4/2004, was drafted in 2003, the European Year of People with Disabilities. The requirements of the Law include web accessibility and place upon government agencies the obligation of making public sector websites accessible and to ensure accessibility while purchasing ICT goods and services and signing contracts for their maintenance. This law is supported by two decrees, one of which specifies the enforcement regulations and one of which lays down the technical requirements for web accessibility to be adhered to. The case of Italy stands as testament to the influence of evolving international norms.

Sweden has a very detailed set of non-mandatory guidelines on web accessibility, lacks legislation to fortify these guidelines with the force of law. It does however have a comprehensive disability policy with other legislations relating to non-discrimination etc. And fascinatingly, studies show that over 80% of public sector websites are following these guidelines to some extent. It is dangerous, however to extract any general lesson from the Swedish example: similar levels of voluntary compliance cannot be expected from a country such as India whose conditions vary drastically from those of Sweden. Rather, the Swedish example should serve as testament to the fact that web accessibility guidelines need not be so difficult to comply with: they can be adopted in many cases be adopted quite easily.

The European Union has a 'Council Resolution on the accessibility of public websites and their content' which deals with web accessibility. But, the Action Plans of the EU are unique. They are direct and set clear goals. There is a clear cut deadline prescribed before which the changes to make the website accessible have to be made. However the extent to which different countries in the EU follow EU guidelines varies. The EU has commissioned studies over the past few years to measure web accessibility and has been unsatisfied with its own progress. In 2006 the "Measuring progress of eAccessibility in Europe" (MeAC) study found that only a very small proportion of key government web sites in the Member States meet the accepted minimum international standards on accessibility (12.5% passed automated testing and only 5.3% passed both automatic and manual examination), and found that the share of key commercial/sectoral web sites (e.g. railways, TV, newspapers, retail banking) providing this minimum level of accessibility is even lower (only 3.9% passed automated testing while not a single site passed both automatic and manual testing).³² While such results are nowhere near enough to overcome

³² MeAC - Measuring Progress of eAccessibility in Europe, Assessment of the Status of eAccessibility in Europe,

Executive Summary, available at http://ec.europa.eu/information_society/newsroom/cf/itemdetail.cfm?item_id=4280.

the digital divide, and the study found that such results compared very unfavorably with those pertaining to Australia, Canada, and the United States, such self-assessment and self-regulation is essential to the functioning of any effective regime.

Korea has a robust combination of legislation and overarching policy with mandatory compliance required by public and private sectors in a phased manner. The government has established a process of surveys to measure the degree of compliance and awareness of the guidelines and see how far they have reached in the roadmap.

Developing Countries

Of the developing countries studied here, both Thailand and the Philippines lack enforceable law about web accessibility. Both countries have, however, demonstrated that promoting web accessibility is a priority with their signing and ratifying of the UNCRPD and their various policy initiatives. Both countries feel that developing indigenous versions of the WCAG is an essential in their steps towards a complete web accessibility regime. Whereas Thailand has already developed its own version of the WCAG, The Philippines has established a working group currently in the process of doing the same. As these are both relatively recent initiatives, their actual efficacy remains to be seen. These countries will, in the future, be critical test cases for whether modified WCAG standards can in fact result in significantly increased web accessibility, or whether they are empty efforts designed to affect the appearance of conformance with international norms.

Recommendations

Countries around the world have recognized the importance of and the need for enabling an accessible virtual environment for disabled persons. Many are responding directly to the evolution of international norms as disseminated by various international institutions including the UN and the EU, and various transnational institutions such as the W3C. The nature of the framework varies largely from country to country, depending upon the efficacy of its legislative, judicial and administrative systems.

The analysis of practices around the world has opened up a variety of options in terms of frameworks which a country can adopt to fulfill this mandate. While the ultimate goal should be to have legislation in place to ensure implementation and enforcement at all levels, the first and foremost step should be to have a policy to this effect.

Out of the countries studied here, most of them have policies or legislations which exclusively address the issue of web accessibility. There are a few countries which have a more wide and comprehensive policy relating to other aspects of electronic infrastructure as well. However, in such a case, the chapter relating to web accessibility is kept separate. It would be optimal to have both small and separate policies addressing individual issues or have one comprehensive electronic accessibility policy, in which each area will be a stand alone chapter. In any case, if Internet accessibility is to form one of the chapters and there are several things to be kept in mind while formulating the policy.

If the country's local languages are alphabet based and since many websites are in English, most countries should be able to leverage the WCAG for their accessibility policy. Additional accessibility measures should however be considered to accommodate regional languages. Depending upon the penetration of ICT in the policy makers can assess the need to adopt a modified version of the WCAG, as have Thailand and the Philippines.

Application of policy and legislation across public and private sectors based on a road map would be a tangible commitment to achieving compliance over a period of time, particularly for countries with a significant population who would benefit from wide applicability.

There must be a systemized forum, committee or board to review and monitor the implementations as well as review changes to the policy, in the light of any changes in WCAG or any additional requirements for regional languages. The use of surveys is effective in measuring the progress made in implementation. It would also be necessary to have a complaint redressal mechanism for effective restitution and ensure timely compliance with guidelines. This would be a reflection of the commitment to implementation of the legislation and policies and act as a deterrent to non-compliance.

Appendix A : Accessibility Policy Comparison Grid

CRITERIA	AUSTRALIA	CANADA	GERMANY	INDIA	IRELAND	ITALY	JAPAN	KOREA	NEW ZEALAND
TYPE OF POLICY	Legislation + Advisory Notes	Standards	Ordinance	Generic Legislation	Legislation+ Policy Document	Legislation + Decrees + Directives	Industrial Standard	Legislation	Guidelines+ Legislation
EFFECTIVE FROM	1992, 2002	2007	2002	1995	2005, 2002	2004, 2005, 2006	2004	2007	2002, 1988
SCOPE OF COVERAGE: -only web or other electronic infrastructure	General legislation with web specific advisory notes	Only web	Includes regulations for web as well as other electronic infrastructure	General legislation	Includes other electronic infrastructure	Includes other electronic infrastructure	Includes guidelines for web and other electronic infrastructure	Covers web and other infrastructure as well	Only web
COMPLIANCE WITH WCAG	Yes	Yes, Standards based on WCAG 1.0	Yes, Ordinance based on WCAG	N/A	Yes	Yes,	Borrowed some guidelines from WCAG	Yes, Guidelines based on WCAG	Yes, wholly compliant
APPLICABILITY (govt websites/all)	Any individual/ organization creating a web page. (Includes Government + Private)	Only Government Department, Ministries and Agencies	Authorities of Federal Administration	N/A	Only Public Sector Websites	Public sector agencies as well as private subjects if they are beneficiaries of public information or services.	National and Local Government Agencies	Both private and public sector gradually by 2015 as per the current roadmap, starting with Government Agencies and subsidiaries in 2009.	Public Sector Websites, Public Agencies
SIGNATORY TO UNCRPD	Yes	Yes	Yes, also signed and ratified Optional protocol	Yes	Yes	Yes,, also signed and ratified Optional protocol	Yes	Yes, also signed and ratified Optional protocol	Yes

CRITERIA	PHILIPPINES	PORTUGAL	SWEDEN	THAILAND	UK	US	EU
TYPE OF POLICY	Working group currently formulating policy	Parliamentary Resolution	Legislation + National Guidelines + Ordinances	Policy + Guidelines	Legislation + Guidelines	Legislation	Council Resolution + Action Plan
EFFECTIVE FROM	N/A	1999	1999, 2001, 2002, 2004	Not available	1995, 2006	1998	2002
SCOPE OF COVERAGE: (only web or other electronic infrastructure)	N/A	Only web	Covers websites as well as broad term "Information Technology"	Web accessibility guidelines	General overarching legislation, with specific guidelines for web accessibility	Covers web and other infrastructure as well	Includes other electronic infrastructure
COMPLIANCE WITH WCAG	N/A	Partly, broadly based on same principles	Yes, Guidelines based on WCAG	Th-WCAG, Partially compliant with WCAG 1.0s	Yes, Guidelines based on WCAG	Partly	Yes
APPLICABILITY (govt websites/all)	N/A	General Directorates, State Corporations and Agencies	Public sector is main subject, but private sector is also covered by the policies.	Guidelines targeted at both the public and private sectors	Any Service Provider (Includes Government + Private)	Only Federal Department and related agencies	Public Sector Websites of the Member States
SIGNATORY TO UNCRPD	Yes, signed and ratified convention	Yes, also signed Optional protocol	Yes	Yes, signed and ratified convention	Yes, also signed Optional protocol	Yes	Yes

Glossary

AT – Assistive Technology

ICT - Information Communication Technologies

IT – Information Technology

PWD – Persons with Disabilities

UNCRPD - United Nations Convention on the Rights of Persons with Disabilities. Art. 9 of the UNCRPD mandates States to promote access for persons with disabilities to new information and communications technologies and systems, including the Internet³³. The Convention calls upon States to take appropriate measures to ensure that persons with disabilities are in a position to exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.³⁴ To this extent the convention urges the state parties to engage with private entities that provide services to the general public through the Internet, to provide information and services in accessible and usable formats for persons with disabilities.³⁵ The convention also obligates state parties to encourage the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities.³⁶ The Convention also obligates member states to provide Reasonable Accommodation in order to promote equality.³⁷ Reasonable accommodation has been defined as the necessary and appropriate modification and adjustments, not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.³⁸ The concept of Reasonable accommodation is applicable to the services offered to the Public.³⁹

WCAG - Web Content Accessibility Guidelines and Techniques

W3C - World Wide Web Consortium

³³ Art. 9(2) (g) UNCRPD

³⁴ See Art. 21 *Id*

³⁵ See Art. 21(c) *Id*

³⁶ See *Id* (d)

³⁷ See Art. 5

³⁸ See Art. 2 *Id*.

³⁹ The Concept of Reasonable Accommodation in Selected National Disability Legislations, The Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities United Nations General Assembly, Seventh Session, New York, 16th January, 3 February, 2006.

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