

Web Accessibility Policy Making

An International Perspective

The Centre for Internet & Society
The Global Initiative for Inclusive Information
and Communication Technologies

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Foreword

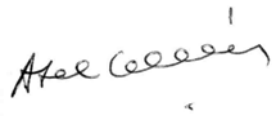
This third edition of our joint report with CIS “WEB ACCESSIBILITY POLICY MAKING: AN INTERNATIONAL PERSPECTIVE” provides an updated synopsis of the many policies that governments have implemented around the world to ensure that the Internet and web sites are accessible to persons with disabilities. With 153 countries parties to the Convention on the Rights of Persons with Disabilities as of December 2011, an increasing number of governments are now in the midst of developing policies and programs to ensure that web sites and services under their jurisdictions are accessible.

Indeed, the Preamble of the Convention on the Rights of Persons with Disabilities recognizes “the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to *information and communication*, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms”. Its article 9 stipulates that: “To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to *information and communications, including information and communications technologies and systems*” (1). It further specifies that “State Parties shall also take appropriate measures to ... Promote

access for persons with disabilities *to new information and communications technologies and systems, including the Internet*" (2.g).

There is therefore no doubt that all State Parties have an obligation to act upon those commitments. However, as this report demonstrates it clearly, web accessibility policies and their levels of enforcement vary considerably among countries with some common denominators such as the compliance with the W3C – WAI guidelines on web accessibility.

G3ict and CIS hope that this new, improved edition, which will now be available in print as well as in electronic format, will help accelerate the development of web accessibility policies and programs around the world. We want to express our sincere appreciation to Nirmita Narasimhan, programme manager at CIS and editor of the G3ict Publications and Reports for her dedication to this report which would not have been made possible without her incredible work and motivation as Disability Advocate.



Axel Leblois

Founder and Executive Director,
G3ict

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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 per cent growth in internet usage over the past decade.¹ Information, news, email, social interaction, shopping, and entertainment are accessible in an instant across the world. Yet, over one billion persons with disabilities (PWDs) worldwide are left on the wrong side of a digital divide.

The internet and modern information and communication technologies (ICT) have truly revolutionized the lives of the disabled. The blind can now read with the help of electronic screen readers that read text out loud; the deaf can read transcripts of speeches or view videos with close-captions. Those with motor disabilities who are unable to pick up a book, can access the web through personally tailored assistive technologies (ATs). Yet, the potential of the web to integrate those with disabilities into contemporary life is vastly underutilized due to oversights in design and development, such as mouse only based navigation, uncaptioned audio and video content and unlabelled graphics.

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,

1. 'World Internet Usage Statistics News and World Population Stats', available at <http://www.internetworldstats.com/stats.htm>

from both economic and legal perspectives. In fact, most of the adaptations that make web content accessible to the disabled 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

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which came into force in May 2008, requires signatories to ensure the full enjoyment of human rights and equality under the law by those with disabilities. Accessibility is a key guiding principle of the convention: 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, promoting “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 that focuses on the state’s responsibility to make society accessible to all persons on an equal and non-separate basis.³

Today, many countries are taking concrete steps to attain the goal of web accessibility. A common trend is for nations to support and adopt the World Wide Web Consortium’s (W3C)

2. UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, available at: <http://www.unhcr.org/refworld/docid/45f973632.html>

3. The UN Disability Convention: Historic Process, Strong Prospects, and Why the U.S. Should Ratify”, Human Rights Brief, Vol.14, No.2, 2007, available at Social Science Research Network http://papers.ssrn.com/sol3/papers.cfm?abstract_id=997141#

Web Content Accessibility Guidelines and Techniques (WCAG),⁴ originally developed in 1999 and updated in 2008. The Guidelines provide a ready reference of accessibility principles for websites, web software and website tools, and an easy means of assessing the accessibility of websites. These have been incorporated, either verbatim or in essence, within the policy frameworks of many countries.

This Study

This report showcases a few initiatives and best practices that have been adopted by countries around the globe to implement web accessibility. It looks 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 observes the efficacy of these forms in their respective national environments. The paper explores 14 countries and the European Union as subjects of study. These include the United States and Canada from the Americas; the United Kingdom, Germany, Italy, Portugal, Ireland and Sweden in Europe; and Australia, New Zealand, Japan, the Philippines, Korea and Thailand from the Asia Pacific region.

4 'WCAG Overview', available at World Wide Web Consortium (W3C)
<http://www.w3.org/WAI/intro/wcag.php>

Chapter 1

Australia

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

1. Overview

Australia's web accessibility policy framework comprises one central Disability Discrimination Act, a plethora of specific guidelines on web accessibility, advisory notes and case laws. The country's local governments also have policies and guidelines that deal with accessible public websites. The legislations, guidelines and case laws are described below.

- **Disability Discrimination Act, 1992:** This Act (DDA)¹ prohibits discrimination on the grounds of a person's disability in many areas of public life and includes several statements

1. 'Disability Discrimination Act', available at Australasian Legal Information Institute http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/

that 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 either by refusing to provide goods, services or facilities or in the terms and conditions or manner in which these are provided.² The Act was amended in 2009, and the duty to make reasonable adjustments was made explicit.

- **World Wide Web Access: Disability Discrimination Act Advisory Notes:**³ Created in 2002 and later updated in 2010, this document contains specific guidelines for website authors and designers on the exact requirements of the DDA in this area and how compliance can be achieved—who the DDA applies to and what web services should be accessible. Though the guidelines in themselves do not have legal force, they are considered when dealing with complaints launched under the DDA.
- **Guide to Minimum Website Standards (2000, revised April 2003):** This guide⁴ is designed to assist Australian government departments and agencies to implement the government’s minimum website standards.
- **Better Practice Guide—Internet Delivery Decisions:** This guide⁵ published by the Australian National Audit

2. ‘WebAIM: World Laws - Australia and New Zealand’, available at WebAIM: Web Accessibility in Mind <http://www.webaim.org/articles/laws/world/australia.php>

3. ‘World Wide Web Access: Disability Discrimination Act Advisory Notes’, available at Australian Human Rights Commission, http://www.hreoc.gov.au/disability_rights/standards/www_3/www_3.html

4. ‘Guide to Minimum Website Standards’, available at Department of Finance and Deregulation, Australian Government Information Management Office, <http://www.agimo.gov.au/archive/mws.html>

5. ‘Australian National Audit Office Better Practice Guide: Internet Delivery Decisions’, available at Australian Human Rights Commission, http://www.hreoc.gov.au/disability_rights/webaccess/anao_guide.htm

Office⁶ touches upon web accessibility and provides a summary of the main principles of accessible web design.

- **Maguire v. Sydney Organizing Committee for the Olympic Games (2000):** A possible catalyst for the publication of advisory notes and guidelines is the case of Bruce Maguire suing the Sydney Organizing Committee for the Olympic Games (SOCOG)⁷ for not making their website accessible. This was the first successful case under the Disability Discrimination Act 1992⁸; SOCOG⁹ had failed to make their official website for the Sydney Olympic Games¹⁰ adequately accessible to visually challenged users. The Commission's decision also struck out claims by SOCOG that modifying the site to meet the requirements would cause unjustifiable hardship and stated that such hardship cannot be used to avoid liability for breaching section 24 of the Act.

2. Compliance with WCAG

Australian government departments and agencies are required to adopt the WCAG.

3. Applicability

The requirement in the DDA applies to any individual or

6. 'The Australian National Audit Office' available at <http://www.anao.gov.au/>

7. 'Maguire v SOCOG 2000 - Wikipedia, the free encyclopedia', available at Wikipedia, the free encyclopedia http://en.wikipedia.org/wiki/Maguire_v_SOCOG_2000

8. Disability Discrimination Act 1992 - Wikipedia, the free encyclopedia, available at Wikipedia, the free encyclopedia http://en.wikipedia.org/wiki/Disability_Discrimination_Act_1992

9. 'SOCOG - Wikipedia, the free encyclopedia', available at Wikipedia, the free encyclopedia <http://en.wikipedia.org/wiki/SOCOG>

10. '2000 Summer Olympics', available at Wikipedia, the free encyclopedia http://en.wikipedia.org/wiki/Sydney_Olympic_Games

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 of these are areas specifically covered by the DDA.

4. Protocol for evaluating and monitoring

The Human Rights and Equal Opportunity Commission (HREOC)¹¹ is responsible 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 Disability Discrimination Act Advisory Notes. While considering a disability discrimination complaint about World Wide Web accessibility, the Commission takes into consideration the extent to which the best available advice on accessibility has been obtained and followed. 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. Designers are required to involve users of AT in the testing and evaluation of the accessibility of their websites wherever possible.

11. 'Australian Human Rights Commission homepage', available at <http://www.hreoc.gov.au/>

Chapter 2

Canada

Canada has a combination of web accessibility standards and human rights legislations that stipulate accessibility requirements. These guidelines apply to all government departments, ministries and agencies but not to private organizations. Canada has also established mechanisms for updating the guidelines and monitoring adherence to the standards. Canada has signed and ratified the UNCRPD.

1. Overview

Canada has one important set of standards known as the “Common Look and Feel Standards for the Internet”¹² (CLF standards) under which it has adopted much of the WCAG 1.0. The standards also address additional accessibility issues not covered by the Web Accessibility Initiative (WAI).¹³ The standards comprise four parts - Web Addresses, Accessibility, Interoperability and Usability of Websites, and Standard on Common Web Page Formats and Email. Where it is not possible to make the content accessible, the standard directs institutions to provide an accessibility notice outlining

12. ‘Common Look and Feel for the Internet 2.0’, available at Treasury Board of Canada Secretariat,

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

13. Web Accessibility Initiative, available at www.w3c.org/wai

inaccessible sections and alternative ways by which users may obtain accessible content. Additional human rights legislations that advocate accessibility and other offices and reports that deal with the issue include:

- The Employment Equity Act¹⁴ 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 Canadians¹⁵
- The Canadian Human Rights Act,¹⁶ which prohibits disability as a ground for discrimination and provides for accommodation short of undue hardship. It also states 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 Canada¹⁷
- Industry Canada's Assistive Devices Office, which works with private sector entities, including telecom companies and banking institutions, encouraging them to enhance the accessibility of their products, systems and services.

2. Compliance with WCAG:

The CLF standards are aligned with the WCAG. They emphasize adapting to Priority 1 and 2 of WCAG 1.0 (double A conformance level)

14. Employment Equity Act, available at Department of Justice Canada website, <http://laws-lois.justice.gc.ca/eng/acts/E-5.401/index.html>.

15. 'The Council on Access to Information for Print-Disabled Canadians', available at Library and Archives Canada, <http://www.collectionscanada.gc.ca/the-public/003/005003-3000-01-2008-e.html>

16. 'Canadian Human Rights Commission', available at http://www.chrc-ccdp.ca/about/human_rights_act-eng.aspx

17. 'Communications Policy of the Government of Canada', available at Treasury Board of Canada Secretariat <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12316§ion=text>

3. 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 but no private organizations.

4. 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 the Treasury Board's 'Active Monitoring Policy, Evaluation Policy and Policy on Internal Audit'. Some of the compliance requirements include adherence to WCAG, use of and conformance to XHTML 1.0 Strict and CSS 1.0 as baseline technologies, and the availability of accessible alternate versions and accessibility notices. The Treasury Board Secretariat monitors 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.

5. Mechanism for updation:

The Treasury Board of Canada delegates to the President of the Treasury Board the power to amend, revoke or add to the approved CLF 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.

Chapter 3

Germany

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

1. Overview:

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:**¹⁸ This Act, which came into force in 2002, is an expansive anti-discrimination law that also specifically addresses internet accessibility. At its core is the creation of 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

18. 'Germany - Amp', available at SSB Bart Group, <https://www.ssbbartgroup.com/reference/index.php/Germany>

them to lead self-determined lives, whilst duly taking account of their special needs.

- **Federal Ordinance on Barrier-Free Information Technology:**¹⁹ This is the key regulation for web accessibility in Germany. It mandates that all federal government web pages and websites that are publicly accessible must conform to its Priority Standards, based on the WCAG 1.0 Guidelines, though the states' level of referencing the WCAG in their own versions of the BITV is non-uniform. 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 with the federal BITV.²⁰ BITV was revised in 2010, and the updated version, which conforms to WCAG 2.0 guidelines, is yet to be adopted.

2. Compliance with WCAG:

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

3. Applicability:

Section 1 deals with the material scope of the Ordinance. The section applies to websites and web pages that are publicly accessible and graphic user interfaces created on the basis of

19. 'Federal Ordinance on Barrier-Free Information Technology', available at EinfachfurAlle and 'BITV Annex (Part 1)', available at EinfachfurAlle,

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

20. 'Barrierefreie Informationstechnik-Verordnung: Einfach für Alle', available at Barrierefreies Webdesign: Einfach für Alle - eine Initiative der Aktion Mensch,

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

information technology (IT) by the authorities of the federal administration and that are publicly accessible. Thus, the regulation is applicable to authorities, health insurance 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, although it charges them with expansive obligations.

4. Protocol for evaluating and monitoring:

Section 5 of the BITV ordinance deals with the evaluation of its effectiveness. It provides for regular review, taking into consideration technological development and gives a timeline of not more than three years for evaluation. The Act on Equal Opportunities for 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.

Chapter 4

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. Ireland is a signatory to the UNCRPD but has not ratified it yet.

1. Overview:

There is currently no Irish law that specifically covers the area of web accessibility, though accessibility is partly addressed by The Equal Status Act,²¹ Employment Equality Act²² and the

21. 'Equal Status Acts 2000-2004 - Assist Ireland', available at Assist Ireland http://www.assistireland.ie/eng/Information/Employment/Relevant_Legislation/Equal_Status_Acts_2000-2004.html

22. 'The Equality Authority - Publications and Booklets', available at The Equality Authority <http://www.equality.ie/index.asp?locID=12&docID=-1>

Disability Act.²³ In addition to disability discrimination legislation, various policies and programmes have been initiated over the years, such as “New Connections - A Strategy to realise the potential of the Information Society”²⁴ and the “National Programme for Prosperity and Fairness” that 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 persons with disabilities in terms of access to services and 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.
- **The Disability Act (2005):** Sections 27 and 28 of the Act provides for services as well as communication being provided to a public body being accessible to persons with disabilities.
- **NDA Code of Practice:**²⁵ This directs public bodies to aim at achieving “Double-A level conformance with the Web Accessibility Initiative’s (WAI) Web Content Accessibility

23. ‘Disability Act 2005’, available at Oireachtas

<http://www.oireachtas.ie/viewdoc.asp?DocID=4338>

24. ‘New Connections’ available at <http://www.kildare.ie/countycouncil/Publications/InformationSociety/LinkToDocument,6614,en.PDF>

25. ‘NDA Launches Code of Practice on Accessible Public Services’, available at National Disability Authority, <http://www.nda.ie/cntmgmtnew.nsf/0/9EE7337F7BB12066802571B5004E0A71?OpenDocument>

Guidelines” and 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 implement the EU Procurement Directive 2004/18/EC.

2. 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 has 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 changes. The guidelines, based on WCAG 1.0, were provided to help make web sites easy to understand and use.

3. Applicability:

The policies and documents refer to public sector websites. In addition, these are only recommendations and are not mandatory.

4. 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 that can be given to public sector organizations on successful completion of a third party audit. The criteria for the award cover three areas –

building access, quality customer services and accessibility of ICT, which includes websites. The NDA has a role in monitoring complaints 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.

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.

Chapter 5

Italy

Italy has enacted a legislation that requires public services and information to be accessible, provides for adequate IT working instruments and equipment to be provided to persons with disabilities 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. Enforcement of legislation and guidelines is monitored by a ministerial council and a central agency. The central agency also plays an important part in monitoring the enforcement of accessibility policies in the processes of public ICT procurement. Italy has signed and ratified both the UNCRPD and the Optional Protocol.

1. Overview:

Italy has several guidelines and initiatives around accessibility, for both web accessibility and IT infrastructure. The laws are as follows:

- **Law 4/2004, January 9th 2004 (“Stanca Law”)—“Provisions to support the access of the disabled to information technologies”:**²⁶ This is the principal legislation on web

26. Law n. 4, January 9, 2004’ available at [PubbliAccesso.gov.it](http://www.pubbliaccesso.gov.it), http://www.pubbliaccesso.it/normative/law_20040109_n4.htm

and IT 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 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. The Law also covers accessibility requirements at procurement. It also contains the commitment to provide disabled workers with adequate IT equipment in order to allow them to work efficiently.

- **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":**²⁷ This decree delves deeper into the implementation of the provisions of Law 4/2004. Websites must not only be barrier-free but also simple, effective, efficient and capable of satisfying 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 may instead 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":**²⁸ This decree is mainly made up of annexures that

27. PubblAccesso - Normative - Implementation Regulations, available at PubblAccesso - Home Page, http://www.pubbliaccesso.it/normative/implementation_regulations.htm

28. PubblAccesso - Normative - Ministerial Decree July 8 2005, available at PubblAccesso - Home Page, <http://www.pubbliaccesso.it/normative/DM080705-en.htm>

contain the technical Web accessibility requirements, the methodology for the evaluation of websites and the requirements for accessible hardware and software.

- **Italian law 67/2006²⁹ “Provisions for the judicial protection of persons with disabilities, victims of discrimination”**: This law implements the European Union law principle set out at Article 13 of the Treaty of Amsterdam, which states the principle of fight against discrimination 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 and provides disabled persons with a general remedy against discrimination, and that such remedy adds to, and does not derogate, those other provisions containing different forms of protection.

2. Compliance with WCAG:

Compliant with WCAG 1.0.

3. Applicability:

Law 4/2004: Article 3 lists the addressees of this Act. Those involved in the enforcement of the law are all 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.

29. ‘Law no. 67 of 1 March 2006 - Provisions for judicial protection of persons with disabilities, victims of discrimination’, available at ‘Law no. 67 of 1 March 2006 - Provisions for judicial protection of persons with disabilities, victims of discrimination’, <http://www.ittig.cnr.it/BancheDatiGuide/Disabilita/LawNo67of1March2006.html>

4. Protocol for evaluating and monitoring

Due to the flexible nature of the Decree, the technical requirements can be updated whenever relevant changes should occur in the national and international e-accessibility scene. 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 The Italian Authority for Information Technologies in Public Administration (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 issues relating to accessibility in public personnel training programs. On the other side, regions, 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.

Chapter 6

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.

1. Overview

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; as a phonetic language with a large number of characters, it is not as suited to the WCAG, 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:**³⁰ In November

30. JIS Web Content Accessibility Guideline, available at <http://www.comm.twcu.ac.jp/~nabe/data/JIS-WAI/>

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 - “JIS X 8341: Guidelines for older persons and persons with disabilities— Information and communications equipment, software and services.” The JIS is not legally binding, and its guidelines are subject to substantial interpretation³¹ 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)

The JIS X 8341-3 covered Japanese language specific issues and also covered some aspects of usability. It was expected to function as a basis to ensure the web accessibility of government websites in the central and local governments in Japan. However, a widespread lack of understanding of the JIS X 8341-3 among the local governments in Japan further led in December 2005 to the formulation of “Operational Models to Improve Accessibility of Public Websites” in order to supplement the JIS X 8341-3. The JIS X 8341-3 was updated in 2010 and is now compliant with WCAG 2.0.

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

In order to improve the current state of web content accessibility, the government also created the “Web Accessibility Working Group” to develop a new accessibility evaluation method, system and improved web content using the new system.

- **New IT Reform Strategy:** In January 2006, the “New IT Reform Strategy” was released as a new general policy program of the IT society in Japan, and 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 websites.

2. Compliance with WCAG:

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

3. Applicability:

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

Chapter 7

South Korea

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

1. Overview:

The South Korean government has been conducting accessibility research since 2005 with an aim to improve web accessibility of government websites, increase awareness of web accessibility and develop policies for web accessibility in Korea. There are two main authorities charged with the responsibility of bridging the digital divide – the Ministry of Public Administration and Security and the National Implementation Society Agents. Further, there are several advisor

groups. South Korea's accessibility framework consists of:

- **The 2007 Korea Disability Discrimination Act:**³² This Act provides Information Access Rights, reasonable accommodations in IT and communication and defines the role of the governmental agencies and also sets web accessibility obligations until 2015 for different kinds of entities and organisations.
- **National Informatization Act:**³³ The 2009 National Informatization Act in South Korea specifically covers ICT access and usage for persons with disabilities and the elderly, mandates governmental agencies to respect web accessibility standards, defines ICT accessibility guidelines, provides for AT and ICT for persons with disabilities, promotes ICT access environment for persons with disabilities and elderly people and provides ICT Learning Opportunities for the underprivileged. It also establishes the "National Information Society Agency (NIA)."³⁴

South Korean accessibility policies are classified in five groups, namely developing and supplying ATs for persons with disabilities, operating ICT accessibility programs, developing ICT accessibility standards, conducting research, and increasing awareness. The Information and Telecommunications Accessibility Promotion Standards Forum (IABF),³⁵ formed in 2002, promotes accessibility to ICT products and services through sharing of relevant information among developers, scholars and other groups. The IABF operates through three divisions: the policy division, the information and telecommunication divisions and the web accessibility division.

32. 'United Nations Economic and Social Commission for Asia and the Pacific', <http://www.unescap.org/ESID/Meetings/ICT09/seven.ppt>

33. E-Government in South Korea, available at Wikipedia the free encyclopedia
http://en.wikipedia.org/wiki/E-Government_in_South_Korea

34. National Information Society Agency. See <http://www.nia.or.kr>

35. 'Information and Telecommunications Accessibility Promotion Standard Forum', <http://iabf.kr/En/About.asp>

South Korea has been developing accessibility guidelines and standards since 2005. There are two national standards. One is the Internet Web Content Accessibility Guideline of December 2005, based on the Reference Guidelines: Section 508 .H1194.22 & WCAG 1.0 & WCAG 2.0 Draft Version (2003. 6), and the second is the Automatic Teller Machine Accessibility Guideline 1.0 of October 2007.³⁶

2. Compliance with WCAG:

South Korea's national standard of web accessibility guidelines is based on the reference guidelines: Section 508 .H1194.22, WCAG 1.0 & WCAG 2.0 Draft Version.

3. Applicability:

The web accessibility obligations laid down in the South Korea Disability Discrimination Act 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.

4. Protocol for evaluating and monitoring:

In order to monitor accessibility trends, Korea conducts a survey on persons with disabilities computer and internet usage every year. Research is also carried out on the status of web and IT products' accessibility, compliance (computer, ATMs, cellular phones, etc.) and awareness of web 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.

36. Policies and Activities on Increasing ICT Accessibility in Korea, http://www.wah.or.kr/_Upload/pds2/090813%20Policies%20and%20activities_Korea_Hyun_ITU%20Regional%20Forum_Final%20%5B%ED%98%B8%ED%99%98%20EB%AA%A8%EB%93%9C%5D.pdf

Chapter 8

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. New Zealand has both signed and ratified the UNCRPD but has neither signed nor ratified the Optional Protocol.

1. Overview:

New Zealand has several strong legal and policy requirements of 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 v2.0 (2009)³⁷ specifically deal with web accessibility. These guidelines mandate compliance by public sector websites with

37. 'New Zealand Government Web Standards Review', available at New Zealand Government Web Standards <http://webstandards.govt.nz/>; 'Web Guides', available at New Zealand Government Web Standards, <http://www.webstandards.govt.nz/web-guides/>

the standards prescribed, which are based on the WCAG. 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 1993³⁸ oblige the government to “reasonably accommodate” persons with disabilities. The Departments of the Government are also required to implement the New Zealand Disability Strategy, as directed by the cabinet.

2. Compliance with WCAG:

The New Zealand Government Web Standards are fully based on the WCAG.

3. Applicability:

New Zealand Government Web Standards and Recommendations apply to any website that is intended for the public and financed by the public through the crown or through public agencies. This covers all public service departments, the Police, the Defence Force, the Parliamentary Counsel Office and New Zealand Security Intelligence Service. Websites 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 websites that are internal to an agency (intranets).

38. ‘Accessibility and the New Zealand Legal Environment’, New Zealand Government Web Standards, <http://www.webstandards.govt.nz/accessibility-and-the-new-zealand-legal-environment/>

4. Mechanism for updation:

The government has thus far updated its standards with changes in the WCAG. The New Zealand Government Web Standards 2.0,³⁹ which was released in March 2009, recommends compliance with the WCAG 2.0 Guidelines. After the release of the recent Guidelines, an entirely new version of the New Zealand Web Standards was published.

39. 'NZ Government Web Standards 2.0', available at New Zealand Government Web Standards, <http://webstandards.govt.nz/standards/nzgws-2/>

Chapter 9

Philippines

The Philippines is making progress towards developing a policy and enacting legislation for web accessibility. The Philippine Web Accessibility Group (PWAG)⁴⁰ 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 it feels are calibrated to the country's needs and capabilities. The Philippines has signed and ratified the UNCRPD but not signed the Optional Protocol.

1. Overview:

The Philippines currently lacks legislation or policy addressing web accessibility but is striving to make progress towards creating a policy. The initiatives it has undertaken are outlined below:

40. Philippine Web Accessibility Group available at <http://www.pwag.org/>

- **Manila Declaration on Accessible ICT and Manila Accessible ICT Design recommendation:**⁴¹ These were produced in 2003 to answer the relevant accessibility and technology questions of developing nations. 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 websites for accessibility; and together with concerned government agencies (NCDA and NCC-CICT) has begun formulating an official set of Philippine Web Accessibility Design Recommendations. Accessibility in the Philippines context has to be viewed in light of the fact that the dominant ICTs used are cell phones and short-

41. Manila Design Recommendations on Accessible Information and Communications Technologies (ICT), available at <http://www.un.org/esa/socdev/enable/manilarecom.htm>

message systems (SMS). Only a small fraction of the population is using computers, and almost nobody uses or can afford screen readers. The Philippines standards are being formulated based on this situation, and given the high cost of website remediation, the PWAG recommends adopting accessible designs primarily in conjunction with website design, redesign, or update.

2. Compliance with WCAG:

The final standards are expected to be only partially compliant.

Chapter 10

Portugal

Portugal has put in place web accessibility guidelines for public websites, while no specific legislation 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 evaluate compliance and to receive suggestions and resolve complaints for improvement. Portugal is a signatory to both the UNCRPD and the Optional Protocol.

1. Overview:

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 has passed a resolution in Parliament on accessibility. The measures taken by Portugal are outlined below:

- **Accessibility of Public Administration Websites for Citizens with Special Needs (Resolution of the Council of Ministers N^o 97/99):**⁴² There is no direct legislative measure in Portugal

42. Resolution of the Council of Ministers Concerning the Accessibility of Public Administration Websites for Citizens with Special Needs created on 26.8.1999, available at http://www.acessibilidade.net/petition/government_resolution.html

that imposes a clear legal requirement for website accessibility. However, 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. The principles behind the resolution are providing benefits of the information society to all; giving priority to develop products and services for persons with special needs; promoting universal design, carrying out requisite R&D to integrate persons with special needs in society; reinforcing co-operation between users and the public and private sectors in developing accessible products; and raising society's awareness of the need to integrate people with special needs.

- **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 access 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. In 2000, the team of the ACESSO Unit (i.e. unit dealing with accessibility) 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 existing public websites. It defined a set of basic accessibility requirements and the inherent technical specifications that allow for visiting the site. Since then, UMIC has also carried out several activities like publishing technical specifications, guidance papers and CD-ROM toolkits (Portuguese translation of WAI guidelines), providing training on web accessibility, etc.

2. Compliance with WCAG:

The Portuguese law does not mention the WCAG explicitly but there is a broad reference to the general guidelines of the WCAG in the resolution.

3. 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.

4. Protocol for evaluating and monitoring:

Article 5 of the Resolution makes the Minister for Science and Technology responsible for monitoring and evaluating the enforcement of this Legislative Act, and informing the government regularly of progress. 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, ACCESSO, 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 websites for persons with disabilities.

Chapter 11

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 including persons with disabilities, as far as this is at all possible, 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. Sweden has both signed and ratified both the Convention and the Optional Protocol.

1. Overview:

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

- **Swedish National Guidelines for Public Sector Websites (24 hour agency web guidelines, 2002):** Published by Verva,⁴³ the Swedish Administrative Development Agency,

43. Swedish National guidelines for Public Sector websites available at <http://www.eutveckling.se/sidor/english/>

these guidelines draw heavily from the WCAG and from the legislations listed below. 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. Subsequent versions 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 these guidelines are not mandatory, they are followed by a significant proportion of the public sector agencies.

- **Swedish Ordinance 2001:526:** Ordinance (2001:526),⁴⁴ which is concerned with 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 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 persons with disabilities. It is applicable to everyone in Sweden.

44. Ibid.

- **Disability Ombudsman Act (1994:749):**⁴⁵ The Disability Ombudsman shall work to ensure that inadequacies in statutes and other enactments as regards people with disabilities are remedied. The Disability Ombudsman monitors the rights and interests of people with disabilities. The objective is that people with various kinds of disabilities 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 legislation⁴⁶ 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.

2. Compliance with WCAG:

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

3. 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, these can be used by the private sector as well. 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.

45. 'Diskriminerings Ombudsmannen', available at http://www.ho.se/upload/Disability_Ombudsman_Act,%20uppdaterad2.pdf

46. Prohibition of Discrimination in Working Life of People because of Disability Act (1999:132), available at <http://www.equalrightstrust.org/ertdocumentbank/dad1e2d6.pdf>

4. 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.

Chapter 12

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. Thailand has signed and ratified the UNCRPD but not the Optional Protocol.

1. Overview:

Thailand has incorporated web accessibility priorities into its general telecommunications policy and come up with indigenous guidelines. 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):**⁴⁷
In consultation with web developers, Thailand developed its own national web accessibility guideline for web

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

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.

- **Bridging the Digital Divide Strategic Plan (2008-2010):**⁴⁸ 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 AT industry. The plan seeks to increase web accessibility, develop an AT industry, and to increase access channels and number of personnel related to AT 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 AT industry, and providing training to persons with disabilities in the use of ATs. The MICT laid out four strategies and 16 projects to achieve these goals, but as yet, data on their implementation and effectiveness are lacking.

2. Compliance with WCAG:

The Th-WCAG is partially compliant with WCAG 1.0.

3. Applicability:

The strategic plan has aspirations of reaching both the public and private sectors.

48. Proadpran Punyabukkana, Suchai Thanawastien, Ajin Jirachiefpattana, 'Thailand's national digital divide strategic framework', available at ACM Digital Library, <http://delivery.acm.org/10.1145/1370000/1368065/p97-punyabukkana.pdf?key1=1368065&key2=9821839421&coll=GUIDE&dl=GUIDE&CFID=46301622&CFTOKEN=39347689>

Chapter 13

United Kingdom

The United Kingdom has generic anti-discrimination legislation in the form of the Equality 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.

1. Overview:

The United Kingdom's web accessibility framework is based on its general anti-discrimination legislation. Additionally, formal guidelines help in the creation of accessible websites.

- **Equality Act 2010:**⁴⁹ This is an over-arching anti-discrimination law in Britain that consolidates the functions of the now repealed Equal Pay Act, 1970, the Sex Discrimination Act, 1975, the Race Relations Act, 1976, the Disability Discrimination Act, 1995 and statutory instruments protecting discrimination in employment on grounds of religion or belief, sexual orientation and age.

49. Equality Act 2010, available at the UK Government website, <http://www.homeoffice.gov.uk/equalities/equality-act/>

The Equality Act makes provisions for web accessibility and for reasonable accommodations to make information accessible.

- **The Statutory Code of Practice 2010 — Accessible information:**⁵⁰ The Code of Practice, which was revised in keeping with the Equality Act, deals with Accessible Information. The Code breaks down the various tenets of the Equality Act and outlines good practices that organizations, companies and services can follow against discrimination on the basis of sex, race or disability. The Code discusses accessible information, ‘substantial disadvantage,’ reasonable accommodations, auxiliary aids and services in sections 7.10, 7.44 and 7.48. While not an authoritative statement of law, the Code must be considered, in relevant part, by the courts when they hear claims under the Equality Act. The Code additionally seeks to prevent illegal action in the first place by outlining good practice.
- **BS 8878:2010 — British Standards Institute:**⁵¹ The BS8878:2010 Web Accessibility Code of Practice developed by the British Standards Institute in 2010 is compliant with the Equality Act and has been updated to match WCAG 2.0.
- **e-Accessibility action plan — Department for Culture, Media and Sport:** The e-accessibility action plan⁵² is aimed at making ICTs more accessible and covers regulation, accessible consumer technology and digital equipment, website services, accessible content, updating guidelines

50. Equality Act Codes of Practice, available at Equality and Human Rights Commission, <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice/>.

51. General Web Accessibility Guidance, available at Equality and Human Rights Commission, <http://www.equalityhumanrights.com/footer/accessibility-statement/general-web-accessibility-guidance/>

52. The eAccessibility action plan: making digital content accessible by everyone, available at the Department of Culture, Media and Sport <http://www.culture.gov.uk/publications/7798.aspx>

on website accessibility to comply with WCAG, developing a single point of access for information on access to web-based services for disabled people, and encouraging educators to make their web based teaching more inclusive and accessible.

2. Compliance with WCAG:

Not wholly. However, the BS 8878:2010 refers to the WCAG.

3. Applicability:

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

4. Protocol for evaluating and monitoring:

There is no specific policy or mechanism to review and monitor existing laws and guidelines.

Chapter 14

United States

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

1. Overview:

The United States signed the UNCRPD on July 30, 2009. Before this, the United States had 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 are outlined below:

- **Section 251(a)(2) and 255 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996:**⁵³

This Act requires manufacturers of telecommunications equipment and providers of telecommunications services

53. Reports, available at the Federal Communications Commission, <http://www.fcc.gov/Reports/1934new.pdf>

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. All government agencies, federally-funded projects, K-12 schools, post-secondary entities (state colleges, universities, and vocational training schools) fall into the category of institutions to which section 504 applies.
- **Section 508 of the Rehabilitation Act of 1973, as amended in 1998:**⁵⁴ This section bars the federal government from developing, maintaining, using or procuring electronic and IT goods and services that are not fully accessible to 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 the U.S. Access Board to clarify the meaning of “accessibility” by developing a set of standards. Towards this end, the Board enlisted the help of government, academic, industry, and disability advocacy groups 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

54. ‘Section 508 Amendment to the Rehabilitation Act of 1973’, available at http://en.wikipedia.org/wiki/Section_508_Amendment_to_the_Rehabilitation_Act_of_1973

the WCAG had existed prior to the standards of section 508, the WCAG were simply 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:**⁵⁵ The ADA is a very comprehensive legislation that 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 US courts, and while various rulings provide some guidance, there is as yet no definitive answer.

55. Americans with Disabilities Act, available at the US Department of Justice <http://www.ada.gov/>

- **The Assistive Technology Act, 1998:**⁵⁶ This is an exclusive Act to support programs of grants to states to address the AT 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:**⁵⁷ 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.
- **21st Century Communications and Video Accessibility Act of 2010:**⁵⁸ The 21st Century Communications and Video Accessibility Act of 2010 extends the coverage of accessibility provisions to newer technologies and devices including personal laptops, tablets and smart phones.
- **Other Acts** include Architectural Barriers Act, Individuals

56. Assistive Technology Act, available at National Dissemination Center for Children with Disabilities <http://nichcy.org/laws/ata>.

57. US Department of Education available at <http://www2.ed.gov/fund/contract/apply/clibrary/software.html>

58. Twenty-First Century Communications and Video Accessibility Act of 2010, available at [govtrack.us http://www.govtrack.us/congress/billtext.xpd?bill=h111-3101](http://www.govtrack.us/congress/billtext.xpd?bill=h111-3101)

with Disabilities Education Act, and the 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.

2. Compliance with WCAG:

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

3. Applicability:

Section 508 of the Rehabilitation Act of 1973 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 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 section of the Telecommunications Act, is geared towards making telecommunications, public services, transport, employment, and accommodation, among other things, accessible to persons with disabilities.

4. 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 to 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 and information technology.

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

Chapter 15

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. The EU community has signed and ratified the UNCRPD but has neither signed nor ratified the Optional Protocol.

1. Overview:

The EU has several provisions for ensuring the accessibility of its institutions and websites.

- **The EU Charter of Fundamental Rights**⁵⁹ makes reference to people who are disabled. Article 21 prohibits

59. Charter of the Fundamental Rights of the European Union, available at Consilium Europa, http://ue.eu.int/uedocs/cms_data/docs/2004/4/29/Charter%20of%20fundamental%20rights%20of%20the%20European%20Union.pdf

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.

- **eEurope Action Plan 2002:**⁶⁰ This was a wide-ranging initiative designed to speed up and extend the use of the internet to all sectors of European society. The action plan sought 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 for their public websites.
- **Communication eEurope 2002—Accessibility of Public Websites and their Content:** Issued in 2001, this was followed by a **Council Resolution** of 25 March 2002 on the ‘eEurope Action Plan 2002: Accessibility of public websites and their content,’ which stressed on the need for web accessibility in European institutions.
- **eEurope 2005 Action Plan:**⁶¹ Launched in 2002, this had an objective of providing all citizens of the 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”.

60. eEurope 2002 : accessibility of public websites and their content: Legi internet, available at Legile Internetului - totul despre drept si Internet: Legi internet, <http://www.legi-internet.ro/index.php?id=149&L=2>

61. Action Plan, available at eEurope 2002, http://ec.europa.eu/information_society/eeurope/i2010/docs/2002/action_plan/actionplan_en.pdf

- **i2010 Strategy Framework** :⁶² Launched in 2005, this 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”. This framework also comprised the European Commission’s Communication on e-Accessibility, which proposed a set of policies to foster e-Accessibility and exhorted its members and stakeholders to take voluntary positive action for making ICT products and services accessible to persons with disabilities and older persons in Europe.
- **“Measuring progress of e-Accessibility in Europe”**: Commissioned in 2007, this report assessed the then prevailing status of the e-Accessibility⁶³ 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 websites conform to WCAG 1.0

2. Compliance with WCAG:

The plan fully complies with the WCAG 1.0 Guidelines but has not yet been implemented.

3. Applicability:

The resolution and action plan are applicable to public sector websites and their content in European Commission Member States and in European institutions.

62. i2010 - A European Information Society for growth and employment, available at Europe’s Information Society, http://ec.europa.eu/information_society/eeurope/i2010/index_en.htm

63. Web accessibility policy, available at the European Union website: http://europa.eu/geninfo/accessibility_policy_en.htm

4. 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. 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 websites for compliance with the Guidelines, the improvement of existing websites, promotion of best practice, and the provision of support and assistance mechanisms for Web content developers.

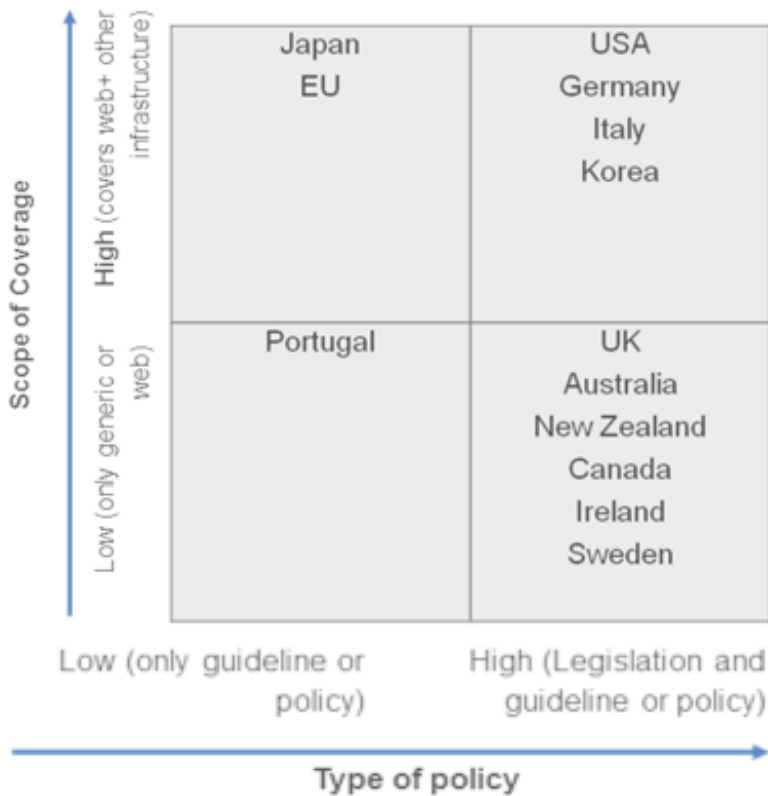
General Observations and Conclusion

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 efficiency of its legislative, judicial and administrative systems.

All the countries studied in this report are signatories to the UNCRPD and have put in place some measures to enforce web accessibility. While some have direct legislations or policies on this, others read the mandate within their larger disability legislation. WCAG is the primary yardstick for measuring compliance. Countries like Germany, Japan and Korea have gone beyond mere web accessibility and put in measures to ensure barrier-free access to their entire electronic infrastructure. The measures take a wide range of forms, from mere policies and guidelines to legislations and ordinances. It is not uncommon to find that many of them restrict their mandate to government websites, although countries like Australia and UK extend this to the private sector as well, with significant success and backing from the judiciary.

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, that 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, and Italy land in the top right quadrant of the grid, as they exhibit both highly comprehensive and legally enforceable web accessibility regimes.

A few useful points emerging out of the report for the consideration of policy makers are given below:

- Countries whose local languages are alphabet based or that use English as the official medium may 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 country, 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 that would benefit from wide applicability.
- There must be a systemized forum, committee or board to review and monitor implementation 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 is necessary to have a complaint redress mechanism for effective restitution and to 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 1: Accessibility Policy Comparison Grid

CRITERIA	AUSTRALIA	CANADA	GERMANY	IRELAND	ITALY
Type of Policy	Legislation + Advisory Notes	Standards	Ordinance	Legislation + Policy Document	Legislation + Decrees + Directives
Effective from	1992, 2002, 2010	2007	2002	2005, 2002	2004, 2005, 2006
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	Includes other electronic infrastructure	Includes other electronic infrastructure
Compliance with WCAG	Yes	Yes, Standards based on WCAG 1.0	Yes, Ordinance based on WCAG	Yes	Yes
Applicability (govt. websites/all)	Any individual/ organization creating a web page. (Includes Government + Private)	Only Government Department, Ministries and Agencies	Authorities of Federal Administration	Only Public Sector Websites	Public sector agencies as well as private subjects if beneficiaries of public information or services.
Signatory to UNCPRD	Yes, also signed and ratified Optional Protocol	Yes, signed and ratified	Yes, also signed and ratified Optional Protocol	Yes	Yes, also signed and ratified Optional Protocol

Accessibility Policy Comparison Grid

CRITERIA	JAPAN	KOREA	NEW ZEALAND	PHILIPPINES	PORTUGAL
Type of Policy	Industrial Standard	Legislation	Guidelines + Legislation	Working group currently formulating policy	Parliamentary Resolution
Effective from	2004	2007	2002, 1988	N/A	1999
Scope of coverage: (only web or other electronic infrastructure)	Includes guidelines for web and other electronic infrastructure	Covers web and other infra-structure as well	Only web	N/A	Only web
Compliance with WCAG	Borrowed some guidelines from WCAG	Yes, Guidelines based on WCAG	Yes, wholly compliant	N/A	Partly, broadly based on same principles
Applicability (govt. websites/all)	National and Local Government Agencies	Both private and public sector gradually by 2015 as per the current roadmap,	Public Sector Websites, Public Agencies	N/A	General Directorates, State Corporations and Agencies
Signatory to UNCRPD	Yes	Yes	Yes	Yes, signed and ratified convention	Yes, also signed Optional Protocol

Accessibility Policy Comparison Grid

CRITERIA	SWEDEN	THAILAND	UK	US	EU
Type of Policy	Legislation + National Guidelines + Ordinances	Policy + Guidelines	Legislation + Guidelines	Legislation	Council Resolution + Action Plan
Effective from	1999, 2001, 2002, 2004	Not available	1995, 2006, 2010	1998, 2010	2002
Scope of coverage: (only web or other electronic infrastructure)	Covers websites as well as broad term "Information Technology"	Web accessibility guidelines	General overarching legislation, with provisions for web accessibility	Covers web and other infrastructure as well	Includes other electronic infrastructure
Compliance with WCAG	Yes, Guidelines based on WCAG	Th-WCAG, Partially compliant with WCAG 1.0s	N/A	Partly	Yes
Applicability (govt. websites/all)	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 also signed and ratified Optional Protocol	Yes, signed and ratified convention	Yes, also signed and ratified Optional Protocol	Yes	Yes

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About the Organizations

The Hans Foundation (www.thehansfoundation.org)

The Hans Foundation is a charitable trust fund created to provide a source of endowment for not-for-profit organizations in India. The Hans Foundation is particularly motivated towards promoting improved and equitable access to education and healthcare, with special interest in improving the living standards and access to rights of the disabled. The funding is given to organizations involved in projects that fall under one of their three focus areas- disability, education and healthcare.

Centre for Internet and Society (www.cis-india.org)

CIS is an independent, non-profit, research organization founded in Bangalore in 2008. CIS brings together scholars, academics, students, programmers and scientists to engage in a large variety of issues in the field of Internet and society, such as histories of the Internet, digital natives, Accessibility, access to knowledge, openness, internet governance and telecom. CIS works closely with policy makers, organizations and industry to promote accessibility for persons with disabilities both within India and at a global level.

Global Initiative on Inclusive ICTs (www.g3ict.org)

G3ict is an Advocacy Initiative of the United Nations Global Alliance for ICT and Development, launched in December 2006 in cooperation with the Secretariat for the Convention on the Rights of Persons with Disabilities at UN DESA. Its mission is to facilitate and support the implementation of the dispositions of the Convention on the Rights of Persons with Disabilities promoting e-accessibility and assistive technologies.

