



Odluka Europske ombudsmanice kojom se zaključuje njezina strateška istraga OI/6/2017/EA o tome kako Europska komisija osobama s invaliditetom osigurava pristup njezinim internetskim stranicama

Odluka

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Europska ombudsmanica istraživala je kako Europska komisija osigurava da su njezine internetske stranice i dostupni mrežni alati pristupačni osobama s invaliditetom.

Europska ombudsmanica postavila je pitanje Komisiji o njezinu korištenju pristupačnim formatima (kao što je „lako čitljiv“), o tome kako korisnicima omogućuje da pruže povratne informacije o pristupačnosti i kakvo osposobljavanje o pitanjima pristupačnosti pruža zaposlenicima.

Europska ombudsmanica zadovoljna je jer je Komisija poduzela mjere za poboljšavanje pristupačnosti svojih internetskih stranica i mrežnih alata te je ustrajna u dodatnim poboljšanjima. Važno je da se te obveze provode u praksi i da se Komisija obveže na poduzimanje dodatnih koraka. Stoga zaključuje istragu sa šest prijedloga za poboljšanje.

Background to the inquiry

1. In 2015, a UN Committee carried out its first review of how the EU complies with the UN Convention on the Rights of Persons with Disabilities [1] (UNCRPD). The Committee found that the EU institutions needed to do more to meet their commitment to accessible communication for persons with disabilities. In particular, it recommended that the EU institutions take the necessary measures *“to ensure the full application of web accessibility standards”*, and to *“offer information in sign languages, Braille, augmentative and alternative communication [2], and other accessible means...for persons with disabilities, including easy-to-read [3] formats”* [4].
2. The Ombudsman followed up on this finding by writing to the European Commission, given its leading role among the EU institutions in the area of web accessibility [5].
3. In its reply [6], the Commission noted that providing features such as information in sign language and easy-to-read formats would go beyond the international norms on web accessibility to which it has committed, namely ‘compliance level AA’ [7] under the Web Content Accessibility Guidelines 2.0 (hereinafter, WCAG) [8]. Doing this would require greater resources.



The strategic inquiry

4. In July 2017, the Ombudsman opened a strategic inquiry [9] seeking further information from the Commission about the accessibility of its websites and online tools [10]. She pointed out that, in October 2016, the EU had adopted the 'Web Accessibility Directive' [11], which sets out rules to ensure the websites and mobile applications of public bodies in the EU Member States are better accessible to persons with disabilities. Although this directive applies only to Member States, the EU institutions are encouraged to comply with its requirements.

The Ombudsman's assessment

Preliminary remarks

5. In carrying out this inquiry, the Ombudsman received information from persons with disabilities about specific accessibility issues they have encountered with Commission websites. Problems reported included the accessibility of the Commission's online tool for registering to participate in expert meetings and online platforms hosted by the Commission to facilitate policy debates.

6. These examples demonstrate the barriers that persons with disabilities may face when trying to engage in policy and social debates at EU level. In view of the rapid growth of the information society, including online services and mobile applications, web accessibility has become a prerequisite for "*full and effective participation in society on an equal basis with others*", as required under the UNCRPD. The failure to ensure online tools and platforms meet the highest standards of web accessibility undermines the rights of persons with disabilities and risks excluding them.

Aiming to meet the highest web accessibility standards

7. The Ombudsman asked whether, in order to follow-up adequately on the UN Committee's recommendation, the Commission could go beyond the level of international standards to which it has committed (AA standard).

8. The Commission replied that some of its webpages and online tools already go beyond the AA standard. As part of an ongoing review, the Commission is looking at significantly increasing the number of websites that meet the higher AAA standard (which includes requirements on contrast, visual presentation, and text images).

9. However, the Commission noted that, since persons with disabilities interact with the EU institutions in the same way as other users, it would be an extensive and difficult task to identify sections of its websites that should be prioritised for meeting higher standards.

10. The Ombudsman encourages the Commission's efforts to increase the number of its websites that comply with AAA requirements, as well as its proposal to launch a pilot project to make information available in easy-to-read format on the general website for the EU



institutions (europa.eu).

11. The Ombudsman considers that the Commission should examine how to expand the use of accessible formats, such as easy-to-read, on its other websites.

12. Although the Ombudsman agrees that, to a large extent, persons with disabilities have the same interests concerning website content as other persons, she believes it is nonetheless possible to prioritise certain content, which should be provided in a format that meets the higher AAA requirements. This could include webpages or online tools through which the public interacts with the Commission (such as complaint procedures or public consultation forms) or webpages providing basic information on the Commission's work (including audio-visual content).

13. The Ombudsman therefore suggests that the Commission should provide content in formats that meet the higher AAA accessibility standards on prioritised sections of its websites and online tools (suggestion 1).

14. The Ombudsman further notes that a new version of the Web Content Accessibility Guidelines (WCAG 2.1) was published on 5 June 2018. The updated version aims to improve accessibility for three major groups: users with cognitive or learning disabilities, users with low vision, and users with disabilities on mobile devices.

15. The Ombudsman therefore invites the Commission to inform her of its plans to comply with the updated version of the Guidelines in its follow-up reply to this inquiry (suggestion 2).

Verifying web accessibility

16. In response to the Ombudsman's questions about how it assesses the accessibility of its websites and online tools, the Commission explained that accessibility assessments involve automatic checks with online tools. Internal and external experts are consulted. The Commission also indicated that users can provide feedback through the contact forms available on its websites. The results and conclusions of this feedback are compiled into recommendations.

17. The Ombudsman welcomes the use of different methods for assessing accessibility and encourages the Commission to continue and further develop this. Nevertheless, the Commission's reply suggests that **it does not carry out assessments on a regular basis** . The Ombudsman considers that accessibility issues can be detected and corrected at an early stage if there is regular monitoring. Regular checks also help to ensure compliance with web accessibility standards over time. The Commission could therefore determine whether or not it is appropriate to develop a policy whereby it assesses the accessibility of its websites on a regular basis. The Ombudsman recognises that regular assessments may be a challenge for the Commission given the hundreds of websites it manages [12] .

18. In its reply to the Ombudsman, the Commission announced that it would adopt an action



plan on web accessibility. The Commission should take the above into account in this context. The Ombudsman suggests that the Commission's action plan identify the accessibility issues to be addressed (for example, following an external audit), set out the envisaged actions, prioritise the most important actions, and set out a detailed timeline for implementing them. The Commission should regularly monitor how this action plan is being implemented (suggestion 3).

19. The Ombudsman is not convinced that it is appropriate to use standard contact forms for gathering feedback about Commission websites to also gather feedback on accessibility issues. Dedicated web pages with specific feedback mechanisms on accessibility, managed by dedicated staff members, would seem to be more appropriate. This issue will be further analysed below.

Mandatory training on accessibility for all staff members working on websites

20. The Ombudsman asked whether the Commission would consider introducing mandatory training on accessibility for all staff members working on websites.

21. The Commission said that it already offers courses on web accessibility, which are open to all staff members, and cover the basics of accessible website design and creation. It stated that it would consider making these courses mandatory for all staff members working as web designers, web developers and webmasters.

22. The Ombudsman welcomes this initiative and suggests that the Commission should introduce mandatory training for all staff members working on websites. A first step could be to introduce courses on web accessibility as part of the induction training for newcomers in this area (suggestion 4).

23. The Commission should provide mandatory training on web accessibility to all categories of staff working on websites, not just those mentioned in its reply, including web editors and staff members responsible for uploading documents or information to websites. By providing guidance to staff on necessary measures, the accessibility of web content can be significantly improved [13].

Publishing information on web accessibility and enabling users to provide feedback

24. The Ombudsman asked whether the Commission intended to make available a detailed, comprehensive and clear 'accessibility statement' [14] about its websites and mobile applications. In line with the provisions of the Web Accessibility Directive, this should:

explain what content is not available in an accessible format and why; provide a means for



users to request an accessible version of non-accessible content; provide a means for users to give feedback or draw attention to any shortcomings; and indicate how users can seek redress where they receive unsatisfactory responses to feedback or requests for accessible content.

25. The Commission replied that it already publishes web accessibility statements on its website and the general website for the EU institutions (europa.eu). It stated that, in view of the requirements of the Web Accessibility Directive, it would further improve these web accessibility statements, as well as the existing mechanisms for facilitating feedback on web accessibility matters.

26. The Ombudsman notes that the online documents referred to by the Commission [15] do not include all the information that an accessibility statement should contain. For example, neither website mentioned by the Commission has a dedicated mechanism for providing feedback on accessibility issues.

27. As noted above, an online accessibility statement should: explain what content is not available in an accessible format, enable users to request an accessible version of such content, include a means for providing feedback on accessibility issues, and outline how users can seek redress. It is also important to ensure that accessibility statements are updated after a website update and/or an accessibility assessment.

28. The Ombudsman will make a suggestion to the Commission to further improve its accessibility statements, and to bring them into line with the requirements of the Web Accessibility Directive (suggestion 5).

29. To this end, the Ombudsman urges the Commission to draw on its own 'implementing decision' of October 2018, which sets out a model accessibility statement, in line with the Web Accessibility Directive [16]. The Ombudsman also invites the Commission to draw on the good examples of existing accessibility statements, which are set out in a recent study prepared for its Directorate-General Communications Networks, Content and Technology [17].

30. The Commission should consider an appropriate solution for the wide range of websites and mobile applications that it manages, such as linking to a common accessibility statement, where it is not possible to have a dedicated accessibility statement.

Accessibility of internal websites and web tools for staff

31. The Ombudsman asked the Commission whether its internal websites and web tools for staff meet the AA compliance standards under WGAC. In particular, she asked about the online tool for the EU institutions' Joint Sickness Insurance Scheme (JSIS Online).

32. The Commission acknowledged that the user interface of the JSIS Online tool is old, and



does not meet the relevant accessibility requirements. However, it assured the Ombudsman that it is committed to improving this situation. It said that it was planning to develop a mobile application within the next two years to gradually replace the existing JSIS Online tool. In the meantime, the Commission said that it would also investigate ways to improve the accessibility of the existing JSIS Online tool.

33. The Ombudsman welcomes the Commission's initiative to examine ways to ensure the accessibility of JSIS Online. The Ombudsman suggests that the Commission should establish an action plan for this and implement it in a timely manner (suggestion 6).

Conclusion

The Ombudsman commends the Commission for taking steps to ensure and enhance the accessibility of its websites and online tools, and for committing to further improvements. In particular, the Ombudsman welcomes the Commission's intention to prepare a plan of action on improving web accessibility.

The Ombudsman considers that it is important to ensure that the envisaged measures are put in place in a timely manner. She also considers that further steps, set out below, are possible.

She therefore closes her strategic inquiry with the following conclusion:

The Ombudsman is satisfied that overall the European Commission is taking steps to improve the accessibility of its websites and online tools for persons with disabilities.

The Commission will be informed of this decision .

Suggestions for improvement

1) The Commission should proceed with its plan to make some general information available in easy-to-read format. It should also provide web content in accessible formats that meet higher international standards (compliance level AAA) across a wider range of websites. The Commission should list sections of websites and online tools for which higher accessibility standards will be a priority.

2) Given the latest version of the Web Content Accessibility Guidelines, WCAG 2.1, was published in June 2018, the Commission should inform the Ombudsman of its plans to comply with the updated version of the Guidelines.

3) The Commission should adopt the action plan on web accessibility it mentioned in its reply to the Ombudsman. This should identify the accessibility issues to be addressed (for example, following an external audit), set out the envisaged actions, prioritise the most important actions, and set out a detailed timeline for implementing them. The Commission should regularly monitor how this action plan is being implemented.

4) The Commission should introduce mandatory training on web accessibility for all staff members working on websites, including web editors and other staff members responsible for publishing online content.



5) The Commission should provide 'accessibility statements' on its websites and online tools, as well as mechanisms for users to give feedback, in accordance with the Web Accessibility Directive.

6) The Commission should improve the accessibility of the JSIS Online internal web tool. It should set out a timeline for launching a mobile application, which should meet the appropriate accessibility standards.

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Strasbourg, 20/12/2018

[1] Available at:

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities>.

[2] These are methods of communication that supplement or replace speech or writing.

[3] 'Easy-to-read' formats present information in a way that can be understood by persons with intellectual disabilities.

[4] Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of the European Union (CRPD/C/EU/CO/1), 2 October 2015. See points 82-83.

[5] The Commission chairs the Inter-institutional Editorial Committee on the Internet (CEIII), where institutions meet to coordinate the development of their websites, including in terms of web accessibility.

[6] The Ombudsman's correspondence with the Commission in the context of her strategic initiative SI/2/2016/EA is available at: <https://www.ombudsman.europa.eu/en/case/en/48410>

[7] There are three levels of commitment: compliance levels A, AA and AAA, with AAA including the most accessibility criteria. As of January 2010, all new websites developed by the Commission on the europa.eu domain have to comply with level AA.
http://ec.europa.eu/ipg/standards/accessibility/index_en.htm

[8] These guidelines were developed by the World Wide Web Consortium (W3C) in 2008, with help from individuals and organisations around the world. They set out how to make web content more accessible to people with disabilities.



[9] All inquiry related documents are available at:

<https://www.ombudsman.europa.eu/en/case/en/50299>

[10] Examples of online tools include the Commission's EUSurvey tool and online complaint forms.

[11] Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies,

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L2102>

[12] The Commission pointed out that it manages more than 400 websites and millions of pages.

[13] By way of example, the UK government website provides guidance on how to publish accessible documents, which is available at:

<https://www.gov.uk/guidance/how-to-publish-on-gov-uk/accessible-pdfs>

See also the guidance provided by the European Blind Union, available at:

http://www.euroblind.org/publications-and-resources/making-information-accessible-all#How_to_make_

[14] An accessibility statement is a document on a website or application of an organisation, which sets out how the organisation complies with the applicable accessibility requirements (in the case of EU Member States' public sector bodies, the Web Accessibility Directive) and provides instructions on how it can be contacted in case of accessibility issues.

[15] https://europa.eu/european-union/abouteuropa/accessibility_en

https://ec.europa.eu/info/about-commissions-new-web-presence_en

[16] https://eur-lex.europa.eu/eli/dec_impl/2018/1523/oj

[17] Accessibility of websites and mobile apps; A study on the current practices regarding accessibility statements, reporting mechanisms and mobile monitoring methodologies, prepared for the European Commission's Directorate-General Communications Networks, Content and Technology by Capgemini Consulting and Dialogic. The study is available at: <https://ec.europa.eu/digital-single-market/en/news/accessibility-websites-and-mobile-apps-study-current>