EDF feedback to Public consultation on a set of European Digital Principles

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13017-Declaration-of-Digital-Principles-the-%E2%80%98European-way%E2%80%99-for-the-digital-society_en>

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# Introduction

## General context

In just a year, the COVID-19 pandemic has radically changed the role and perception of digitalisation in our societies and economies. Digital technologies are now imperative for working, learning, entertaining, socialising, shopping, and accessing services such as health and culture.

The pandemic has also exposed the vulnerabilities of our digital space, and its impact on our societies. A new digital divide has emerged, not only between well-connected urban areas and rural areas, but also between those who can fully benefit from an enriched and secure digital space, and those who cannot. Now more than ever it is clear that digital policies must help nurture more democratic and inclusive societies, and ensure that all people in the EU can leverage the digital transformation for a better life.

To address these challenges in a comprehensive way, the [Communication “2030 Digital Compass: the European way for the Digital Decade](https://ec.europa.eu/info/files/communication-2030-digital-compass-european-way-digital-decade_en) (Digital Compass Communication) sets out a vision that is about solidarity, democracy, prosperity, and sustainability, anchored in the empowerment of people and businesses. Digital infrastructure and rapid connectivity can bring new opportunities by enabling people to reach out beyond specific territories, social positions or community groups, and open new possibilities to learn, have fun, work, explore and fulfil one’s ambitions.

The Communication also refers to Digital Citizenship, emphasizing that the deployment of digital infrastructures, strong skills and capacities and bringing businesses and public services in the digital sphere cannot, alone, define the EU’s approach to its digital future. It is also necessary to enable all Europeans to make full use of digital opportunities and technologies, to have a society where geographical distance matters less, so that all Europeans can work, learn, interact with public administrations, manage their finance and payments, make use of health care systems, benefit of intelligent transport systems, participate in democratic processes, be entertained or meet and discuss with people anywhere in the EU, including those residing in rural and remote areas.

The Commission will, therefore, propose a set of digital principles that should shape Europe’s digital society in the European way in the form of a joint interinstitutional solemn declaration of the European Commission, the European Parliament and the Council, based on a proposal from the European Commission. This vision will also be proactively promoted in the EU’s external relations.

## Declaration of Digital Principles

**A joint interinstitutional solemn declaration of the European Commission, the European Parliament and the Council would be a political declaration.** The objective of the declaration is to compile a set of principles that guide the ‘European way’ for the digital society and to make them known and visible to all those living in the EU. **Such a set of digital principles would allow to inform users and to guide policymakers and digital operators** in order for Europeans to fully benefit from their digital citizenship.

The Commission hopes to achieve decisive progress with the other institutions on a Declaration of Digital Principles by the end of 2021, and th**e involvement of citizens and other stakeholders is crucial in this exercise**.

## Consultation objective, and targeted stakeholders

The focus of the present consultation is on digital principles. A separate and dedicated consultation will be organised in preparation of the Digital Compass Policy Programme which is another follow-up initiative from the Digital Compass Communication.

This consultation aims at collecting the views of all interested stakeholders including other EU institutions, Member State, regional and local authorities, NGOs and civil society organisations, international and umbrella organisations, other digital stakeholders, and citizens.

The results of this consultation will serve as input to a proposal of a set of digital principles.

## Questionnaire structure and practical information

The questionnaire is divided in the following sections:

* Information about the respondent
* Section I containing questions on digital principles in several sub-sections
* Section II providing the possibility to propose additional digital principles
* Closing section containing the possibility to provide final comments and/or to upload a document

Written feedback provided in other document formats can be uploaded through the button made available at the end of the questionnaire.  
  
The questionnaire will be a**vailable in all official EU languages at the beginning of June.** A web accessible version of the questionnaire will be made available at the same moment.

The consultation will remain open until **Thursday 2 September 2021 - 24h00**.

# About You

# Section I - Questions on digital principles

This section asks you to share **your views on possible digital principles that could be included in a set of digital principles.**

## What are digital principles?

The Digital Compass Communication makes a **clear distinction between already defined fundamental rights and other rights on the one hand, and the concept of digital principles on the other.** It recalls that the European way for the digital society is also based on ensuring full respect of EU fundamental rights. The following areas are particularly relevant in the digital environment:

* Freedom of expression, including access to diverse, trustworthy and transparent information,
* Freedom to set up and conduct a business online,
* Protection of personal data and privacy,
* Protection of the intellectual creations of individuals in the online space,
* Protection of consumers online,
* Non-discrimination.

**Digital principles** should be understood as **essential concepts based on common European values serving as a foundation for a human-centred, secure and open digital environment**. When implemented through policy initiatives, such principles will be applied together with other rights and principles and for the overall public interest. Where these principles reflect rights enshrined in law, those rights remain unaffected.

The Digital Compass Communication mentions the following as examples of principles:

* Universal access to internet services,
* A secure and trusted online environment,
* Universal digital education and skills for people to take an active part in society and in democratic processes,
* Access to digital devices, systems, devices and services that respect the climate and environment,
* Accessible and human-centric digital public services and administration,
* Ethical principles for human centric algorithms,
* Protecting and empowering children and young people in the online space,
* Access to digital health services.

## 1.1 Access to internet services

**Universal access to internet services**

Access to a fast and reliable broadband connection (fixed and mobile) and services is crucial as key societal and economic services are delivered online. Digital infrastructures have become essential for people and are the most fundamental building block of the digital transformation. Access to digital infrastructures is therefore a key condition for social inclusion in a digital society. Connectivity, i.e. physical access to digital infrastructure, enables people to undertake online activities anytime, anywhere, and enables businesses to process and make use of vast amounts of data. Every person living in the EU should have access to an internet connection allowing them to use modern-day digital services, including e-government and e-justice services, e-health including telemedicine, distance and online learning, telework, online financial services, e-commerce and online communication platforms.

Ensuring that all those living in the EU have adequate access to connectivity has been a central effort of the EU since the liberalisation of telecommunications markets. The ‘[European Gigabit Society Communication](https://digital-strategy.ec.europa.eu/en/library/communication-connectivity-competitive-digital-single-market-towards-european-gigabit-society)’ sets a range of objectives for network deployment by 2025, with Gigabit and 5G connectivity at the centre of the strategy. The [European Electronic Communications Code](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.321.01.0036.01.ENG) (‘the Code’), sets the regulatory landscape to support the rollout of very high-capacity networks. Moreover, the EU regulatory framework enhances the protection of users of communications networks and services. The Universal Service provisions in the Code are focused on affordability to all consumers of an adequate broadband internet access and of voice communications. Moreover, rules include for example minimum information requirements for contracts, as well as provisions regarding provider switching and number portability as well as equivalent access and choice for end-users with disabilities. The European Pillar of Social Rights identifies digital communications among the essential services everyone shall have access to and call for support measures for people in need (Principle 20 – Access to essential services).

EU law ([Regulation (EU) 2015/2120](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32015R2120))  grants end-users the directly applicable right to access and distribute the lawful content and services of their choice via their internet access service. It enshrines the principle of open internet access: internet traffic should be treated equally without discrimination, blocking, throttling or prioritisation.

**Q: How important are the following principles for you?**

**Select from** Very important; Important; Neutral; Not important; Not important at all; I don't know / no opinion

**EDF selection: ‘very important’ for all of the below:**

1. “Everyone should have access to the internet through an affordable and adequate connection.”
2. “Everyone should be able to access and distribute internet content and services without discrimination.”
3. "Everyone should be clearly informed on the terms and conditions applicable to connectivity services available on the market, and benefit from a high level of protection when using them.”

**You can also provide comments, propose alternative formulations or elaborate on possible other principles that you want to be considered in this area:**

500 character(s) maximum

**EDF reply: Despite EU law underpinning equal right of access by persons with disabilities to electronic communications, including mobile and internet services, and emergency services (EECC), persons with disabilities still face accessibility, financial, connectivity and other barriers to these digital services. For example, according to the European Disability Strategy 2021-2030, only 64.3% of persons with disabilities aged 16+ have an Internet connection at home compared to 87.9% of persons without disabilities. Additionally, it is not only that mentioned services are inaccessible, but the digital products used for accessing the internet or mobile services are inaccessible, unaffordable for many persons with disabilities, as well as not interoperable with assistive technologies. In 2020 a Swedish study on** [**Disability digital divide: the use of the internet, smartphones, computers and tablets among people with disabilities in Sweden**](https://link.springer.com/article/10.1007/s10209-020-00714-x) **concluded that “although Sweden is one of the most digitalized countries and the Swedish population’s use of the internet is among the most studied in the world, little is known about how Swedes with disabilities use internet. The purpose of this study is to describe use of and perceived difficulties in use of the internet among people with disabilities and to explore digital divides in-between and within disability groups, and in comparison with the general population.” It found that larger proportions of persons with disabilities than the general Swedish population reported not feeling digitally included. Findings showed that there are differences in digital inclusion between sub-groups of diagnoses/impairments. Thus, disability digital divides are preferably investigated by sub-grouping disabilities, rather than studied as one homogeneous group.**

**Therefore, the digital principles should offer a more targeted approach, followed up with concrete focused solutions, to fix existing gaps and ensure that all members of society equally benefit from digitalisation.**

## 1.2 Digital education and skills

**Universal digital education and skills for people to take an active part in society and in democratic processes**

The COVID-19 pandemic has revealed how important digital skills of people on the one side, and digital capabilities of education and training institutions and systems on the other side, are for active participation in education and training, the labour market and society at large. In an unprecedented shift, digital technologies have allowed many pupils, learners and students to **study remotely**, parents to work from home keeping their jobs, companies to stay afloat and enabled social interactions to continue despite social distancing. As outlined in the Digital Compass Communication, Europe needs **digital savvy citizens**, a digitally skilled workforce, people who can use and understand, but also develop and create cutting-edge technologies to be ready for the new world. It will also be important to set healthy boundaries in an increasingly connected world to, for example, set decent working conditions and preserve the boundaries between professional and private life.

In addition, we learn from the experience of the large-scale use of digital learning practices. Digital technologies have a huge, and largely untapped potential for improving education and training. They are powerful **tools for making the learning experience more inclusive, personalised and flexible, when everyone** is offered the same opportunities. They could also provide access to education for those who otherwise might experience difficulties with accessing face-to-face education instruction, such as learners in remote areas or those with mobility difficulties.

Furthermore, a high level of **media and digital literacy** is an important factor to enable all those living in the EU to make informed decisions in the digital age. Media and digital literacy is a pre-requisite for a fair, sound and vibrant modern democracy. It is an essential tool for empowering people as well as raising their awareness and helping counter the effects of disinformation campaigns and fake news spreading through digital media and the online space. Moreover, as technologies such as artificial intelligence systems advance rapidly in all parts of society, there is a growing and pressing **need for people to have a basic understanding of AI and data** in order to engage positively, critically and ethically with this pervasive technology.

For this to happen, there are necessary conditions that must be fullfilled for all: for example high-speed Internet connectivity needs to be available everywhere, all **learners need to have devices to learn from distance and access to high-quality and secure digital content, tools and platforms**. At the same time, **teaching and training staff need to be equipped with the adequate infrastructure and equipment, digital competences and pedagogical support** to make the digital learning experience of high quality for everyone. Therefore, ensuring inclusion and equal access to quality digital education for all learners, regardless of age, background, location or disabilities, is a major challenge to overcome to make sure that no one is left behind in the Digital Decade.

**Q: How important are the following principles for you?**

**Select from** Very important; Important; Neutral; Not important; Not important at all; I don't know / no opinion

**EDF selection: ‘very important’ for all of the below:**

1. “Everyone should have the possibility to have access to high-quality and inclusive digital education (infrastructure, connectivity, equipment, content and pedagogical practices).”
2. “Everyone should have the possibility to acquire through education and training the necessary digital skills to take an active part in society, labour markets and in democratic processes.”
3. “Everyone should receive safeguards for a healthy balance in their use of digital technologies for working and learning.”
4. “Everyone should be able to be empowered through education to navigate the digital (media) environment in a safe, critical and confident manner.”
5. “An understanding of technologies, such as Artificial Intelligence should be promoted, so that it is possible to engage critically and ethically with them in everyday life.”

**You can also provide comments, propose alternative formulations or elaborate on possible other principles that you want to be considered in this area:**

***500 character(s) maximum***

**EDF reply: During COVID-19 one of the key issues for children with disabilities and their families was access to education. As most schools closed during the strictest lockdowns, distance learning often excluded children with disabilities. Many governments failed to immediately address challenges in ensuring education needs and support for learners with disabilities. Students did not have access to their support persons, and for many distance learning was not accessible, leading to students with disabilities being left behind. While some schools made progress in adopting inclusive measures, for instance by investing in new digital tools and providing support, issues still emerged for children with disabilities returning to school in September.** [**See chapter 6 of EDF Human Rights Report for more details**](https://www.edf-feph.org/human-rights-report-2021-covid19/)**.**

**Therefore, universal digital education implies ensuring accessible platforms (moodle), technologies, educational material, academic procedures, highly skilled teachers to support students with disabilities during online schooling. All mainstream devices to access education should be accessible and affordable for learners with disabilities, and interoperable with assistive technologies. Additionally, learners with disabilities who require so, should have access to affordable assistive technologies.**

**In relation to media and digital literacy, as well as basic awareness on AI technologies, campaigns, educational programmes for this purpose must also be accessible for persons with disabilities.**

**Finally, students should have alternative ways to accessing education. Digitalisation of education should not reduce non-digital solutions and services to access education.**

**If these are not ensured, digitalisation will create further barriers and leave students with disabilities behind, as clearly demonstrated during the past year and a half.**

## 1.3 Digital public services and administration

**Accessible and human-centric digital public services and administration**

The digital transformation presents opportunities for public administrations and authorities to re-design the services they offer to better address people’s and businesses’ needs. Such **human-centric digital public services should be accessible, inclusive, interoperable, transparent and personalised, co-created with their intended users and designed to respond to their needs, preferences and rights in full respect of personal data protection rules**.

Human-centric digitalisation strategies also allows public administrations to take into account the **linguistic diversity of their populations** when designing and providing public online services and engaging with users online. Decision-making and policies can and should be communicated to persons in the relevant official national language of their choice, both online and offline, to support the democratic processes.

Since human-centric digital public services have the potential to enhance access to public services for all parts of society, it is important to ensure that everybody is able to reap these benefits no matter where they are in the EU. Obstacles have to be reduced and diverse user groups, particularly **vulnerable groups should be consulted in the design of such services (for example, digital solutions must be designed using state of the art standards to make them accessible for persons with disabilities).**

Furthermore, **digitalisation should bring policy and public decision-making closer to the people by for example, using digital technologies and solutions to underpin and support open democracy initiatives. There are tremendous opportunities for more inclusive policy-making, wide-ranging engagement with people, and more grass-roots action for developing local initiatives**. Next to bringing digitalisation closer to people, digital technologies and solutions can be used to contribute to better levels of public security and safety by for example traffic monitoring systems, fire sensors, automated alert systems.

**Q: How important are the following principles for you?**

**Select from** Very important; Important; Neutral; Not important; Not important at all; I don't know / no opinion

**EDF selection: ‘very important’ for all of the below:**

1. “Everyone, including the most vulnerable and with disability or at risk of exclusion, should benefit from human-centric and accessible digital public services at all levels.”
2. “Every person should have the possibility to engage in the creation and improvement of digital public services that are tailored to their needs, preferences.”
3. “Every person should submit their data or information only once when they are digitally interacting with public administrations across the European Union.”
4. "Digital services offered by the public sector such as digital identity solutions should be interoperable and allow data portability across the EU."
5. “Digital technologies and solutions should enable a wide-ranging engagement of and with people and stimulate the development of participatory initiatives at all levels.”
6. “Digital technologies and solutions should contribute to better levels of public security and safety.”

**You can also provide comments, propose alternative formulations or elaborate on possible other principles that you want to be considered in this area:**

**500 character(s) maximum**

**EDF reply: EDF welcomes the European Commission’s emphasis on accessibility and interoperability of digital public service and administration for persons with disabilities. As noted in the reply to the EC consultation for shaping the future EU public sector interoperability policy, for persons with disabilities it is important that public services are accessible and that interoperability of these services with assistive devices and facilities is ensured. It also means that services like emergency communications ensure interoperability of real-time text and total conversation technologies to ensure barrier free access in the EU. Finally, when citizens move across the EU, accessibility of their personal information and of the public sectors concerned should maintain the same level of accessibility. In addition, more and more automated tools are being used to provide essential public services (e.g. granting driving licences, parental leave, etc). Here, not only interoperability of these technologies should be considered but also risks and opportunities, including risks to fundamental rights, personal integrity and privacy. Complaint mechanisms (without personal data) should be improved. ICT tools must be accessible both for employees and for the public. In many areas we will see increase of machine learning based on data. But often data about persons with disabilities are lacking or can lead to bias and discrimination when providing public services. Future interoperability policy should address these concerns.**

**In relation to linguistic diversity and communicating policy-making in national languages, communication in national sign languages for deaf and other users of sign languages are vital for democratic participation.**

**When it comes to consulting relevant users in the design of services, this is indeed a crucial part of development, as are developing services in accordance with state-of-the-art standards (e.g. EN301549 for ICT services and products). However, involvement of persons with disabilities should be done in a meaningful way, as opposed to tokenistic involvement in projects and initiatives, which unfortunately is often the case. It is also important to consider that organisations of persons with disabilities often have resource and staff constraints and involvement and consultation of persons with disabilities, consumer and accessibility experts should be compensated as professional work to avoid exploitation of users.**

**It is true that digitalisation of public decision-making can bring many opportunities for more inclusive policy-making, wide-ranging engagement with people, and more grass-roots action for developing local initiatives. However, this can be ensured if the processes, meetings, documents are accessible for everyone. Furthermore, digitalisation should not be done in a dogmatic way. Alternative non-digital involvement solutions should always remain available and not be reduced due to digitalisation. Citizens must always have the right to engage in the way they prefer.**

**Finally, within the context of the digital targets and commitments, the above aim of having accessible public digital services and administration is not something that we should aspire to in the future. It should be already in place, as it is already required by EU law, namely Directive (EU) 2016/2102 (Web Accessibility Directive). So, in the context of the digital principles, it is important to go beyond that and to propose something new, for these principles to bring added value. For persons with disabilities this would mean aiming for accessible and interoperable digital public and private services and products in all areas of life (e.g. public services, administration, electronic, including emergency communications, education, health, work, leisure, culture, etc.).**

## 1.4 Digital health services

**Access to digital health services**

Digital health (eHealth) solutions are essential to the provision of health services to all Europeans, as they can support the resilience and compatibility of health and social care systems. The COVID-19 pandemic has demonstrated the urgent need to accelerate the digital transformation of health and care services in our societies. Access to digital services and data exchange and sharing are critical in maintaining continuity and quality of care within national healthcare systems as well as across borders.

Digital technologies, such as telemedicine (i.e. the practice of medical services using technology to deliver care at a distance), have the potential to reduce the burden on healthcare systems and to provide equal opportunities for people who have barriers to access hospitals, e.g. people living in geographically remote areas. In addition, the use of digitalisation (e.g. big data) may significantly reduce healthcare system costs and can play a key role in identifying cost-effective treatments, particularly for complex and rare diseases. Furthermore **accessibility must be ensured to avoid excluding persons with disabilities from accessing digital health services on an equal basis with others.**

**Q: How important are the following principles for you?**

**Select from** Very important; Important; Neutral; Not important; Not important at all; I don't know / no opinion

**EDF selection: ‘very important’ for all of the below:**

1. “Everyone should have access to the full benefits of digitisation of health and care services, including personalised medicine and telemedicine.”
2. “Digital health and care services should be inclusive, accessible, equitable and designed to meet peoples’ needs.”
3. “Everyone should have secure, digital access to their electronic health records.”

**You can also provide comments, propose alternative formulations or elaborate on possible other principles that you want to be considered in this area:**

**500 character(s) maximum**

**EDF reply: Persons with disabilities in general face significant barriers to healthcare due to inaccessibility of information, communication and procedures, but also discrimination and misconceptions by healthcare professionals. Women with disabilities, for example, are often not taken seriously or outright denied access to sexual and reproductive healthcare because of discriminatory attitudes and false ideas about their sexuality. Deaf people face issues accessing healthcare due to lack of qualified and specialised interpreters, lack of accessible information and lack of preparedness of medical professionals to communicate with Deaf patients. Lack of awareness of medical professionals and common misconceptions about autism creates barriers to healthcare for autistic persons. Similarly, lack of easy-to-read communications hinders equal right to healthcare by persons with intellectual disabilities. Other issues include lack of qualified support services (e.g. captioning), lack of awareness on ability of children with disabilities to give consent or have the capacity to take decisions. Covid-19 further exposed the great barriers persons with disabilities face accessing healthcare services, again due to inaccessibility, discrimination, suspension of regular services, and in the worse cases due to eugenic approaches to triage systems – denying provision of life-saving treatment to persons with disabilities.**

**Digitalisation of healthcare will not solve the discrimination and multiple barriers faced by persons with disabilities. It is true that for persons with reduced mobility or persons with disabilities living in remote, non-urban areas telemedicine and other digital solutions can allow greater access to healthcare. However, for many persons with disabilities digitalisation can also create barriers if the systems, information, processes are not accessible for them, and are not interoperable with assistive technologies, or if persons with disabilities do not have access to internet, electronic communications, or accessible and affordable digital devices necessary for accessing health services remotely. Low or lack of digital literacy can also be a barrier. Covid-19 testing systems in the Netherlands provide an example of inaccessible digital public health solutions. Persons with disabilities reported that an appointment for testing could be made only via an inaccessible website and there was no phone number to call for an appointment. How will distance medical consultations be provided for deafblind patients or how will supported decision-making and informed consent of patients with intellectual disabilities be ensured? These are issues that already exist in non-digital healthcare provision and need to be addressed when digitalising healthcare services. Ensuring communication through real-time text and total conversation technologies can solve technical barriers for deaf and hard of hearing and other patients that rely on these technologies. Relay and other support services are also important and persons with disabilities requiring them should be able to access them without additional financial burden.**

**Digitalisation of healthcare also has implications on privacy and data protection. Health and disability-related information is especially sensitive, therefore there need to be strong safeguards to ensure the protection of privacy of patients with disabilities. In this regard, the GDPR for example allows an exemption for data processing of persons who have their legal capacity restricted. This means many patients with intellectual or psychosocial disabilities, who are under guardianship will not be able to object to the digital processing of their data for e-health, which violates their right to privacy. Exposing disability-related data can lead to discrimination against patients with disabilities by health-professionals but it can also lead to algorithm-related disability as AI-decision making increases in healthcare provision. For example, the above-noted triage approaches can be repeated by AI-based decision-making on selecting patients for provision of urgent life-saving treatment.**

**For the reasons mentioned-above, digitalisation of healthcare for the sake of efficiency should not be the aim, and careful consideration should be given to privacy, accessibility and discrimination risks, having the best interest and well-being of the patient as the main aim.**

**Finally, there is also the need to mainstreaming accessibility and a universal design approach in the design and selection of medical devices and healthcare-related products, from scanning devices to very basic ones like pregnancy tests.**

## 1.5 Open, secure and trusted online environment

**An open, secure and trusted online environment**

The online space plays an increasingly central role in peoples’ communications, information sharing and democratic participation. Digital services such as online platforms have been a driving force for a vibrant information exchange online. However, they have also facilitated new ways to disseminate illegal content, to sell illegal and/or unsafe goods or services and for cyber-threats to proliferate, manipulating online environments and causing societal harms. While it is certain that the online environment is complex, and, just as in the offline world, not all crime can be prevented, measures to counter such challenges are needed, both from private parties such as online platforms, and from public authorities. Such measures should be based on law, be effective and proportionate and safeguard all rights, in particular freedom of expression, non-discrimination, protection of personal data and privacy, high level of consumer protection. We need to aim for a favourable environment for an inclusive, respectful and pluralistic public debate online.

Furthermore, digitisation and connectivity increase cybersecurity risks, thus making society more susceptible to cyber threats and exacerbating the dangers faced by individuals. Mitigating these risks for all Europeans is paramount particularly as more and more devices are connected to the internet.

**Q: How important are the following principles for you?**

**Select from** Very important; Important; Neutral; Not important; Not important at all; I don't know / no opinion

1. “Everyone should be able to enjoy an open and transparent online environment, where a diversity of opinions is encouraged and protected.” – **very important**
2. “Everyone should be able to enjoy a safe and trusted online environment, where illegal content and goods are effectively tackled, and should be protected against cybercrime and/or attacks.” – **very important**
3. “Everyone providing their services online should expect fair dealing, including in their relationship with online platforms.” – **neutral**
4. “Everyone should benefit from confidentiality of their electronic communications (e.g. phone conversation, emails, etc.) and protection of information on their electronic devices (e.g. computers, phones, …).” – **very important**

**You can also provide comments, propose alternative formulations or elaborate on possible other principles that you want to be considered in this area:**

**500 character(s) maximum**

**EDF Reply: As signatories to the United Nations Convention on the Rights of Persons with Disabilities (CRPD), the European Union (EU) and all Member States are legally obliged to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas. (Article 9 – accessibility). Accessibility is a pre-requisite for persons with disabilities to fully enjoy other rights enshrined by the CRPD, such as freedom of expression and opinion, and access to information (Article 21), participation in political and public life (Article 29), and participation in cultural life, recreation, leisure and sport (Article 30). The EU and Member States are also obliged to ensure rights of persons with disabilities to equality and non-discrimination (Article 5), freedom from exploitation, violence and abuse (Article 16), as well as protect the integrity of persons with disabilities (Article 17).**

**Given growing importance of digital services and online platforms, especially of gatekeepers, in the lives of all persons, the protection of the above-mentioned rights and freedoms is equally important in the online domain. As we get more dependent on digital technologies, their impact on Sustainable Development Goals concerning access to education, work, healthcare, social services, housing, transport and other spheres grows. Despite this, millions of persons with disabilities in the EU still face exclusion from digital participation, which hinders their participation in mentioned areas of life. This is largely due to inaccessibility of digital technologies, including of online platforms and services. Online discrimination and hate speech experienced by many persons with disabilities further reinforces their marginalisation and exclusion from the public domain.**

**In this context, we were disappointed with the disregard of accessibility of digital services and platforms for persons with disabilities in the European Commission’s proposals for the Digital Services Act (DSA) and the Digital Markets Act (DMA). The proposed legal texts make no reference to the UN CRPD which the EU is bound to implement through initiatives such as the two proposed Regulations. There is also no mention of EU legislation aiming to advance accessibility, notably the European Accessibility Act and the Web Accessibility Directive, which creates inconsistency of existing and new Union legislation. It is important to understand that lack of accessibility of online platforms and digital services will reinforce and create new barriers for millions of persons with disabilities in the digital domain.**

[**EDF has published a position paper on the DSA and DMA calling EU legislators to ensure accessibility through legal requirements in both Regulations**](https://www.edf-feph.org/access-denied-eu-must-ensure-accessible-digital-services-for-persons-with-disabilities/)**.**

## 1.6 Children and young people in the online space

**Protecting and empowering children and young people in the online space**

Around one in five internet users are children or young people (up to 18 years old) in the European Union, and they are accessing the internet at ever-younger ages across a diverse range of devices. During the last years, they have been spending more and more of their time on the internet, browsing social media, playing online games and using mobile apps for example.

The internet offers many **opportunities for learning, communication, creativity and entertainment but it also opens up certain risks to vulnerable users such as children and youngsters**. In a fast-changing technological landscape, it is necessary to provide children – and families - with high quality, age-appropriate, informative and entertaining online content and services. This will help the 90 million children and young people in the EU to acquire the skills and awareness to become competent and confident digital citizens, and to become relevant players in shaping Europe’s digital future and active participants in European democratic processes.

However, being online also brings certain risks for children and keeping them safe without limiting their online opportunities has to be a priority for policymakers, industry and other relevant actors. Children’s well-being and best interests should be a key priority for policymakers. The highest standards of ethics, privacy and safety should be incorporated by default into the design of laws and the development, usage and marketing of products and services.

Furthermore, around half of European teenagers have encountered harmful content such as cyberbullying, sexting or violent and disturbing content while online. Children may also face situations online, such as **cyberbullying**, exposure to unwanted explicit content, or grooming leading to physical or sexual abuse, that are difficult to share and discuss, even with trusted adults. When the abuse is also recorded and shared online, the harm is perpetuated as the victims are re-victimized with the spread of the online material. This can affect their health, well-being and self-respect, and early abuse or harm can damage the child with long lasting effects.

Last, but not least, participation is a key aspect of citizenship and an integral part of democracy. **Children and young people should be actively involved in making decisions on processes and consulted on laws, policy and initiatives, which might affect them. Child and youth participation should be supported at the local, national and European level**.

**Q: How important are the following principles for you?**

**Select from** Very important; Important; Neutral; Not important; Not important at all; I don't know / no opinion

**EDF selection: ‘very important’ for all of the below:**

1. “The online environment should foster children’s and young people’s well-being and their participation as digital citizens.”
2. “Children and young people should be equipped with digital literacy and the necessary skills and competences to navigate safely and responsibly online from an early and age and throughout their education and training.”
3. “Every child should be protected from harmful and illegal content, including from child sexual abuse and exploitation.”

**You can also provide comments, propose alternative formulations or elaborate on possible other principles that you want to be considered in this area:**

**500 character(s) maximum**

**EDF reply: the above comments in relation to accessing Digital education and skills (1.2) and open, secure, and trusted online environment (1.5) are also relevant for protecting and empowering children and young people with disabilities in the online space. They can only benefit from the opportunities for digital learning, communication, creativity and entertainment if the digital environment, such as social media, is accessible and safe for them. A** [**2019 report by the Council of Europe**](https://www.coe.int/en/web/portal/-/-two-clicks-forward-and-one-click-back-children-with-disabilities-reveal-their-experiences-in-the-digital-environment)**, and** [**earlier research from Norway**](https://journals.sagepub.com/doi/abs/10.1177/1461444809105347)**, noted that children with disabilities almost never disclose their disability online, one of the reasons being worries about being rejected or bullied or put in danger if they disclosed their disability.**

**Children and young people using assistive technologies can be at risk of their disability being exposed against their will, if** [**websites detect their use of assistive devices**](https://cacm.acm.org/magazines/2020/6/245157-ai-and-accessibility/fulltext)**. This might lead, for example, them not receiving the same volunteering, travel or educational opportunity advertisement, due to discriminatory algorithms used in social media or search engines.**

**Children and young people with disabilities also face grater barriers in democratic participation and decision-making. Findings from the above-mentioned 2019 Council of Europe study suggest that some children with disabilities, particularly those with intellectual disabilities, are more likely to be subjected to adult restrictions and to enjoy less autonomy than other children. Some children with disabilities may experience a triple barrier in the enjoyment of their rights: first, the fact that they are children poses a barrier to being heard and taken seriously; secondly, the fact that they have a disability is often accompanied by negative assumptions about their capacities and competence in decision-making in the online environment; and finally, parents and other adults are often more protective of children with disabilities than other children. It is important to address these biases, to ensure that the online information, communication, systems and procedures for decision-making are accessible for children and young people with disabilities, and they have access to affordable mainstream and assistive technologies and necessary digital skills for online participation.**

## 1.7 European digital identity

**A European digital identity**

Building trust in the online environment is key to economic and social development. Lack of trust, particularly because of a perceived lack of legal certainty, is a clear concern for people when interacting and accessing services online. Similarly to the use of passports and other recognised identification means, a secure and trusted digital identity allow people and businesses to safely and securely access public and private services online, in full respect of their rights, including privacy and data protection. A universally available, recognised and accepted digital identity is key to empowering people and to the functioning of the Single Market.

**Q: How important are the following principles for you?**

**Select from** Very important; Important; Neutral; Not important; Not important at all; I don't know / no opinion

**EDF selection: ‘very important’ for all of the below:**

1. “Everyone should have access to a secure and trustworthy digital identity that can be used anywhere in the EU to access a broad range of public and private online services.”
2. “Everyone should be protected against identity theft, alteration or manipulation.”

**You can also provide comments, propose alternative formulations or elaborate on possible other principles that you want to be considered in this area:**

**500 character(s) maximum**

**EDF reply: it is true that digital identity can allow more efficient and quick access to private and public services. But barriers and risks in relation to accessibility, usability, privacy, data protection, trust, digital literacy, connectivity and affordability remain and should be addressed. As more services require e-ID, people might actually face challenges to access them due to lack of alternative ways of accessing the service (e.g. in person). Alternative, non-digital solutions, should always exist in parallel to digital solutions.**

**EDF members from Sweden reported from informal conversations with public agencies that there are suspicions of use of e-IDs by persons other than the holder of the ID, for example family members or relatives of persons with intellectual disabilities or older persons, for accessing a service for them. This kind of practice of course poses serious privacy, consent and independent decision-making risks for those individuals.**

[**The lack of access on e-ID is mentioned in a report from another agency MFD**](https://www.mfd.se/contentassets/c2c8339a82cb4c64bdd5750b44b3587a/2021-7-uppfoljning-av-funktionshinderspolitiken-2020-del-i.pdf)**.**

## 1.8 Digital products and services that respect the climate and environment

**Access to digital devices, systems and services that respect the climate and environment**

The EU is committed to ensuring that digital technologies, including networks, datacentres and equipment should be sustainable. The ICT sector must shift towards a circular model to minimise the use of finite resources and lead the transition to a climate neutral society by becoming climate neutral before 2040 (with datacentres by 2030). It is important that the environmental costs of digital technologies are significantly lower than the resource, energy and emissions savings they enable.

**Q: How important are the following principles for you?**

**Select from** Very important; Important; Neutral; Not important; Not important at all; I don't know / no opinion

1. “Everyone should have the possibility to obtain information on the environmental footprint of digital products and services.” - **Very important**
2. “Digital products and services should be produced, and used with the lowest possible environmental impact.” - **Neutral**

**You can also provide comments, propose alternative formulations or elaborate on possible other principles that you want to be considered in this area:**

**500 character(s) maximum**

## 1.9 Human-centric algorithms

**Ethical principles for human-centric algorithms**

Artificial Intelligence (AI) systems are machine-based systems that can, for a given set of human-defined objectives, generate output such as predictions, recommendations, or decisions influencing real or virtual environments. They are usually based on a set of algorithms, which are step-by-step instructions on how to solve a given problem.

Such systems (and the underlying algorithms) can have a big impact, and could also support individuals considerably in making better, more informed choices in accordance with their personal goals. Their design should be based on human dignity, implying that a system's functionality should not decrease, limit or misguide human autonomy (human dignity implies that all people are treated with respect).

In addition, these systems should be designed to act as enablers for a flourishing and equitable society and democracy with a particular attention to prevent potential negative side effects.

Furthermore, algorithmic systems should also be used in a beneficial way for all people, regardless of their ethnic origin, gender, age or socio-economic background. They should be central to help tackling some of the most pressing environmental and societal concerns and must be designed to be used in the most environmentally friendly way possible, for example by minimising energy consumption or help solving complex problems by advanced computing.

**Q: How important are the following principles for you?**

**Select from** Very important; Important; Neutral; Not important; Not important at all; I don't know / no opinion

**EDF selection: ‘very important’ for all of the below:**

1. “No one should be limited or purposefully misguided by algorithmic systems against their autonomy and free will.”
2. “Everyone should benefit from algorithmic systems that foster their individual and societal well-being.”

**You can also provide comments, propose alternative formulations or elaborate on possible other principles that you want to be considered in this area:**

**500 character(s) maximum**

**EDF reply: AI-based solutions, such as assistive technologies powered with AI have the potential to support accessibility for and participation of persons with disabilities in everyday life: for example, computer vision might help people who are blind better sense the visual world, speech recognition and translation technologies can offer real-time captioning for people who are hard of hearing, and new robotic systems might augment the capabilities of people with limited mobility.**

**But to ensure that AI brings benefits rather than creating risks for persons with disabilities the legal framework around AI needs to acknowledge the huge human diversity and protect minorities such as persons with disabilities from discrimination and creation of further barriers for them, and promote development of AI that can support equality for all.**

**Furthermore, persons with disabilities themselves are a very diverse group, including women with disabilities, racialised persons with disabilities, Roma, LGBTI people with disabilities, so intersectional approach to AI development as well as safeguarding against potential risks of AI should be adopted.**

**On conceptual level, there are a number of misconceptions about AI among policy-makers and technology enthusiasts which can lead to not sufficiently safeguarding persons with disabilities against AI-related risks and ensuring benefit of new technologies for them. First of all, it is often assumed that AI and technological development will inevitably lead to positive outcomes if we have strong measures against potential risks. Instead, even if AI does not do active harm, it will intensify the existing systems and patters of social, economic, and political inequality. Therefore, strong regulation and proactive measures are needed to promote ‘AI for good’. Another misconception is that technologies and technology experts will be able to solve social inequality, fundamental rights issues by technical means. It is often assumed that good datasets are enough to avoid discriminatory AI-based decision outcomes, and individuals who are in the end the ones effected by these decisions are not included in AI-related policy and technical discussions. For example, the newly proposed AI regulation by the European Commission addressed producers and users (meaning public authorities, agencies, and private entities such as companies) but hardly the individuals who will be subject to the use of AI or interact with them. We see this limitation reflected in other EU-level discussions – for example in European health data space consultations questions about cooperation between AI developers and medical personnel but nothing about patients who will be the ones ultimately effected. A third misconception is the unreasonable expectations of current capabilities of AI. For example, that machine translation systems have reached "human parity" for very specific tasks on very specific data sets may lead the general public to make incorrect assumptions about the current state of the art of such AI in the open world. We see in automatic captioning that AI is far from perfect even in dominant languages like English. A flawed visual assistant can lead a blind person into the wrong direction putting them at risk. Technologies can help but AI is relatively new and should be approached with caution instead of being perceived as the magic solution for everything.**

**At the same time, AI and new technologies are often developed and employed largely to increase efficiency and productivity for public authorities, private companies (e.g. faster screening of visa, insurance, job applications, eligibility criteria, etc), which goes in detriment of fairness and equal opportunities to all, instead of trying to increase transparency, better serve individuals, not to mention marginalised community representatives. So, the objective is often already limiting the positive outcomes of AI for people.**

**All these misconceptions and limitations can lead to harmful consequences for persons with disabilities.**

**First of all, inaccessible AI solutions will lead to persons with disabilities being left out of technological developments.**

**Lack of accessibility can lead to safety issues. Even ‘non-high-risk’ AI can put persons with disability in danger if they cannot effectively ensure human oversight, abort systems in case of issues. Examples of self-driving cars can be one, home appliances another.**

**Privacy is another big concern in relation to AI. AI-supported facial, body features and movement recognition can collect very intimate disability and health-related data about persons. People’s disabilities can also be detected by their use of assistive technologies (e.g. websites can detect a screen reader being used). It is often argued that even if data is collected, it is anonymised, therefore poses no risk to individual privacy. However, past incidents of re-identification of individuals from anonymized datasets, such as the 2006 AOL search data leak, indicate the difficulty of truly anonymizing data. AOL released a large amount of user search requests to the public. They did not identify users in the report, but personally identifiable information was present in many of the queries. This allowed specific users to be identified by their search queries.**

**Persons’ data exposure can itself lead to discrimination by individuals or entities having access to gathered data (e.g. employers, health professionals, etc.). But also, algorithms themselves could treat users differentially based on inferred disability status.** [**Health insurers can deny coverage or employment advertisements would avoid people with disabilities**](https://scholarship.law.upenn.edu/jlasc/vol22/iss3/3/)**. In healthcare, risk of reinforcing eugenics (triage), as seen during COVID-19 treatment allocation, is great. In employment, the infamous case of** [**HireVue**](https://www.edf-feph.org/red-lines-for-the-use-of-artificial-intelligence/)**, an AI-powered video-interviewing system used by large firms such as Goldman Sachs and Unilever, provides an example. The tool was found to discriminate against persons with disabilities who have out of the ‘norm’ facial expressions and voice. Among others, this affected deaf, blind and deafblind persons, as well as those with speech impairments and people who survived a stroke. There are also cases of AI discrimination in provision of public services: an** [**algorithm deployed by the Austrian Public Employment Service (AMS)**](https://equineteurope.org/wp-content/uploads/2020/06/ai_report_digital.pdf) **which matched potential candidates with vacancy positions was found to score women, persons with disabilities and people over 30 lower. Women with children were also negatively weighted but men with children were not. The justification for this system is increased efficiency. Following a reform of the work ability support system** [**in Estonia, machines and algorithms were used to automatically re-evaluate incapacity levels**](https://equineteurope.org/wp-content/uploads/2020/06/ai_report_digital.pdf)**. Reportedly, the incomplete data in the e-health platform, coupled with a lack of in-person interviews, resulted in loss of social benefits for certain persons with disabilities and older persons with disabilities. In France, the Defender of Rights warned against an AI-system used in education. “**[**Parcoursup**](https://equineteurope.org/wp-content/uploads/2020/06/ai_report_digital.pdf)**” which is an algorithmic platform introduced by the French government to select students and assign them to undergraduate courses in an equitable way, uses school records data in order to make a decision which includes the student’s place of residency. The Defender of Rights expressed concern that Parcoursup moderates students’ grades in light of how prestigious their high school is perceived to be, and that disability is inadequately addressed within the algorithm.**

**All of the above risks show that the proposed EU AI regulation needs to address several issues in relation to accessibility, privacy and data protection, and discrimination. The proposal however often ‘outsources’ these safeguards to existing EU laws on non-discrimination and equality, data protection, product safety and liability. However, we know that EU non-discrimination and equality law is far from comprehensive. There is no overarching EU equality law at the moment. And even the proposed Framework equality Directive (so far blocked) does not protect persons against discrimination on all grounds (e.g. gender identity). The EU Data Protection Regulation (GDPR) does not protect persons who have their legal capacity restricted to require their consent before processing their data. This means due to prevalence of guardianship laws throughout Europe, many persons with intellectual and psychosocial disabilities would not be able to object processing of their data by AI. When GDPR does legally protect citizens, violations still occur, such as in the case of a** [**Swedish municipality using facial recognition in schools**](https://edpb.europa.eu/news/national-news/2019/facial-recognition-school-renders-swedens-first-gdpr-fine_sv)**. Other EU laws, such as those on safety of products and liability need very close inspection as they were not developed with AI technologies in mind. Since accessibility awareness is largely missing in EU policy-making, inaccessibility of even ‘non-high-risk’ AI-based products and their manuals can lead to safety hazard for consumers with disabilities. In case of malfunction or harm, it will be extremely difficult for consumers with disabilities, if at all possible, to identify at which point of the AI development to application cycle the problem occurred, how to flag issues and how to seek remedy for caused harm.**

**So, the EU regulatory framework for AI, needs to ensure:**

* **Strong enforcement, protection of fundamental rights, explicit legal safeguards for individual rights, redress mechanisms, 3rd party independent assessment of AI (especially high-risk, but we have to keep in mind that it won’t be always evident what is high-risk until it is used, as same technology can be used in different ways, but also due to the learning ability of AI).**
* **Mandatory requirements for accessibility of all AI that is intended for human interaction, involves human oversight (there are also humans working in companies, organisations – ‘users’). Mainstream accessibility requirements in the regulation must be consistent with those of the European Accessibility Act, including interoperability with assistive technologies – irrelevant if something is considered high or non-high risk.**
* **Involvement of relevant public bodies and human rights experts in assessment and monitoring of applications that will have implications for human rights. Especially when developing tools intended for specific high-risk purposes that will affect specific groups, e.g. using for asylum application screening, civil society actors representing the effected groups should be involved meaningfully in the development, application, monitoring. Public authorities which have this expertise (e.g. equality bodies) should have the main mandate for oversight and be sufficiently funded and trained to address potential discrimination and inequality risks.**
* **Involvement of rightsholders in development of AI – e.g. developing datasets with sufficient privacy assurances. Studies have found the data generated by users simulating disabilities, for example a sighted person wearing a blindfold, is not the same as that from people who are truly disabled: a person who has been blind for years will be much more skilled than a person who has just put on a blindfold. Further, disability simulation has been found to create negative impressions of the capabilities of people with disabilities. So, database development also needs to be inclusive.**
* **Proactive measures to promote AI for good: earmarked funding for developing AI-based assistive technologies; stronger promotion of diversity of all AI development teams – for example these types of project can be given priority for funding; EU initiatives raising awareness among AI developers, users about human rights, equality implications of AI; Fostering meaningful discussion and cooperation between stakeholders and rightsholders; Accessible digital skill-building for citizens to understand how AI works to be able to detect issues better; Accessible campaign for awareness-raising of individual, consumer rights in the context of AI.**

# Section II - Questions on additional principles

This section invites you to share **additional digital principles that could be included in a set of digital principles.**

In your view, are there other relevant digital principles that are not covered by the above areas?

**Select from** Yes; No; I don't know/no opinion

If you select yes **you can write down these additional principles here:**

**Please try to use one sentence per possible principle, and a similar format as the above-mentioned principles.**

**500 character(s) maximum**

**EDF reply: Understandability. Digital technologies should strive for an easier use and understanding by a broader range of users, instead of putting the burden on the users to continuously gain digital skills.**

# Closing section: additional remarks and possibility to upload a document

**Thank you for your contribution to the public consultation on a set of European Digital Principles.**

**You can provide any final comments here:**

**You can upload a file here:  
Only files of the type pdf,txt,doc,docx,odt,rtf are allowed**