# WAI-CooP event 7 March 2023

This summary report is not a verbatim record of the event; it includes links to resources shared during the event.

Introduction - June Lowery Kingston, head of accessibility multilingualism and safer internet unit at DG Connect

Digital accessibility has never been more important. We now have an EU target for 100% of key public services to be online by 2030. So, under the Web Accessibility Directive (WAD) these online services must be accessible to everyone.

There are 3 elements in the WAD: the accessibility statement, the feedback mechanism and enforcement procedure.

The accessibility statements are key to enable, to make it easier for everyone, especially persons with disabilities, to exercise their rights. The WAD requires that every public sector website or app must have a detailed, comprehensive accessibility statement. A website or app that doesn't have an accessibility statement is not compliant with the WAD, even if it is fully accessible technically. The accessibility assessment should include 3 elements: an explanation for any parts of the content that is not accessible; the reasons why and, where appropriate, what accessible alternatives are provided. There should also be a description and link to the feedback mechanism, as well as a link to the enforcement procedure when feedback doesn't work.

Member states have different approaches to the accessibility statements. Some have national templates or automated statements and some not. There is a model statement in the [European Commission's implementing decision](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018D1523&from=EN#d1e32-105-1).

The [review of the WAD](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2022:410:FIN) reminded us it is not an obligation per se to monitor the presence of accessibility statements. Twenty member states checked the statements during the monitoring exercise, which finished a year ago. Accessibility statements are important as is the feedback mechanism itself to point out if content isn't accessible; to ask for accessible versions.

An effective and adequate mechanism is required for the effective handling of notifications and requests, for complaints about accessibility, for the review of ‘disproportionate burden’. Accessibility statements should state how to escalate in case there is unsatisfactory or no response to the feedback. The procedure is up to the member states for the details. Seven member states have adopted procedures that allow the imposition of fines. As far as we are aware none have yet imposed any.

Who is responsible ultimately for enforcement? In half the member states it is the Ombudsman. Other member states designated a government agency. Some member states allow for both. Given the role of an Ombudsman, whether formally designated or not, the public can contact them in such cases. Where are we in terms of implementation of those 3 elements I mentioned? The enforcement bodies have been appointed. [The list is available on the EC website](https://digital-strategy.ec.europa.eu/en/policies/web-accessibility-monitoring).

Is there an accessibility statement on every website or app of every public sector body in every member state? No, we are not there yet. This is work in progress. Progress is being made on accessibility statements.

From the way the WAD is constructed, we expected an active accessibility feedback loop from end users towards the public sector bodies (PSBs), which would trigger an improvement cycle as PSBs would see how important that feedback was and react accordingly. The review found that there was very little awareness of, little confidence in, and very little recourse to the feedback and enforcement mechanisms. This is why today's panel is so very welcome.

My main messages are:

For the public sector bodies, focus on the accessibility statements. However incomplete they are to start with. If there is no accessibility statements with contact details, it is even harder to collect user feedback and to act on complaints or be aware. Accessibility statements can be seen as a precondition or enabler of user feedback.

For users, you have the right to give feedback, even if there is no accessibility statement. Please, exercise that right. Complain if you don't get a satisfactory reply the first time.

And to end, what about EU institutions? The directive doesn't directly apply, but we are encouraged strongly to comply with the requirements. The Commission has committed to do so in the [strategy 2021-2030](https://ec.europa.eu/social/main.jsp?catId=1484&langId=en) and its [web accessibility action plan 2022-2025](https://wikis.ec.europa.eu/pages/viewpage.action?pageId=62259557). I am glad to report that the main websites now have accessibility statements, with multilingual feedback possible by free phone number or online. That should be fully accessible. That is a small and essential step on our part to a Union of equality.

## Panel 1: The Web Accessibility Directive’s feedback mechanism

* Tanja Kleut, ICT Accessibility Specialist, European Parliament, Luxembourg
* George Rhodes, Digital Accessibility Team Lead, University of Westminster and Director at All Able Limited, UK.
* Claartje Sadée, ICT accessibility policy officer at Iederin, The Netherlands

### We still find websites without accessibility statements, accessibility statements without a feedback mechanism etc. What do you think is the best way to address these problems?

Some accessibility statements are generic and do not list the accessibility issues that people using assistive technology might find or encounter. What is discouraging sometimes is that the issues are not remediated despite feedback, or new issues appear on the same website or mobile application. Users who are reporting on issues then wonder ‘is my feedback taken into account?’

Those who provide feedback also realise that there is a lack of expertise in PSBs. PSBs should see the feedback mechanism as added value. The accessibility statement should include information on known accessibility issues that a user might find on that website, but it would also be useful to have a date of publication, or a date of last revision. And this should also apply to release notes of mobile applications, in order to clarify what accessibility issues have been remediated or improved. Because what we often see in these release notes is that accessibility has been improved, but there are no details as to what has been improved.

In the Netherlands there are around 5000 or 6000 PSB websites and approximately two thirds have accessibility statements. There are 500 PSBs’ apps and only a third have an accessibility statement.

There is an online tool people can use to create an accessibility statement. Most PSBs work with this tool, so there is a feedback option in almost all published statements. However, there are concerns over its effectiveness. How would end users know they need to look at the accessibility statement to report an accessibility issue?

The accessibility statement is not easy to find on websites and several clicks are needed to access the complaint form. There is often a general email address to provide feedback about a range of issues (e.g. privacy concerns etc.), as opposed to a dedicated email address for accessibility issues.

For mobile applications, the accessibility statement is in the Apple or Google Play Store, but when people download an app, that is in fact the only time they look in the store. If they missed it, they may not be aware that they have to go back to the Store to look at the accessibility statement.

In the UK there is a template that all PSBs are required to use. It is a guidance template that organisations are expected to fill out themselves. The main problems are issues not getting fixed and outdated information, as well as disproportionate burden claims to avoid having to do the work, and accessibility statements not providing any useful information for users. Two main areas are problematic. The first is lack of awareness for the organisations that need to fill this out, including large organisations. Some 55% of the organisations the Government monitored and engaged with on the enforcement process weren't aware of the regulations or what they needed to do. The monitoring body in the UK could take a more active role in directly contacting the leadership of some of these organisations, especially smaller ones that don't have the resources. The second issue is a lack of enforcement action. We should be using enforcement to push people to start delivering useful accessibility statements, accurate information, and trying to fix some of the issues.

### What do you think would encourage PSBs to promote the feedback mechanism to users and how could they do this?

The threshold is quite high for end users to flag an accessibility issue. People often think that it is because of their own inexperience or lack of skills if something on a website doesn't work for them. Some people also have negative experiences with follow up when they provided feedback in the past and didn’t get a reply, or only got a reply weeks later. And some people are tired of complaining about inaccessibility. How to fix this? PSBs must make it as easy as possible for people to report an accessibility issue. They have to give multiple opportunities to get in touch, not only by sending an email or filling out a form. Maybe include a chat function. Or provide a telephone number.

It is also very important to respond quickly to notifications and involve the person who is complaining in the solution. Ask for their feedback once the issue has been remediated. It is very important to encourage PSBs to talk with people with disabilities about the issues they encounter, to get useful information and understand what it means for them to be unable to use the website.

One of the things PSBs say is that they don't have any disabled users, or that they have never had any disability related complaints. It is not true. One of the problems is that many feedback mechanisms themselves aren't accessible, e.g. the complaints form can't be used by keyboard or screenreader user. So some PSBs have never had any complaints because people are blocked out from being able to complain.

The other problem many PSBs have is that they are not engaging with groups of disabled users to understand their needs. They don’t look for feedback or run user experience exercises. There are also resourcing problems within areas of the public sector. They don't always have the money or time or ability, in terms of resources, to go out and do this. They may not even know where to recruit a wide variety of disabled users. What organisations, charities, groups to talk to in order to find that feedback.

PSBs need to be proactive, make it clear that they are looking for feedback, including in their accessibility statements, have this as one of the first things that people can click on if they need to provide feedback. PSBs need to check the feedback mechanisms are accessible themselves, otherwise none of the complaints can come through.

One of the other channels to provide feedback could be social media. PSBs need to engage with users on social media and invite them through social media to provide feedback. It is a way for the PSB to show real interest in receiving feedback and to promote feedback options to users with disabilities.

Organisations representing persons with disabilities also need to gain competence about digital accessibility to be strong advocates on the feedback mechanism.

### In 2020 a European Disability Forum survey found that only 3 in 10 users with disabilities had tried to use the feedback mechanism and two thirds of those were not happy with the response they received. If you could change the feedback mechanism, what key changes would you make?

What needs to be changed most is the steps the complaints process expects users to go through. Many people see the steps that are taken in the complaints process as a way to try and find a solution to help the user quickly without having to go through the escalation process. But we should also be fixing the issues long term. Many PSBs see it as a way to try and close the complaint as quickly as possible. For instance in the UK, you go to the Equality Advice Support Service and the first question will be ‘have you spoken to the PSB first? Have you exhausted every route to get an alternative format or reasonable adjustment?’ They are asking the user to have those conversations and do all the work.

That is a problem that many disabled users are tired of, given the amount of self-advocacy they have to do for themselves. They should not have to fight to be able to use these services. They should be able to use them from their first interaction, same as everyone else. The focus should be on service delivery and not on compliance box ticking.

There should be transparency about what's happening with complaints. That would require a lot more resources on the part of the organisation who is managing the feedback but we need to move towards that.

Put a button on each page of the website, so people have easy access to the feedback mechanism, instead of having to search for the accessibility statement. The button should lead to a direct telephone number or email address, or an online form. Users should only be asked what their problem is and the onus should be on the PSB to get in touch with them.

People want to get things done, rather than spend a lot of time and energy reporting an accessibility problem. If you need to provide a lot of information, e.g. browser used, assistive technology used, and so on, it’s a high threshold.

There is a private initiative in the Netherlands called ‘[Helpdesk Inaccessible](https://ontoegankelijk.nl/)’. It is an app to report an accessibility issue. People fill out what the problem is on a website or app and the data, including the technical data goes automatically to the helpdesk. The helpdesk then contacts the owner of the app or website to find out how the problems can be solved.

If there is lack of digital accessibility competence in the PSB, it is more difficult to handle feedback, so it is important for PSBs to develop internal expertise. Users often come across additional accessibility issues when trying to report issues. If there is a button, that doesn't mean it is accessible.

Not every user is an accessibility expert; not all assistive technology users are experts. Those receiving feedback should be able to understand whether the issue is a usability issue or an accessibility issue. If the reported issue is an accessibility issue, they should be able to understand whether the organisation can update the component in a meaningful way, e.g. remediate the web template or refer further to a contractor. They should remediate the issue on the entire website, not just on one page. Same for documents: if documents are not accessible and they realise most of the documents are not accessible, then the problem is that staff produce inaccessible documents. That needs to be addressed. If the feedback refers to colour contrast or links that are not underlined and this is part of the graphic charter, then the PSB needs to update the graphic charter.

This would be added value on top of the accessibility process. Feedback is added value.

### Participants comments:

The accessibility statement should be used to tell other users what has been reported. What is being worked on. And when issues are likely to be fixed. People would then know they don't need to raise the issue again.

In Poland there are many issues with accessibility statements. There is no rule setting out where these statements should be. There is no consistency: some PSBs put the link in the main menu, others in the website footer. The other issue is the language of the accessibility statement. Some statements use very technical language such as ‘we don't provide the alt attribute’ as opposed to ‘we don't provide text alternatives for images’.

We need a technical solution to give feedback that is easier to use, such as a link, or a widget to report the problem and the page URL will be automatically added to this feedback as well as browser settings, assistive technology. Then people could click on ‘Give feedback’ and this feedback would be automatically transferred to the authorities of that website and maybe another public authority would collect data about issues raised. Maybe this could be made into an EU wide standard.

## Panel 2

* Katie Durand, Digital Accessibility Expert, Federation for the Blind, France
* Anete Ilves, Legal Counselor, Ombudsman Office, Latvia
* Bart Simons, Web Accessibility Expert, Anysurfer, Belgium

### What are the key issues impacting the effectiveness of the enforcement procedure and how would you suggest these are addressed in the future?

In France, strictly speaking, there is no effective enforcement procedure in place. France was late submitting its monitoring report on the implementation of the Web Directive. It submitted its existing monitoring tool for 250 administrative procedures, where accessibility is just one of many items monitored, only scratching the surface of accessibility requirements.

The European Commission website lists the Defender of Rights as the French body in charge of enforcement of the Web Directive. People can complain to the Defender of Rights, but at present there is no way for that complaint to be escalated. Their only remit is to simply provide guidance and mediation on the complaint being made to a PSB.

This situation may improve with the transposition of the European Accessibility Act into French law. As part of that process, legislators will be naming an official body in charge of enforcement. It is hoped that this body’s remit will eventually extend to PSBs.

The Latvian Ombudsman office was designated as the enforcement mechanism for the directive and organised training for employees to understand how accessibility works. They asked the Ministry what was expected of them and were told their remit was just to act on good governance. If the feedback mechanism doesn't work properly, they can get involved and ask why there was no answer. They haven't had cases regarding the directive yet. They will ask for additional Government funding for a small information campaign, to tell people that they can complain and how.

Belgium has 7 governments. They all have different enforcement procedures, and it is not always obvious which jurisdiction a website falls under. It is better if there is an accessibility statement that provides that information.

Article 9.1 of the directive states ‘member states shall ensure an adequate and effective enforcement procedure to guarantee compliance with this directive’. We heard that in half of the countries, including Belgium, the enforcement body appointed is the Ombudsman. Appointing an Ombudsman as an enforcement body is not a fully ‘adequate and effective enforcement procedure’. Users don't know what to expect from this enforcement body. What users expect is probably not what Ombudsmen are planning to offer. There is no clarity about that.

What power has this enforcement body received that will make PSB websites accessible? That's the whole point of enforcing the directive: having accessible websites. For users, it is unclear what powers or legal instruments an enforcement body has received to fulfill that task. Did the Ombudsman receive a budget and human resources? Possibly not.

Ombudsmen receive many emails on plenty of topics every day. A person with a disability tells them they tried to contact a website that is not accessible and now they are handing the issue over to them. They expect the Ombudsman to solve the problem. If the Ombudsman has not received proper training and do not have access to legal instruments to act, how can they help? That is what an enforcement body is supposed to do.

Every country has different systems regarding equality bodies. In Latvia there is only one Ombudsman institution. Every EU country has at least 2 or 3 equality institutions. As there are so many equality institutions, they also have different functions. Some are responsible only of awareness raising. Some have powers to litigate. In Latvia the Ombudsman is the only human rights institution in the country. Its remit includes awareness raising, dealing with cases and litigation in the Constitutional court. The Ombudsman’s decisions are not legally binding; they are recommendations. However, 75 to 90% of its recommendations issued are complied with; it is a ‘very pushy’ institution and organisations know this.

If the Latvian Ombudsman were to receive complaints regarding a web accessibility issue, it would probably ask for help from accessibility experts, people with disabilities, NGOs and based on this information, it would reach conclusions and send recommendations, with deadlines. If the institution did not act on its recommendations, then the Ombudsman would assist with litigation. The Ombudsman has sued the government, as well as the parliament. Another option is to publicise the name of the institution that is not complying.

### What are the challenges of enforcing the directive without access to technical expertise?

If accessibility experts are in short supply, they should focus on helping create accessible websites and apps and provide training needed to improve the situation, rather than on remediation and litigation.

From the enforcement body, users mostly expect support to fight against PSBs. It helps if the enforcement body has some technical knowledge and believes users when they make complaints.

To have more experts, we need more training at all levels: graduate, postgraduate, on-the-job training. We need to get accessibility in the curricula. It’s also important to make sure that users have the skills to use digital technologies in their personal and professional lives.

Users need help on how to give feedback. They need to know what their rights are and how to exercise those rights. It would be great to see effective initiatives emerge at the local, national, and European level, to really empower users.

Training is also required for people who create content; including training on how to create accessible documents. That is a key skill to learn at school perhaps.

Training for enforcement bodies is crucial. At the very least a basic understanding of the issues, even if you are not going to be an expert.

All member states have appointed an enforcement body but in at least two member states, it is not yet functional as it requires secondary legislation that is not yet there. So there is an enforcement body, but no procedure yet. Will the Commission be looking at this in detail? Would this be the basis for infringement procedure against these member states?

### If you were able to change the enforcement system now, what would be the key things to focus on?

Katie Durand:

Holding the public sector responsible for making their content accessible. There are 3 elements to an effective enforcement mechanism: users can flag issues, they know they will be dealt with in a timely manner and failing that, sanctions will be imposed. Another key element is awareness about rights and how to exercise them.

Long-term, the ability for an organisation of persons with disabilities to litigate against a PSB and or for users to work together to bring a class action would also help. In France 8 individuals went through formal channels and flagged 8 websites failing to meet the requirements in 2021 with the ministry of state. And 20 months on they still haven't had a response. Those complaints haven't been addressed. At present the user is powerless. We need to change that.

Anete Ilves:

Practical training for enforcement bodies employees on web accessibility, something similar to what we currently have for physical accessibility of the built environment.

Bart Simons:

First, member states should invest to improve accessibility to avoid complaints and the need for enforcement. Second, they need to give enforcement bodies the knowledge, legal instruments, budget, training and human resources to do what they are supposed to do. And naturally the awareness that they are appointed as an enforcement body. They need to take the burden off the user to get things fixed. Third, the enforcement procedure is more than solving complaints from users, it is there to guarantee compliance with the directive. So, enforcement bodies need to have powers to use if things are not moving in the right direction. They must be able to act independently. Enforcement bodies are an essential lever to help users, but also to help PSBs as a critical voice to make them move forward.

## Conclusions and takeways.

### June Lowery-Kingston (European Commission):

The discussion proves what we thought but didn't necessarily have real data on, which is the lack of feedback that we receive - noted in the review and also by EDF in their survey - is not because everything is fine. It is clearly not the case. Things have improved to an extent. We see lots of tools and apps and practical advice being exchanged. That's encouraging.

The European Accessibility Act goes into effect in 2025, this is a trend we will see continuing. We are slightly concerned we’ll lose momentum. We had the first reporting period and the review of the WAD. Because of the extended obligations of the accessibility act, I think that momentum will keep going. I very much hope so. That's what we expect for public and private sector.

Obviously though it is clear the situation isn't ideal. I just perhaps want to end with a slightly depressing reality check about what the Commission can do. There was a political decision to make this is a directive. And the European Accessibility Act is also a directive. It is not harmonised in implementation in the EU. That's a clear decision. It is in the member states’ powers how to implement these rules. But it is up to the member states how to transform the law. Ultimately, we do our transposition checks and look and see if everything is put correctly in national law. The whole system, the checks and balances in the system, do require users to complain when that law is not implemented effectively and correctly.

I totally hear what people are saying. This requires a lot of time and energy and personal investment. But this is the way the law works: with feedback, complaints and escalation of that, hopefully helped by civil society groups like EDF and through projects, and cooperation across the member states.

There is nothing to stop the member states themselves cooperating on the widget that was mentioned; we can learn from each other. We can have best practices in terms of accessibility statements and feedback mechanisms and how this works. This is something we support in the Commission through the [Web Accessibility Expert Group](https://digital-strategy.ec.europa.eu/en/policies/web-accessibility-expert-group) . Ultimately, we don't have a magic wand where we can oblige the member states to do everything perfectly. More investment is needed on skills but, there is progress there. Let's end on a positive note. Better now than it was 5 years ago.

### Kevin White (W3C):

I agree. Momentum is a massive factor. Keeping this on the agenda of public sector bodies is a huge thing. For those that were talking about training and understanding training. There are [resources available in the W3C website](https://www.w3.org/WAI/courses/).

It’s a difficult problem. We are outnumbered. Pure and simple. There are many websites. It is easy to put them up. Going back to the physical example. There are building standards about ramps. If a building doesn't meet the standards, they are told to fix it, or they will not open. The enforcement is where we need to require more teeth. And that's going to be the challenge. How do we support and empower that, giving teeth to the organisations who are doing the enforcement activities? Within that there were comments on how to encourage people to provide the feedback. I might disagree a little bit. We did some research in the Scottish government. People want to go on with their lives. They don't want to complain about websites they can't use. They want to get access to vital information.

The duty and responsibility of public servants is to ensure there is accessibility. If we are going down that route of individuals having to do the feedback, we need to support them in doing that. They give the complaint; we will run with it. They should not have to put all that energy in. People are already overloaded with demands on their energy to deal with all the different access problems they face. Any legislation,enforcement body needs to support them through that, not make them jump through hoops.

## Resources shared in the chat during the event.

### WAI-CooP project

WAI-CooP project information and updates: <https://w3.org/WAI/CooP>

Web Directive FAQs and helpdesk: <https://web-directive.eu>

### Other resources

Disclaimer: these resources have not been checked for accessibility. Please contact the resources’ authors directly.

[Free knowledge base on accessibility of mobile apps](https://appt.org/en) from the [Appt Foundation](https://appt.org/en/about)

For more information, contact Jan Jaap de Groot: janjaap@appt.org

University of Dortmund ‘UPowerWAD’ project [Methodological toolkit .How to capture and categorise feedback from users in the context of web accessibility [PDF document]](https://upowerwad.fk13.tu-dortmund.de/wp-content/uploads/2022/11/UPowerWAD-Methodological-Toolkit-2022.pdf)

For more information, [contact for UPowerWAD project](http://tip.tu-dortmund.de/cms/en/Research-Domains/Inclusive-Society/UPowerWAD/index.html)