G3ict

Global Initiative for Inclusive Information and Communication Technologies

CRPD Implementation:

Promoting Global Digital Inclusion through ICT Procurement Policies & Accessibility Standards

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A Policy White Paper Series

October 2015

About G3ict

G3ict, the Global Initiative for Inclusive Information and Communications Technologies was launched in December 2006, in cooperation with the Secretariat for the Convention on the Rights of Persons with Disabilities at UN DESA. Its mission is to facilitate and support the implementation of the dispositions of the Convention on the Rights of Persons with Disabilities in promoting e-accessibility and assistive technologies.

G3ict participants include industry, the public sector, academia and organizations representing persons with disabilities. G3ict relies on an international network of ICT accessibility experts to develop practical tools, evaluation methods and benchmarks for States Parties and Disabled Persons Organizations.

Since inception, G3ict has organized or contributed to more than 125 awareness-raising and capacity-building programs for policy makers in cooperation with international organizations such as the ITU, UNESCO, UNITAR and the World Bank. G3ict co-produces with ITU the "e-Accessibility Policy Toolkit for Persons with Disabilities" (*www.e-accessibilitytolkit.org*), reports on making television or mobile phones accessible and the *"Model ICT Accessibility Policies"*, resources which are widely used around the world by policy makers involved in the implementation of the Convention on the Rights of Persons with Disabilities. For additional information on G3ict, visit www.g3ict.org.

G3ict Policy White Paper Series

The G3ict Policy White Paper Series researches innovative policies and documents programs and good practices promoting ICT accessibility solutions among States Parties to the Convention on the Rights of Persons with Disabilities and International Organizations.

Acknowledgments

G3ict would like to express its sincere appreciation to the co-hosts and participants to the three multi-stakeholders round tables the proceedings of which served as the foundation for this White Paper:

- Washington, D.C. - M-Enabling Summit, hosted by G3ict and EJ Krause and Associates, June 2, 2015

- New-York - Conference of States Parties to the CRPD hosted by UNDESA, United Nations headquarters, June 10, 2015

- Brussels - June 23, 2015, round table co-organized by G3ict, Funka and ERRIN (European Regions Research and Innovation Network) and hosted by Extremadura Region of Spain.

TABLE OF CONTENTS

SUMMARY

In June, 2015 the Global Initiative for Inclusive ICTs (G3ict) led a series of international roundtable discussions and expert interviews to explore the impact of public procurement policies and standards on the digital inclusion and human rights of people with disabilities. In summary, the main insights from the discussions include:

- Public procurement policies are effective tools to promote the digital inclusion and human rights of persons with disabilities.
- There is now an opportunity to enact effective public procurement policies beyond the United States and Europe in countries around the world, including in the Global South.
- Most of the tools necessary to support effective public procurement policy making exist today. What is missing is an international ICT accessibility standard.
- Interested parties across industry, government, and civil society can take action to drive the expeditious creation of an international standard by leveraging existing standards.
- Civil society, including organizations representing persons with disabilities, must play an important role in all global efforts to promote the widespread adoption of inclusive ICT procurement policies and the technical standards that support them.
- It would be useful to have a collaborative roadmap describing how government, civil society, and industry can work together in the near future to promote the wider adoption of public procurement policies around the world, particularly in the Global South.

BACKGROUND

Over the last decade, public procurement processes have gained increased attention as an effective policy tool to promote the accessibility of ICT equipment, software, applications, and services purchased by governments or government-funded programs. These public procurement policies have the added benefit of significant ripple effects into the mainstream consumer ICT market. Today's global interest in the positive effect of public procurement is largely the result of government activity in two geographies;

- In the United States, Section 508 of the Rehabilitation Act that governs the Federal government purchase of accessible electronic and information technology
- In the European Union, both the 2014 revision of the public procurement rules to require accessibility as a consideration and in the same year the finalization of EN 301 549, an accessibility standard developed to support the public procurement of ICT products and services.

Stakeholders in the global disability movement view public procurement as an important tool for digital inclusion and implementing the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD Committee requests that States Parties report on their progress in implementing public procurement policies. G3ict sees a growing interest of governments around the world in implementing inclusive public procurement policies that are supported by strong accessibility standards, including with countries as dispersed as Uganda, Australia, Mexico, and India. However, G3ict also recognizes that for governments wanting to replicate the achievements in the United States and the European Union all the tools and success factors for the effective implementation of inclusive ICT public procurement policies may not yet exist.

In response to this need, G3ict has begun an effort to convene diverse stakeholders from civil society, government, standards bodies, and industry to understand more clearly the impact of inclusive ICT procurement and to explore strategies to support broader adoption globally of these policies and related accessibility standards. Through a series of international roundtable discussions and expert interviews in June of 2015, G3ict explored success stories, challenges to address, need for capacity and knowledge, and insights into the building blocks that can pave the way for inclusive public procurement and accessible ICT standards around the world. This white paper brings together the insights gained through these discussions. Importantly, G3ict will be using key lessons learned to expand its support to governments and civil society around the world for

developing effective accessible technology public procurement policies. G3ict will be complementing existing toolkits and model policies by developing specific recommendations and roadmaps to facilitate a broader and more rapid implementation of inclusive public procurement policies and international accessibility standards in all regions of the world, especially in the Global South.

INSIGHTS AND LESSONS LEARNED

Inclusive Public Procurement Works!

As the first such government policy to implement accessible public procurement, Section 508 broke new ground. Its impact has been significant and wide-reaching. Individual U.S. states, universities, and even other countries have modeled their own procurement policies on Section 508. Experts shared with G3ict success stories of how Federal agencies such as the Social Security Administration and the Department of Homeland Security have become leaders on accessible ICT in public procurement even after struggling initially with implementing the policy. Public policies such as Section 508 provide incentives to the market for the design, development, procurement, and broader deployment of increasingly accessible ICTs. These policies lead to greater innovation, competition, and choice for accessible technology in the marketplace. Today, policies like Section 508 are also driving the creation of new development tools for accessible technology and better accessibility training for technology professionals. Section 508's impact on promoting ICT accessibility beyond the public sector and outside the United States has been one of its most significant achievements.

Not long after the implementation of Section 508 in the United States, policymakers and stakeholders in the EU, in part encouraged by the impact of the U.S. federal requirement, pushed for their own European standard for accessibility in public procurement. The result was EN 301 549. Response to this standard also has been positive. It was published in 2014 and is now being translated into several European languages. We are beginning to see some government implementations of the new standard. Member states of the European Union are currently in the process of putting into national practice revised requirements for public procurement (including new accessibility considerations). Member states should use the EN to define accessibility for these procurement requirements.

Discussants from Europe were also optimistic about the implementation of these standards based on past experiences in mandating accessibility from manufacturers and service providers, for example as in the case of transportation. Sweden was highlighted as one example where accessibility is already part of the public procurement framework as a means to encourage industry to design accessible technology. Such efforts will be further bolstered by the new standard and the revised procurement requirements. Discussants pointed to the experience in Europe and stressed the need for developing good monitoring processes to ensure effective implementation by all governments.

Experts and stakeholders around the world use and point to both Section 508 and the EN 301 549 in promoting accessibility in their own countries. For example, recently the Australian Government Management Office in the Department of Finance, which is the public procurement body, put out a tender request for ICT hardware. A highly desirable requirement in the request was that products and services meet the Section 508 guidelines and/or EN 301 549. Accessible ICTs are also shipped and sold in countries that may not yet have strong accessibility requirements. Because governments are large employers, their investments in accessible ICT products and services help to create inclusive workplaces and support the employment of people with disabilities. Of course, a primary benefit of accessible ICT also is providing inclusive government services to all citizens.

Not only governments and civil society but also industry recognizes the positive effects of inclusive public procurement policies. Industry leaders view such requirements as a strong incentive and market driver that provide a significant return on their accessibility investments. Some of the industry representatives on the panels credited accessibility requirements in public procurement and standards for galvanizing their efforts to make products accessible. Companies are further incentivized to invest in accessibility when they see a significant payoff on their investment. For example, one of the industry participants spoke about how feedback from sales teams on deals of $200-400 million supports the cycle of incentivizing engineers and designers to focus even more on accessibility. Many ICT companies strive to out-do their competitors in gaining lucrative government contracts by achieving higher levels of accessibility and designing more unique features in their own products.

Industry representatives also cited the positive ripple effects of inclusive public procurement policies. They point to accessibility as an increasingly important criterion in purchasing decisions of large non-government clients and for their consumer

products as their customers become more accessibility aware. The same accessibility features created for large enterprise customers are in the products available to individual consumers, who are unable to demand individually customized products in the way that a government agency can. Procurement policies that reference international standards also support industry's ability to design, build, and sell the same accessible products in multiple global markets, thereby reducing cost to consumers.

In addition to outlining the benefits of inclusive public procurement requirements, discussants and interviewees outlined important steps for their effective implementation. These included raising the awareness of government officials about the requirements, providing clear, quality standards, and building up government and developer capacity to implement the standards.

Global demand for inclusive public procurement and accessibility standards

The short and long term impact of public procurement and standards in the US and Europe has generated strong interest in other regions for similar policies in their countries. Many persons with disabilities in the rest of the world, especially the Global South, are yet to benefit from the leaps in ICT advancements for persons with disabilities. Representatives from the Global South stressed that 80% of persons with disabilities live in the developing world with limited access to assistive and accessible technology. Most do not have access to many of the emerging or mainstream accessible ICTs in the developed world such as smartphones and tablets. They stressed that it was important to accelerate the availability of accessible technology in the Global South to reverse growing disparities in technology access between the US and EU and much of the developing world. Public procurement policies are a strong instrument to work towards this goal and would incentivize accessible design from the start of the development process.

Such policies could also ensure ICT accessibility both for employees of government agencies and the citizens they serve. Discussants were keen for persons with disabilities in their countries to have better opportunities to secure and retain jobs in the public sector through the availability of accessible technologies at the workplace, resulting in increased productivity and less dependence on public support.

Discussants and experts from countries beyond the European Union and United States shared with G3ict the main challenges they faced in working towards inclusive public procurement. The first was a real lack of knowledge and information, even within the disability advocacy community, about the range of ICT solutions available today. As acknowledged by one discussant, disability advocates need more knowledge about what they should and can demand from the government on public procurement. There is a strong need to build both within government and civil society greater stakeholder awareness and knowledge about ICT accessibility.

Over 150 countries have ratified the CRPD and many have passed or strengthened their disability rights and inclusion laws. Each country must show that they are using evidence-based practices to implement the accessibility mandates of the CRPD. Discussants felt that there is a political will in many countries to promote the inclusion of persons with disabilities, but that there was limited tangible action on increasing availability of and access to accessible ICT solutions and services.

Progress toward more widespread use of public procurement as a policy tool needs to be accelerated by raising stakeholder awareness of the market and economic benefits of accessible technology, rather than focusing only on it as a human rights issue. Civil society needs greater capacity and capability to advocate effectively for necessary policy improvements. Even where countries have started laying the groundwork towards accessible public procurement, there are no developed local accessible standards to apply. As one of the participants from outside the US and EU pointed out, without a specific standard stakeholders have an "anecdotal" understanding of what accessibility means and experience showed that the end products fell short of being accessible for the user. The lack of a standard to refer to can result in a disparity between users' expectations and the features of the product being designed.

Standards creation is a long process that can take 5-10 years. Discussants raised concerns about initiating the process of developing country-specific standards and losing even more time in improving access to ICT for persons with disabilities. As the Australian example in the previous section demonstrates, governments realize the value of using the standards and benchmarks that are already in existence rather than spending several years developing a country specific standard for public procurement policy. Experts from other countries also outside the U.S. and Europe made the same point as part of this G3ict process. Another concern raised was that separate standardization processes would result in a greater lack of harmony between different

geographies. Most argued for working towards an international standard based on existing standards instead of reinventing the wheel several times over. Ensuring a common and high level of standards quality and avoiding conflicting requirements should be a global priority.

A global standard is needed for global progress

Discussants and interviewees agreed that public procurement is an important strategy to promote ICT accessibility and that a concentrated global effort is needed to bring its benefits to more countries, particularly in the Global South. There exist today excellent tools and model frameworks to support governments wanting to implement procurement policies. For example, the G3ict and ITU together have created a model public procurement policy and an e-Accessibility policy toolkit. Offering governments strong accessibility standards must be a priority next step. Many government agencies do not have in-house expertise in evaluating the accessibility of ICT products and services. A global accessibility standard can help them take that important step. Strong public procurement policies supported by global accessibility standards also would ensure that a commitment to ICT accessibility does not change with elections and changes in governments. International standards, used by governments around the world, would also accommodate the rapid evolution of technology and ensure that the process used to evaluate ICT accessibility would remain up to date even when technology changes. A common international standard would make it easier for government procurement officials to share resources and best practices around the world. This could be particularly beneficial to the Global South.

Many expert discussants convened by G3ict favored working towards a universal ICT accessibility standard by building on the two major standards in existence i.e. those contained within Section 508 and EN 301 549. Industry representatives strongly supported the development of one harmonized and global standard.   Trying to adapt and modify ICT products and specific accessibility features for a patchwork of different and potentially conflicting national standards would impede innovation and ultimately result both in delays to market and unnecessary additional cost to consumers without any additional accessibility benefit. There was strong collaboration between the US and EU standards, policy, and accessibility experts and working groups when the EN 301 549 was being drafted. The ongoing process to revise and update the Section 508 standards is similarly a widely consultative process that involves representatives from many

countries. The result is that the EN 301 549 and the current Section 508 proposed revisions are very similar in most of the requirements.

As a finalized standard, EN 301 549 offers the most up-to-date and ready framework to use as a basis for a global standard. EN 301 549 was developed by an officially recognized standards body, with multi-stakeholder support including experts, civil society, and information technology companies. Discussions with many experts suggest that any disparities or conflicts between the EN 301 549 and the ongoing revision of the public procurement regulation in the United States are minimal. However, it is important to recognize that, while limited, there remain areas of concern with the EN and areas where it diverges from the current version of the ongoing revision of Section 508. The European Disability Forum (EDF), which publicly supports the use of the EN by governments in the EU, also points out some of its deficiencies, including relative to the ongoing revision of Section 508.

Discussants also raised the need to ensure that in moving forward toward a broader use of inclusive ICT procurement policies worldwide, multiple voices must be heard in finalizing a harmonized global standard, including organizations of persons with disabilities around the world. Civil society input must always be given real consideration, particularly because civil society has expressed a small number of specific concerns with EN 301 549. In addition, a harmonized and global standard must build upon existing standards and not provide less accessibility than is already required.

Next Steps

Moving forward and building on the insights from these roundtable discussions and expert interviews, G3ict will develop a specific roadmap describing how government, civil society, and industry can work together to promote the timely and broad adoption of public procurement policies around the world, including in those countries that are parties to the CRPD and particularly in the Global South. G3ict will make this roadmap public in the fall of 2015.