Users' perspective on a converged audiovisual environment

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About the European Disability Forum

- Umbrella organisation
- 80 million Europeans with disabilities in Europe (15% EU population)
- Organisation **of** persons with disabilities, **run by** persons with disabilities
- Fight against discrimination and promote the Human Rights of persons with disabilities
- Full implementation of the UN Convention on the Rights of Persons with disabilities
- Advocacy organisation at European level
- Closely work with the European Union, the Council of Europe and the United Nations

ICT as key enabler for persons with disabilities (1/2)

- Gateway to social participation and independent living
- Overcome existing barriers
- More easily adaptable
- Mainstream and assistive technologies / solutions
  Triple A conditions:
    - available,
    - affordable
    - accessible

ICT as key enabler for persons with disabilities (2/2)

ITU – "[The ICT opportunity for a disability-inclusive development framework](#)". The most valuable areas:

- Web

- Mobile

- Audiovisual media

Now everything converges!

Barriers:

- Cost of assistive technologies
- Lack of **accessible** ICT goods and services

Accessibility

- Non-discrimination
- Beneficial to all
- Is not black or white (nor a backyard entrance!)
- Soft approach to accessibility failed
- Accessibility is not sufficiently addressed in national legislations in many EU countries
- Legislation is essential and standards are needed, including on quality aspects
- Labels and raising awareness help
- Enforcement, monitoring and redress mechanism are essential
- Cost-effective when incorporated from the outset

EDF twin track approach to EU policy

1. Disability specific (empowerment):
   - Web Accessibility Directive
   - European Accessibility Act

2. Societal (mainstreaming disability)
   - Audiovisual Media Services Directive
   - European Electronic Communication Code (Directive)

   Accessibility should be a core aspect of the ICT like privacy, data protection or security

UN CRPD & ICT

- 1st International Human Rights Treaty addressing ICT
- Ratified by the EU in 2010, and 27 Member States
- Article 3: Accessibility as a General Principle
- Article 9 on Accessibility "on an equal basis with others", including ICT ([CRPD Committee General Comment nº 2](#))
- Article 21 on Freedom of expression
- Article 30 on Participation on cultural life:

    "Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats"

Web Accessibility Directive

UN CRPD Article 21 on Freedom of expression: "Urging private entities that provide services to the general public, **including through the Internet**, to provide information and services in accessible and usable formats for persons with disabilities"
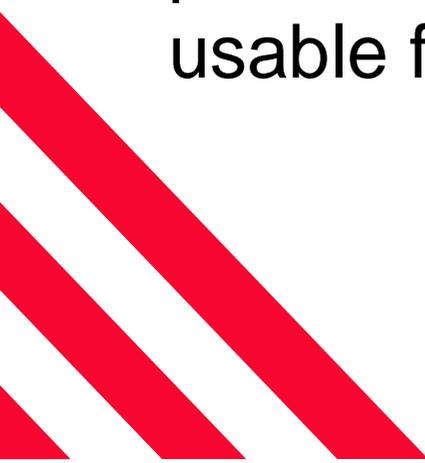
What do we mean by web accessibility?

1. Provide text equivalents
2. Organise and structure content
3. Do not depend on single sense
4. Ensure keyboard access
5. Give users enough time
6. Avoid interferences
7. Identify hyperlinks and contents
8. Use consistent navigation interfaces
9. Help users avoid mistakes
10. Ensure compatibility

[EDF e-resource on web accessibility](#)

Guidelines: [W3C Web Content Accessibility Guidelines 2.0](#)
Included in the [**European Standard EN 301 549**](#)

Benefits of web accessibility

- Equal opportunities for persons with and without disabilities
- Faster loading time
- Increased usability
- Reduced site development and maintenance time
- Better search engine indexation
- Wider compatibility
- Inclusive digitalisation
- Legal compliance

Require [W3C Web Content Accessibility Guidelines (WCAG) 2.0 level AA](#)
Strive for level AAA (or beyond)

THE UNITED STATES DEPARTMENT of JUSTICE

Justice Department Enters into a Settlement Agreement with Peapod to Ensure that Peapod Grocery Delivery Website is Accessible to Individuals with Disabilities

November 17, 2014. Continue reading the news: http://www.justice.gov/opa/pr/justice-department-enters-settlement-agreement-peapod-ensure-peapod-grocery-delivery-website

Meanwhile in Europe…

Overall scores (as a percentage of maximum possible score for the country)
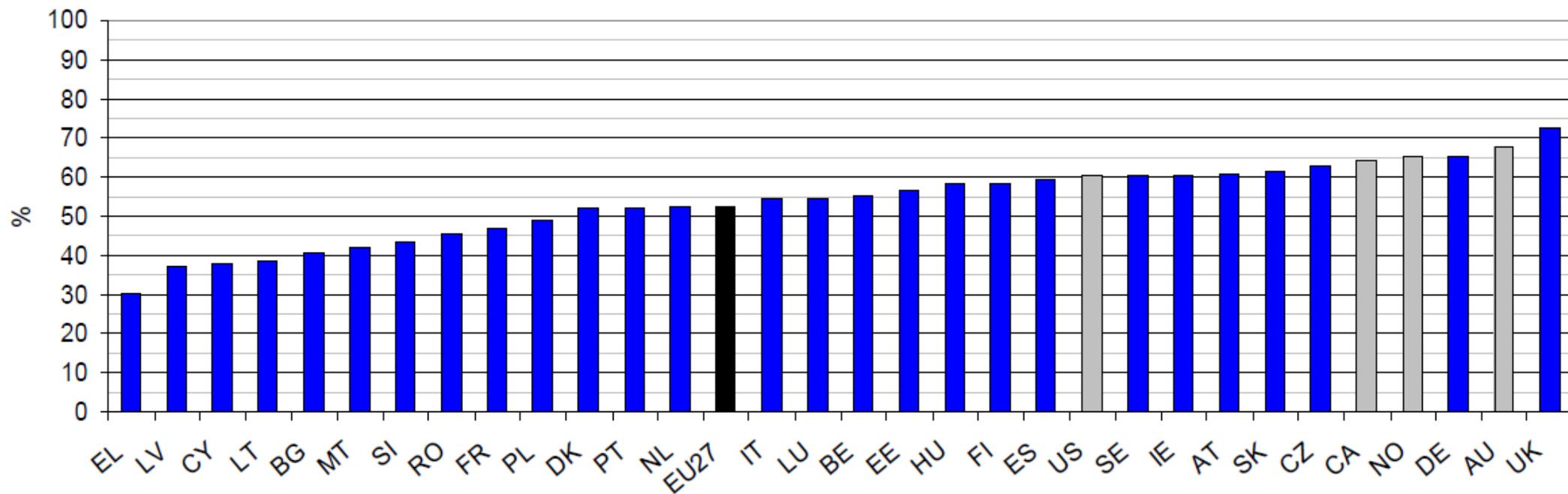
Source: "Study on assessing and promoting e-accessibility", also known as MeAC 3 study

NEW! Directive on the accessibility of website and mobile applications of the public sector bodies ([Web Accessibility Directive](#)) (1/3)

- All public sector bodies websites and mobile apps

- Digital documents and online services

- Exceptions:

  - Public broadcasters websites

  - live audiovisual – to be made accessible in 14 days

  - Third party content

  - **May** exclude non-essential functions of schools, kindergartens and nurseries' websites and apps

NEW! Web Accessibility Directive (2/3)

- Disproportionate burden
- Web accessibility statement, including feedback mechanism with an on-demand service for inaccessible content
- Use of harmonised standard (web and mobile) – in absence of it: Common Technical Specifications for mobile apps – the EN 301 549
- Enforcement mechanism:

  - National authority with a complaint mechanism
  - Focal point for web accessibility (trainings, materials, contact with users' organisations, etc.)

NEW! [Web Accessibility Directive](#) (3/3)

- Regular monitoring (check [study on monitoring methodologies for web accessibility](#))
- Reporting to the Commission
- Transposition by 23 September 2018 (T-day):
  - Webs published after T-day will be accessible from 23 September 2019
  - Webs published before the T-day will be accessible from 23 September 2020
  - Apps will be accessible from 23 June 2021

Implications for media accessibility

- Included:
    - Audio description for pre-recorded media (WCAG 1.2.5 level AA)
- Not included
    - Live captions (WCAG 1.2.4 level AA)
    - Extended audio description (WCAG 1.2.7 level AAA)
- On demand mechanism
- EN 301 549 includes ICT with video capabilities
- [WCAG 2.1 under review](#)

European Accessibility Act

UN CRPD Article 9 Accessibility:
"State Parties shall also take appropriate measures (…) to ensure that **private entities** that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities"

Proposal for a European Accessibility Act

- Directive with legal base of Internal Market
- Mainstream products and services covered
- Disproportionate burden and fundamental alteration
- Use of harmonised standards or Common Technical Specifications
- Implementation and enforcement mechanisms by market surveillance authorities
- CE marking
- Functional specifications (accessibility requirements)

Scope of the **European Accessibility Act**

- Computers and operating systems
- ATMs, ticketing and check-in machines
- Telephony services and smartphones
- **Audiovisual media services and TVs**
- Services related to air, bus, rail and waterborne passenger transport
- Banking services
- e-books
- e-commerce

Complementing other EU legislations:
- Public Procurement Directive
- Structural Funds
- Trans-European Transport Networks

EDF position

- Crucial step towards end-to-end accessibility

- Limited scope: Built environment, transport, household appliances

- Exemptions (Art. 12)

- Keep the CE-marking approach

- Participation of Disabled Persons' Organisations (DPOs)

Regarding the accessibility requirements

- Find the gaps and propose the necessary additions to ensure that all aspects of products and services meet an adequate level of accessibility for persons with disabilities.

- Provide clarity to the proposed accessibility requirements.

- Allow further innovation through a functionality and technologically neutral approach.

- Ensure compatibility with assistive technologies
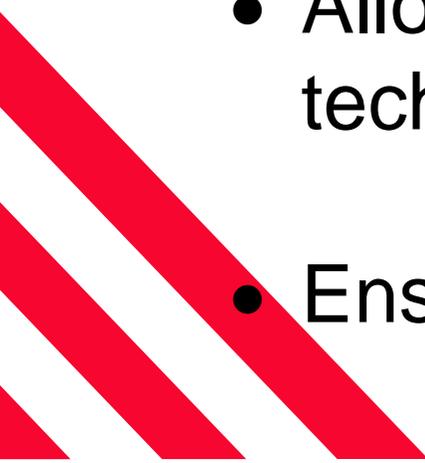
Accessibility requirements for audiovisual services:

- Information about the functioning of the service and about its accessibility characteristics
- Content information
- Websites
- Information on complementarities with assistive services
- Functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations

Accessibility requirements for TVs

- Information on the product, on and in the package
- Interfacing of the product with assistive devices
- User interface and functionalities:
- provide for communication and orientation via more than one sensory channel
- provide for flexible magnification and contrast;
- provide for flexible ways to separate and control foreground from background including for reducing background noise and improve clarity
- provide avoidance of triggering photosensitive seizures
- Etc.
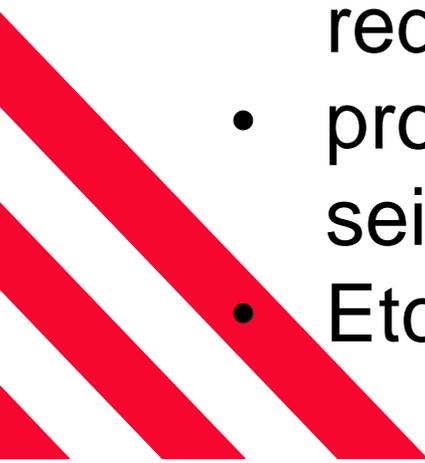
EDF proposed amendments for AV services:

- Information about the services also in the Electronic Programming Guide
- Include mobile applications
- Specific mention of the four main access services: subtitles for the deaf and hard of hearing, audio description, spoken subtitles and sign language interpretation
- Quality aspects:. Ex: "Service providers shall ensure that audio description and spoken subtitles are well synchronized with the video. This includes setting up quality specifications related to audio placement and clarity of the audio description and spoken subtitles, as well as the necessary requirements to ensure users' control over them".

EDF proposed amendments for TVs:

- Information also in accessible digital formats
- Further details for the user interface (based on the EN 301 549 and the US Section 508 of the Rehabilitation Act)
- Mechanism to display SDH, select and play AD and spoken subtitles and, where technically possible, display sign language interpretation on the content
- Access services singly or in combination
- Personalization to the greatest extent possible
- Control: same level of prominence as the primary media controls
- Effective wireless coupling to hearing technologies
- Support services
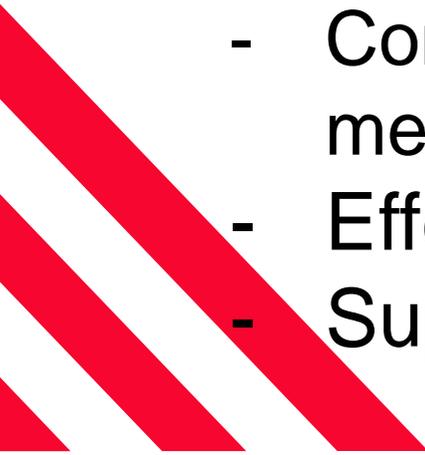
Audiovisual Media Services Directive

UN CRPD Article 30 Participation in cultural life, recreation, leisure and sport:
"States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities: (…) enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats".

Audiovisual Media Services Directive

- Adopted in 2007
- TV broadcasting **+** on demand services (VOD)
- Operators established in the EU
- Commercial communications
- User protection and prohibition of hate speech and discrimination
- Protection of minors
- Promote EU audiovisual content
- Coordination of regulators

Audiovisual Media Services Directive

Recital 46: (…)The means to achieve accessibility should include, but need not be limited to, sign language, subtitling, audio-description and easily understandable menu navigation

Article 7. "Member States shall **encourage** media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability"

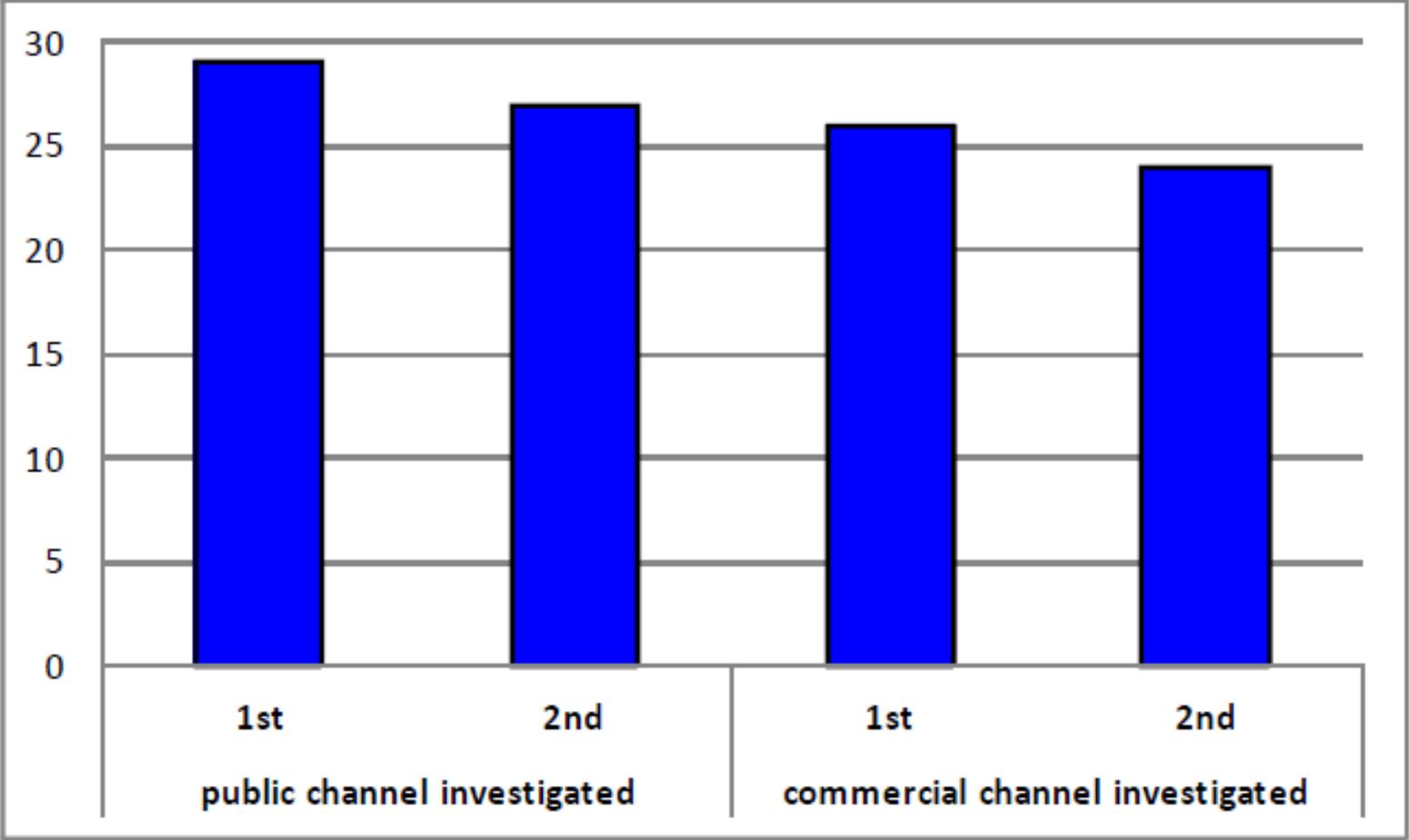Article 9.c(ii): anti discrimination on the grounds of disability in commercial communications

MeAC 3 study – November 2013

Figure 4-2 Average share of programmes with access services in the overall programme across all countries included in the study
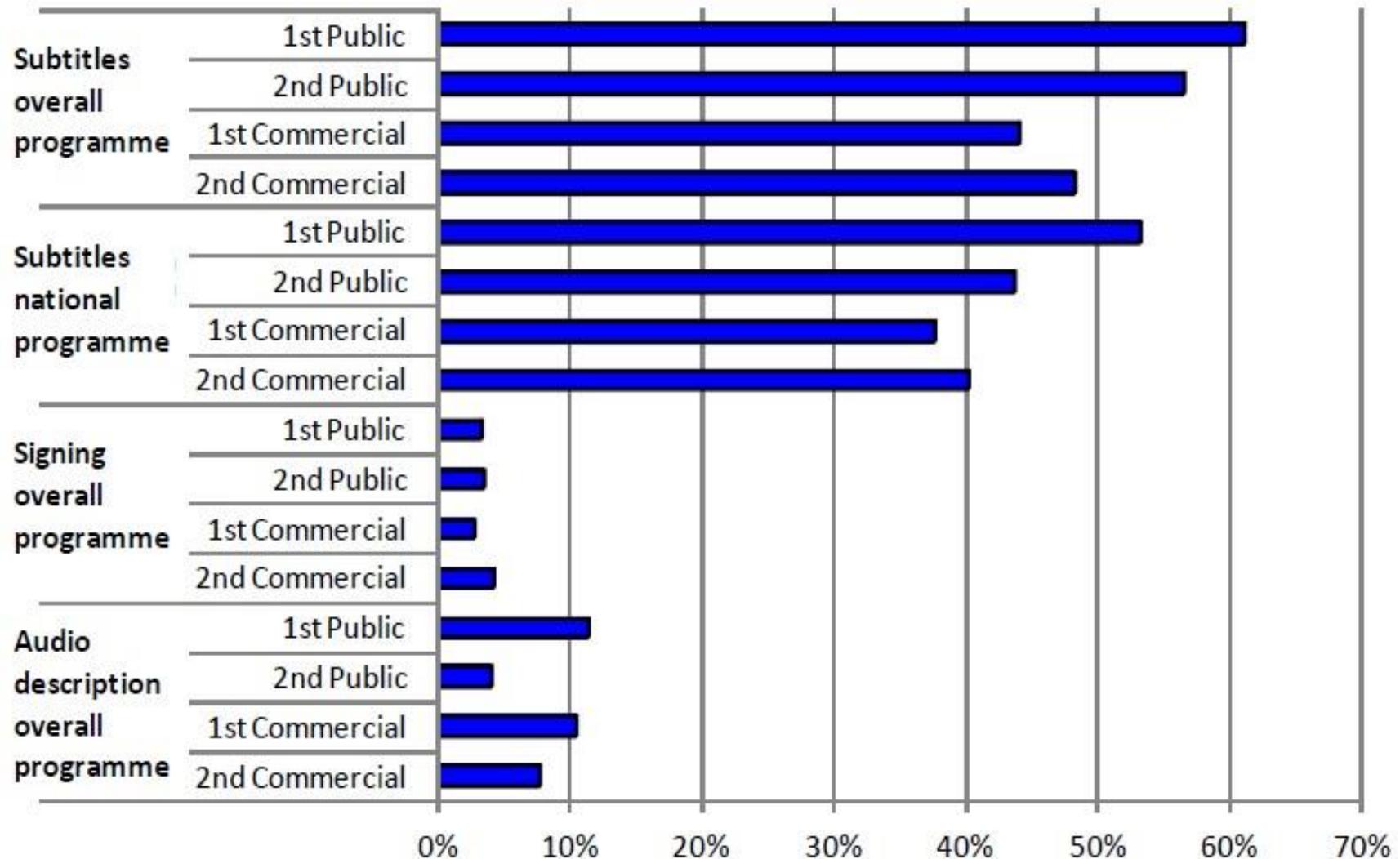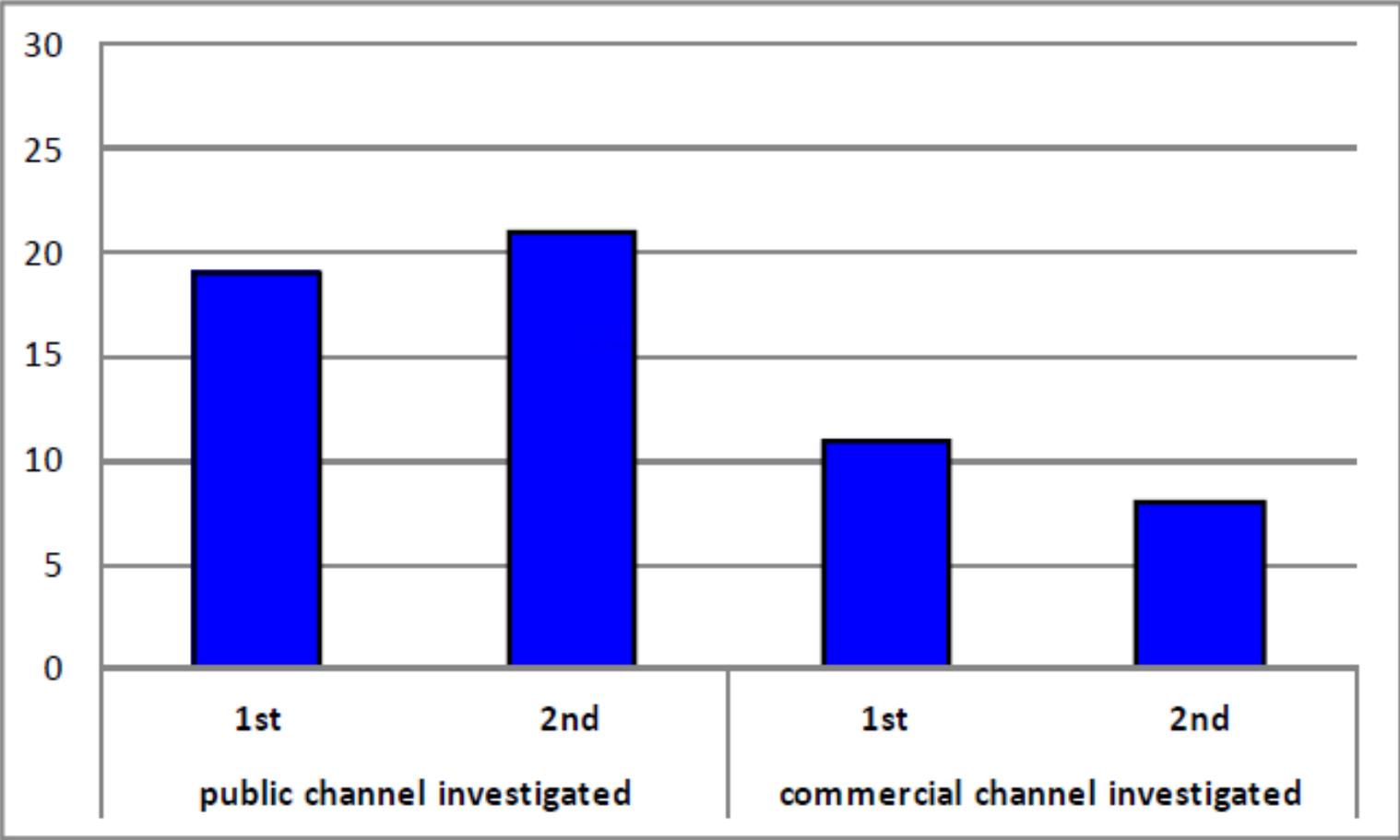
MeAC 3 study – November 2013

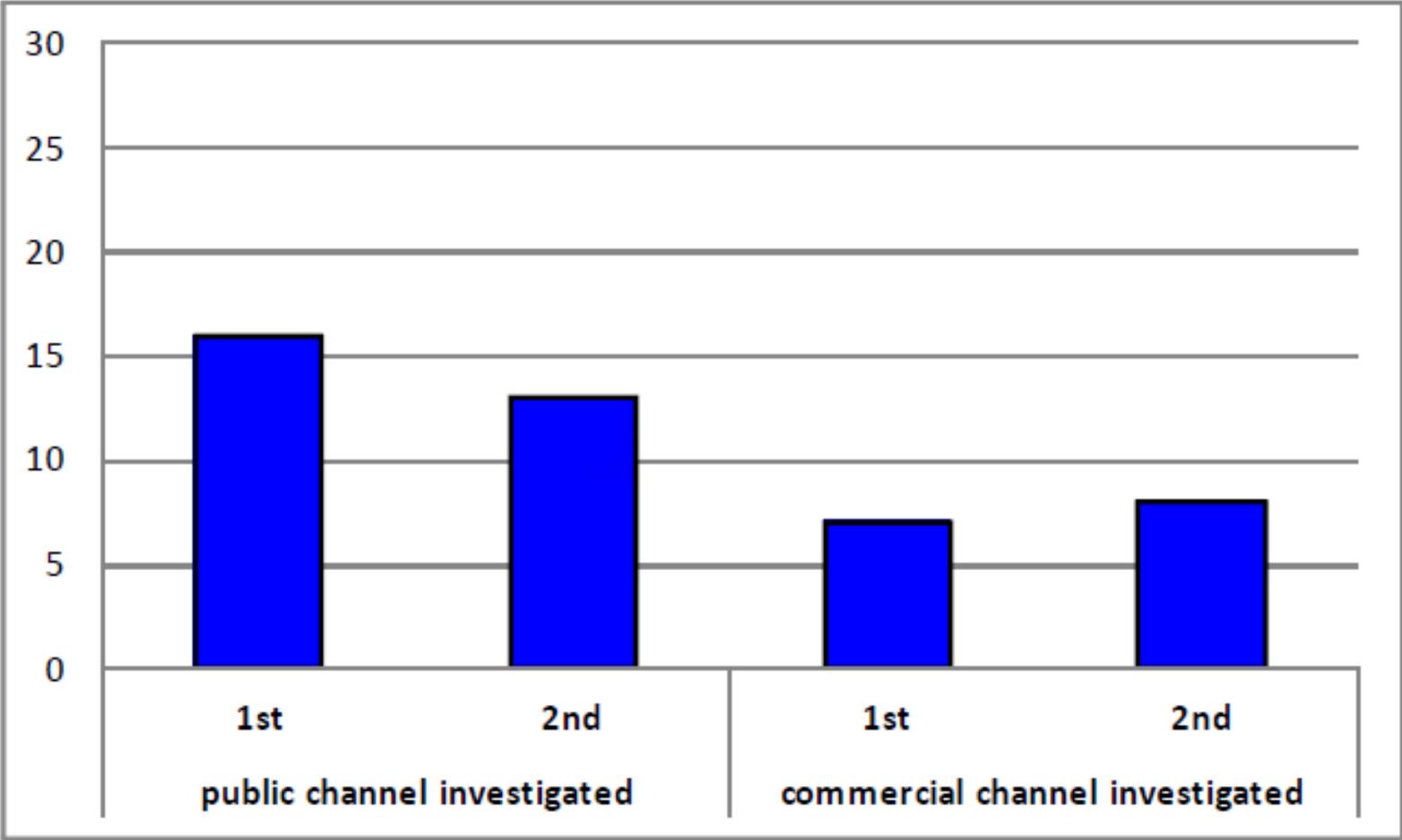Figure 4-1 No. of countries with any subtitling (n=31)

MeAC 3 study – November 2013

Figure 4-3 No of countries with any signing (n=31)

MeAC 3 study – November 2013

Figure 4-4   No. of countries with any audio description (n=31)

What is the overall situation?

- Implementation of art. 7 differs broadly
- Only 9 countries provide the three basic access services
- Commercial channels lagging behind
- Video on-demand less accessible
- Electronic Programme Guides (EPG) inaccessible
- Online platforms not enabling access services
- More devices enabling access services but no accessible content to render
- [EDF answer](#) to the 2015 public consultation

AVMSD revision and mess in the EU institutions

- The Commission removes article 7 because of the European Accessibility Act

- The Culture Committee in the European Parliament proposes to remove Audiovisual Services and e-books from the European Accessibility Act

  - They prefer "sectorial" legislation to improve access to Audiovisual Services and to preserve media diversity

- Council prefers sectorial legislation (AVMSD) to strengthen accessibility

- Industry (public and commercial broadcasters) prefer to keep article 7 as it was in 2010

AVMSD revision and mess in the EU institutions

- [EDF position](#):
  - The "what" in the AVMSD
  - The "how" in the Accessibility Act

- Rapporteurs encouraged EDF and public and commercial broadcasters to find agreement

- Council willing to accept: "Member States shall **ensure** media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability"

EDF-EBU-ACT [agreement](#) on AVMSD article 7

1. Member States to adopt measures at national level in consultation with persons with disabilities to ensure audiovisual media providers make their services progressively accessible for persons with disabilities

2. The Commission and ERGA (European body of regulatory authorities) to exchange practices, notably on common pictograms and quality aspects

3. Audiovisual media providers to report annually on progress made in respect of making their services accessible

EDF-EBU-ACT **agreement** on AVMSD article 7

4. Encourage audiovisual media providers to adopt accessibility action plans

5. Member states shall ensure accessible emergency information

6. Encourage audiovisual media providers aim, through their content production, programming, editorial policies, and training schemes, to deliver access services

Recital:

- article 7 only applies to audiovisual services, namely programmes.

- Access services: SDH, AD, spoken subtitles and SL

Final considerations

- Battle at national level (co-regulatory measures or codes of conduct to transpose the AVMSD)
- Get the Accessibility Act adopted (info, webs, apps)
- User Agents Accessibility Guidelines
- Video-sharing platforms to facilitate accessibility
- Promote quality standards
- Allow for further features and access services:
  - Clean Audio / picture in picture…
  - 2nd screen / 2nd device solutions
  - Accessibility over the Internet

THANK YOU

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