

# Legislation on eAccessibility: the Italian approach.

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## 1 Introduction

During 2003, the European year of People with Disabilities, the Italian Government chose to address the topic of eAccessibility through a body of legislative acts which, at the moment, is made up of a Law (No. 4/2004, also known as the “Stanca” Law), containing the general principles, and two Decrees, containing the implementation regulations and the technical accessibility requirements respectively.

This body of laws provides that public services and information should be accessible, that disabled people should be provided with adequate IT working instruments and equipment and the public Procurement of ICT goods and services should always take accessibility into consideration.

This paper will analyse the birth and the development of the culture of eAccessibility in Italy and the positive effects Law No. 4/2004 had on the process of eInclusion.

## 2 The history of eAccessibility in Italy

The Italian government has always been aware of the importance of the Web as a means of communication. The Italian Presidency of the Council of Ministers was in fact the first government to become officially member of the World Wide Web Consortium (W3C). In order to grant everyone access to the benefits of the upcoming Information Society, following the works of the Web Accessibility Initiative (WAI), many recommendations and directives addressing eAccessibility were produced in Italy since 2001:

- March 2001 - Directive n. 3/2001 by the Ministry of Civil Service: “*Guidelines for the organization, the usability and the accessibility of Public Administration Web Sites*”.
- September 2001 - Circular Letter by the Authority for Informatics in Public Administration: “*Criteria and instruments to improve the accessibility of Web Sites and computer programs for disabled people*”.
- May 2002 - Directive by the Presidency of the Council of Ministers: “*Information on the use of the ‘.gov.it’ domain*”.

These directives either invited Public Agencies to comply with the Web Content Accessibility Guidelines (WCAG) 1.0 or gave specific suggestions on how to develop accessible web pages. Unfortunately though, while these recommendations remained mostly unattended, the associations of the disabled were beginning to claim for their rights.

In order to find a solution to this problem, the Government established an Interministerial Committee (the “*Interministerial Committee for the development and the employment of IT for the weak*” which involved three Ministries) in May 2002. The studies carried on by these experts produced a White Book on accessibility and suggested that a stronger competence centre on eInclusion needed to be

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established. Last but not least, the Commission concluded that a law had to be written to address this topic in order to obtain a quick and positive result.

During 2003, European Year of People with Disabilities, the urge to foster the process of digital inclusion was perceived even more clearly. In July a second Interministerial Committee was established, involving seven Ministries this time, whose scope was extended not only to the inclusion through ICT of people with disabilities but also to the eInclusion of the elderly and the disadvantaged.

This Committee was to be supported by a Technical Secretariat which was instituted at the National Centre for Informatics in Public Administration (CNIPA). The Secretariat immediately formed several Working Groups, each of which had to deal with a specific technical issue regarding eInclusion.

In the meanwhile, eight bills supported by politicians of various parties in Parliament and the three bills coming from the Senate all merged into a single law which explicitly addressed eAccessibility. The law was voted unanimously in both Houses before the end of the year and published in January 2004.

### **3 The body of laws on accessibility**

#### **3.1 Law n. 4, January 9, 2004**

*“Provisions to support the access of the disabled to information technologies”* is the principal act of the body of laws regarding accessibility. The first choice that was made while it was being written was to separate the general principles from the technical requirements.

Article 1 contains a clear reference to the principles of non-discrimination which are imbued in the Italian Constitution and acknowledges the right everyone has to access to public information and services.

Article 2 provides definitions for the terms “accessibility” and “assistive technologies” while article 3 lists the addressees of this act. To simplify, we could say that those who are involved in the enforcement of the law are all the public bodies and agencies, both national and local. The law also applies to private subjects, if they are concessionaries of public information or services, and to public transport and telecommunications companies.

Article 4 is probably one of the most important since it points out the obligations and duties regarding accessibility and inclusion in the case of public procurement of IT goods and services. In particular, when purchasing ICT goods and services, signing contracts regarding their development and maintenance or carrying out competitive tenders, the accessibility requirements must always be taken into consideration.

At this point there are two different levels of obligation: on one hand, the compliance with the accessibility requirements is mandatory for public Web sites (and in general for Web applications) and whenever private or public subjects draw on public grants for the procurement of ICT equipment and tools explicitly meant for disabled users or workers.

In every other case of competitive tender regarding IT procurement, the administration must simply give preference to the bidder which offers the best compliance with the accessibility requirements in the event of similar technical offers. Public agencies must eventually provide an adequate justification for not taking the accessibility requirements into account or for buying a product that fails to reach compliance.

Any stipulated contract failing to respect such mechanism may be declared null and void and this may also entail both executive responsibilities and disciplinary actions, as well as civil liability

provided for by the current anti-discrimination laws (article 9). The most important anti-discrimination act in Italy is Legislative Decree No. 67/2006 "*Judiciary measures to protect disabled people against discrimination*", amendment of Legislative Decree No. 196/2003 which mainly dealt with work discrimination.

Last but not least, another important point in this article is the commitment to provide disabled workers with adequate IT equipment in order to allow them to work efficiently.

Article 5 recalls the importance of accessibility in the sector of education including the production of teaching tools, courseware and electronic textbooks.

Article 6 fosters the voluntary commitment of the private sector to this law and articles 7 and 8 assign duties and explain how to support, monitor and enforce the provisions of the law both at national and at local level stressing the need to spread the culture of eInclusion through positive actions and training courses.

Articles 10 and 11 provide for the writing of two decrees containing the enforcement regulations and the technical accessibility requirements while article 12 explicitly reminds that these requirements could be updated and that they should be compatible with and inspired by other relevant national and international recommendations on accessibility.

### **3.2 Decree of the President of the Republic, March 1st 2005, No. 75**

The "*Enforcement Regulations for Law 4/2004 to promote the access of the disabled to information technologies*." goes further into the topics regarding the implementation of the provisions of Law 4/2004.

The most important accomplishment of this decree is the introduction the key concept of usability. Web sites must not only be barrier-free but also simple, effective, efficient and they must satisfy the user's needs.

In order to give visibility to the most accessible and usable Web sites, a national accessibility mark was established along with a list of trusted accessibility evaluators held by the National Centre for Informatics in Public Administration.

Private subjects must necessarily apply for an accessibility assessment made by a member of the evaluators' list in order to obtain the accessibility mark. Public agencies and bodies instead may autonomously assess their compliance with the accessibility requirements and with the provisions of the law, in adherence to the principle of self-government.

### **3.3 Ministerial Decree, July 8 2005**

Apart from a few articles giving further details on the implementation of the law, the decree "*Technical Rules of Law 4/2004*" is mainly made up of annexes which contain the technical Web accessibility requirements, the methodology for the evaluation of Web sites and the requirements for accessible hardware and software.

In order to enforce a law on accessibility which introduced the concept of managerial responsibility, the requirements had to be as clear and measurable as possible. To achieve this goal, the Technical Secretariat of the Interministerial Committee set up several working groups with the aim of writing the technical accessibility requirements.

Since general consensus was probably the most important success factor, the Working Groups were made up of experts coming from 35 agencies and organizations, including Central

Government, local Administration, associations of the disabled, developers associations, W3C, and both national and international ICT companies such as IBM, Microsoft, Oracle, Sun, etc...

The primary sources of inspiration for these groups were of course the W3C's Web Accessibility Initiative (especially the WCAG 1.0) and the positive experience of Section 508 of the U.S. Rehabilitation Act. For the requirements to be easily applicable though, only those that were measurable were chosen.

As a result Annexe "A" of the Ministerial decree contains 22 technical requirements regarding Web sites. Compliance with these requirements guarantees an almost full WCAG-AA accessibility level. Annexe "C" has a list of 7 requirements for the accessibility of Personal Computer hardware and Annexe "D" is made up of 11 requirements for software accessibility.

Apart from listing the technical requirements, Annexe "A" also explains how the technical accessibility evaluation should be carried out. In detail:

- It sets which and how many pages in a Web site must be tested for compliance:
  - The home page;
  - The first level of pages linked from the homepage;
  - All pages involving user interaction;
  - Samples of response pages;
  - A statistical sample (5%) of pages chosen among those not falling into the above mentioned.
- It provides a list of further checkpoints:
  - The content and the functionalities of a page are the same in different browsers;
  - the presentation of a page is similar in every browser that supports modern Web technologies;
  - the contents and functionalities of a page are still usable when images are not displayed;
  - the contents of audio files are also available in a text version;
  - the contents of a page are usable when the functions of the browser used to define the size of the characters are operated;
  - the page is browsable even using the keyboard alone;
  - the contents and functionalities of a page are still usable when style sheets, scripts and applets and other objects are deactivated;
  - all contents and functionalities are still available even if read through a textual browser.
- It explains how to draw up a final accessibility report;
- It suggests a list of helpful testing tools.

Due to the flexible nature of the Decree, the technical requirements could be updated whenever relevant changes should occur in the national and international eAccessibility scene. This will probably happen when the WCAG 2.0 and the ISO accessibility recommendations shall be released.

## **4 Monitoring the enforcement of the Law**

### **4.1 Institutional duties**

Law 04/2004 assigns the duty to monitor the enforcement of the Law to the Presidency of the Council of Ministers (Department for Innovation and Technology) and to CNIPA. This applies especially to central public agencies. These two agencies must also trace the accessibility criteria for the development of IT systems in public administration, and introduce the issues relating to accessibility in public personnel training programs.

On the other side, the Regions, the autonomous Provinces and Municipalities are responsible for the enforcement of the provisions of the law by local authorities. What is happening is that many Regions are now establishing their own competence centres in order to support the effectiveness of the Law on a local level through positive actions and training programmes under the coordination of CNIPA.

CNIPA also plays an important part in monitoring the enforcement of accessibility policies in the processes of public ICT procurement. One of its institutional duties is in fact to give advice on any relevant public ICT project or contract signed by central agencies.

Taking such advice is compulsory but not binding and one of the checkpoints is the compliance of the project with government laws, directives and policies. Other checkpoints include:

- Comparing the project with the priorities and goals of the administration;
- Assessing the internal coherence with other projects of the administration;
- Comparing the project with similar initiatives by other administrations;
- Updating the solution to the state of the art.

During 2006, 15 major procurement projects (worth 71 million Euros) were assessed to evaluate or improve their compliance with the Laws on accessibility. These projects, carried out by 10 different central administrations, were mostly relative to Web sites and hardware procurement.

### **4.2 The importance of a “culture of accessibility”**

Since the Law and the Decree with the technical requirements came into force, the attitude towards the issue of web accessibility has begun to improve slowly but steadily. Public agencies are now more sensitive to the problem and many of them are planning to modify, or have already updated, their institutional web site and their online services.

The compulsiveness of the legislative approach had of course an influence on this process but it would not have been so effective if it hadn't been supported by a strong campaign of information, training and sensitization.

CNIPA, the Italian International Webmasters Association (IWA) and many Public Agencies and Universities have organized and taken part in several seminars, events and workshops on accessibility, always meeting the interest of many actors of the public ICT scene.

CNIPA has also set up three training programs on web accessibility, each one of which is targeted specifically to chief officers, editors and webmasters of public web sites. The courses are already at their third edition and the plans are now to replicate this successful experience at local level through Regional competence centres.

An incredibly efficient and cost-effective way to increase the quantity of accessible Web content is to help the smaller agencies and branches of central institutions in standardizing their Web sites. For

example, the Ministry of Foreign Affairs has provided every Italian Embassy with a standard, accessible Web template, the Ministry of Cultural Heritage and Activities has developed a Content Management System for small museums and libraries, the Italian Drivers Association is providing its Provincial branches with a standard Web site and the Ministry of education has set up a very interesting and successful project called “School and Services” with the aim of providing thousands of schools all across the nation with tools and training courses to ease the development of accessible and usable Web sites.

A strong incentive has also come from the diffusion of the Italian web accessibility mark (see Fig. 1) on public Web sites. Public Agencies that have positively passed the technical accessibility test and want to bring out their commitment to the cause of e-inclusion, may report the result to CNIPA and



*Figure 1: the Italian accessibility mark*

add the “accessibility logo” to their home pages.

For this purpose CNIPA set up and runs a database containing all the information relative to the web sites which currently display the logo and up to now (mid 2007) almost 70 web sites belonging to central and local bodies have registered. The figures regarding accessible web sites are even more encouraging though (a few hundreds) if we include those that are not interested in displaying the logo and those that are very accessibility-oriented even if they are not fully compliant with the requirements.

CNIPA is also carrying out, for the second year, a monitoring action over tens of central administration Web sites to assess their compliance with the law and to aid and coordinate their adjustment thanks to the collaboration of some of the most skilled Italian web developers.

## **5 Conclusions**

Italy may not have been the first country to concretely face the issues of accessibility and eInclusion but a series of positive factors have determined a rapid and surprising shift in public opinion over the last few years.

A great thrust was surely given by the positive influence of the Year of People with Disabilities and by the will of many Members of Parliament and of the Government (especially Minister Stanca) to find a solution to the lack of self-commitment to the cause of eInclusion.

There is no doubt that the body of laws on accessibility has proved to be a valid measure thanks to the straightforward nature of the accessibility requirements and to the general climate of consensus in which they were set.

Nonetheless the most effective success factor seems to be a cultural approach to the issue of eInclusion. Often disabled people are subject to passive discrimination only because of the lack of knowledge in the field of the interaction between disability and information technologies.

Spreading the culture of accessibility through events, training courses and aiding toolkits probably proved to be the easiest way to change obsolete and non-inclusive ICT processes.

Only facing this challenge with an adequate culture and stock of knowledge, the benefits of the Information Society shall truly be delivered to all.