

REPORT OF THE FRENCH DIGITAL COUNCIL
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DIGITAL ACCESSIBILITY: Between Necessity and Opportunity

A legal obligation towards citizens,
A strategic tool for organizations

SUMMARY

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SUMMARY

At a time when digital responsibility becomes increasingly important regarding environmental and social issues, **digital accessibility appears as a necessity as well as an opportunity for all actors in society.**

A necessity, first of all, since digital accessibility meets both societal and legal obligations.

- **On the one hand, digital accessibility responds to a real need of the population.** In the context of the digital transformation of public and private services, it represents a necessity for the majority of citizens. This majority includes the millions of people with disabilities, but also the elderly, the youngest people with myopia, etc. Today, it is only by developing accessible digital services that stakeholders will be able to reach a large part of the population.
- **On the other hand, it is now a legal obligation and sanctioned by law:** as a fundamental right of citizens, digital accessibility has been the subject of several legislative and regulatory measures, making it a real obligation for the stakeholders. There is therefore an urgent need for these actors to establish a legal strategy for e-accessibility in their organisations.

However, regarding the hearing conducted by the French Digital Council in three key areas - citizenship, culture and education - it appears that this need is not sufficiently taken into account by public and private players.

ACCESSIBILITY OF DIGITAL PUBLIC SERVICES

Accessibility of digital public services remains the exception rather than the norm. In a context of dematerialization of the administration, the consequences can be dramatic for access to rights for people with disabilities. In practice, a blind or visually impaired person may encounter difficulties in paying or contesting their taxes on the government website, or in applying for an identity card or passport on the website of the National Agency for Secure Documents.

Therefore, the French Digital Council proposes 3 lines of recommendations:

- **Rationalize the management of digital accessibility of public services** by creating a Ministerial Delegation for Digital Accessibility (DMAN) attached to the Secretary of State for Digital Affairs, based on the model of the Ministerial Delegation for Building Accessibility of the Ministry of Ecological and Solidarity Transition, which will ensure the monitoring and implementation of accessibility obligations, through the power to sanction on the basis of self-referral or user complaints;
- **Making the actors of the administration more responsible**, for example by appointing a delegate for digital accessibility, or making e-accessibility an obligatory condition for execution in public procurement tenders;
- **Reinforce the rights of users vis-à-vis the administration**, by setting up an online platform for reporting to the Ministerial Delegation for Digital Accessibility (DMAN), which will be responsible for processing and centralising complaints.

ACCESSIBILITY OF AUDIOVISUAL CONTENT

As regards access to audiovisual content, the hearings conducted by the Council showed that **the digital transformation of the cultural sector has not sufficiently taken into account**

accessibility requirements. In particular, the incorporation of means of accessibility (subtitles), on the various media (mobile applications or digital platforms) is not systematic and/or effective. In order to support the efforts of the sector, the French Digital Council proposes to :

- **Improve the management of the digital accessibility of audiovisual content** by giving to the Future French High Authority for Audiovisual and Digital Communications (ARCOM) the task of regulating the accessibility of sites of television and audiovisual media services and not only audiovisual content, or even the electronic communications operators who provide the infrastructures and networks ;
- **Making all the players in the audiovisual content value chain responsible** by harmonising the accessibility regime with public players, and including video sharing platforms under certain conditions;
- **Encourage interoperability of accessible audiovisual content.**

ACCESSIBILITY OF DIGITAL LEARNING RESOURCES

Finally, with regard to access to education, the Council's study showed that **problems of inaccessibility concern both digital educational resources and the platforms that provide access to them.** While digital textbooks may be available for students with disabilities, the applications of textbook publishers are not always available. On the basis of this analysis and well aware of the variety of actors involved, the French Digital Council proposes to:

- **Improve the production of accessible and adapted digital educational resources** by creating an agency for the accessibility and adaptation of digital books, in order to steer the production of accessible and adapted digital books ;
- **Improve the accessibility of pedagogical platforms** by implementing the obligation of accessibility of digital work environments;
- **Develop skills for adapting and making digital educational resources accessible** in the French National Education system and higher education.

ACCESSIBILITY TRAINING AND EMPLOYMENT FOR DIGITAL PROFESSIONS

These sectoral observations were accompanied by a cross-cutting observation: **the lack of training of web and digital professionals in terms of accessibility.** From this point of view, compliance with accessibility rules cannot be achieved without improving the training of digital professionals on the subject. Moreover, the development of the digital accessibility professions would be a relevant way to guarantee digital accessibility and create jobs. On the basis of this observation, the Council proposes:

- **Raising awareness of digital accessibility regulations among digital professionals**, by creating a MOOC to raise awareness of digital accessibility regulations, based on the model of the "RGPD workshop", an online training course proposed by the CNIL, and by financing awareness and training actions for digital professionals;
- **Integrate digital accessibility into the initial and continuing training of digital professionals**, by including digital accessibility skills in the training references that set out the skills to be acquired for an organisation to issue a State diploma and by creating compulsory certification for digital professionals;
- **Structuring the digital accessibility professions:** registering digital accessibility in the National Directory of Professional Certifications (RNCP) by declining this certification according to four job profiles (referent, expert, consultant, tester).

ACCESSIBILITY INNOVATION FOR A RESPONSIBLE DIGITAL ECONOMY AND SOCIETY

E-accessibility is also an opportunity, as it could lead to the emergence of a more responsible model of digital society and economy.

- **Accessibility could renew the European digital economy in a sustainable way, through the creation of jobs linked to digital accessibility, but also through research and project funding.** Faced with global competition and more specifically from GAFAM (Google, Amazon, Facebook, Apple or Microsoft), it seems fundamental to encourage the development of our digital accessibility startups and to finance digital accessibility projects based on Artificial Intelligence (AI).
- **Finally, digital accessibility would convey the message of a responsible digital society.** To do this, it is essential to raise awareness on this issue from school, at university and throughout life. Above all, it is time for France and Europe to design their own accessible digital products and services. This could enable them to **reaffirm and promote fundamental values such as inclusion, equality and non-discrimination, respect for privacy, but also ecology and digital sobriety.**

Between necessity and opportunity, digital accessibility thus represents an interesting strategic tool for organisations - both public and private - that wish to develop their digital products and services in a responsible way. Above all, however, it is a fundamental right of citizens, which must be promoted and implemented urgently, in the current context of digital inaccessibility of most services.

RECOMMENDATIONS

DIGITAL ACCESSIBILITY, AS A NECESSITY TO ENSURE LEGALITY AND EQUALITY IN THE DIGITAL ERA

CITIZENSHIP - Ensuring access to digital public services for all users

Priority 1: Rationalize the management of digital accessibility of public services

- Create a ministerial delegation for e-accessibility (DMAN) under the State Secretariat for Digital Affairs (Recommendation No. 1);
- Strengthen the DINUM teams working on the quality of digital public services, with one of the pillars focusing on digital accessibility (Recommendation No. 2);
- Create a network of digital accessibility/quality of digital public services reference points in the territories (Recommendation no. 3)

Priority 2: Make public administration players more responsible

- Making e-accessibility an obligatory condition for execution in public procurement tenders (Recommendation 4) ;
- Introduce an impact assessment to justify a disproportionate burden of making accessible (Recommendation No. 5);
- Introduce training modules on e-accessibility in the curricula of civil service schools (Recommendation No. 6);
- Appoint a delegate for e-accessibility in public authorities and bodies (Recommendation No. 7);
- Designate the authority competent to sanction the actors (Recommendation No. 8);
- Provide for alternative non-monetary sanctions, such as the interdiction of publication (Recommendation No. 9);
- Adapt the amount of sanctions in line with the budgets dedicated to the development of websites and/or the turnover or total budget of a public body (Recommendation No. 10).

Priority 3: Strengthen users' rights vis-à-vis the administration

- Set up an online reporting platform for users who wish to report inaccessible sites to the Ministerial Delegation for Digital Accessibility (DMAN), which would be responsible for processing and centralising complaints (Recommendation No. 11);
- Extend group actions to actions based on breaches of accessibility obligations (Recommendation No. 12).

CULTURE - Improving access to audiovisual content for all consumers users

Priority 1: Rationalize the management of digital accessibility of audiovisual content

- Regulating the accessibility of sites of television and audiovisual media services, not just audiovisual content (Recommendation No. 13) ;
- Regulating accessibility across all actors in the value chain, including electronic communications operators providing infrastructure and networks (Recommendation No. 14).

Priority 2: Make audiovisual players more responsible

- Harmonise the sanctions regime for the audiovisual sector with that for public sites in order to move towards a common accessibility regime (Recommendation No 15) ;
- Align the regime of video-sharing platforms with that of audiovisual media services as regards the accessibility of certain audiovisual content (Recommendation No 16).

Priority 3: Encourage interoperability of accessible audiovisual content

- Encourage the establishment of common accessibility standards for all audiovisual content. (Recommendation No. 17).

EDUCATION – Developing access to digital educational resources for all students

Priority 1: Improve the production of accessible and adapted digital educational resources

- Establish an agency for the accessibility and adaptation of digital books (Recommendation 18).

This agency would be in charge of:

- Produce an inventory of the level of accessibility and adaptation of digital books allowing access to knowledge (Recommendation No. 19);
- Define and implement an ambitious digitisation plan for resources for education, teaching and training (Recommendation No. 20);
- Define and support the implementation of a plan to stimulate the production of natively digital educational resources (Recommendation No. 21);
- Create a repository for the accessibility of digital educational resources (Recommendation No. 22);
- Communicate more widely about digital educational and accessible resources available in the national education system or in higher education and research (Recommendation No. 23).

Priority 2: Improve the accessibility of educational platforms

Concerning primary, secondary and university schools :

- Enforce the obligation of accessibility of digital working environments (DWE) by specifying the objectives of digital accessibility directly in the

specifications of the DWE when awarding a public contract (Recommendation No 24);

- Pay particular attention to accessibility and/or accessibility audits in the framework of the annual study on the quality of digital working environments (EVALuENT) (Recommendation 25);
- With regard to academic institutions, launch a national study on the quality and accessibility of digital services offered by universities (Recommendation No. 26).

Concerning the services offered by private content publishers :

- Improve the accessibility of portals providing access to digital resources on the publishers' side (Recommendation No. 27). On one hand, by making publishers' access to ENTs conditional on carrying out an accessibility audit of their platforms; on the other hand, by creating, for publishers of educational resources who deploy digital right management (DRM) systems to control the use of the digital resources offered, an obligation to ensure that these DRMs do not hinder the accessibility of these resources.

Priority 3: Develop skills for adapting and making digital educational resources accessible

- Include e-accessibility skills in the job descriptions of staff in the disability and e-accessibility pedagogical support services (Recommendation No 28) ;
- Establish a plan to enable universities to adapt digital books (Recommendation No. 29), with a target of 100% of universities being enabled through the Communities of Universities and Institutions (EUMC);
- Improve training in digital accessibility and adaptation as part of the training provided to primary, secondary and higher education teachers (Recommendation No. 30).

DIGITAL ACCESSIBILITY, AS AN OPPORTUNITY TO SHAPE THE FUTURE OF DIGITAL ECONOMY AND SOCIETY

EMPLOYMENT AND TRAINING - Developing the sector of digital accessibility professions

Priority 1: Raise awareness of digital accessibility regulations among digital professionals

- Communicating on accessibility obligations, potential sanctions, user experiences of disability, and technical rules (e.g. GAAR) (Recommendation No. 31);
- Create a MOOC to raise awareness of regulations on digital accessibility, based on the model of the RGPD workshop, an online training course proposed by the CNIL (Recommendation No. 32);
- Financing awareness-raising and training actions for digital professionals (Recommendation No. 33).

Priority 2: Integrate digital accessibility into the initial and continuing training of digital professionals.

- Include awareness-raising measures in the reference frameworks for initial training (Recommendation No. 34), including at the highest diploma levels, in order to improve the consideration of digital accessibility by the management teams of digital projects;
- Include e-accessibility skills in the training standards that "set out the skills to be acquired before an organisation can award a state diploma" (Recommendation No. 35);
- Draw up an inventory on how digital accessibility is taken into account in initial and continuing training courses leading to diplomas or certifications opening up a digital profession (Recommendation No. 36);
- Where appropriate, deepen training in digital accessibility, particularly in the context of initial and continuing training (Recommendation No. 37);
- Within the framework of initial training, create several compulsory qualifications for digital professionals specific to each profession (e.g. graphic designer, web developer, etc.) to validate the learning of a set of good practices on digital accessibility (Recommendation No. 38);
- In the public service, include in all job descriptions related to the creation of digital content, the need for digital accessibility skills (Recommendation n°39).

Priority 3: Structure the digital accessibility professions sector

- Include digital accessibility in the RNCP according to the four business profiles identified by the authors of the OPIIEC report (Recommendation no. 40):
 - digital accessibility referents, who are the most experienced and are responsible for drawing up the digital accessibility strategy;
 - e-accessibility experts, who are responsible for advising and assisting project teams and monitoring projects throughout their development;
 - e-accessibility consultants who advise the teams;
 - and finally the e-Accessibility testers who carry out compliance testing and escalate issues.

INNOVATION - Supporting innovation and research in e-accessibility

Priority 1: Encourage the development of start-ups linked to digital accessibility

- Make e-accessibility a strategic priority of the French Innovation Council (Recommendation No. 41) ;
- Identify and support existing incubators on disability and digital (Recommendation No 42) ;
- Make BpiFrance funding for businesses conditional on the accessibility of digital products and services produced on the basis of this funding (Recommendation n°43).

Priority 2: Develop funding for inclusive projects on artificial intelligence (AI)

- Create digital accessibility devices at national and European level by investing massively in AI - for example by developing mechanisms for capturing and transcribing the human voice - in order to arrive at inclusive and innovative solutions that are sovereign (Recommendation No 44) ;
- Support existing French and European accessibility solutions based on artificial intelligence (Recommendation No 45);
- Develop research on accessibility, for example by setting up an "Interdisciplinary AI Institute" in education consisting of an "IT and pedagogical pole" (Recommendation No. 46).

SOCIETY - Promoting the culture of a responsible digital society through the values conveyed by digital accessibility

Priority 1: Raise awareness of digital accessibility from school, university and throughout life

- Entrust an authority with the task of spreading good practice among organisations, through the publication of guides or training workshops (Recommendation No 47);
- Include teaching modules on digital accessibility in the Brevet Informatique et Internet (B2I), in its university equivalent, the Certificat Informatique et Internet (C2I) and in the brand new PIX certification (Recommendation No. 48);
- Within the framework of the new SNT subject, include a teaching module on digital accessibility issues (Recommendation No. 49).

Priority 2: Design responsible digital products and services

- Adapt our conception of digital products and services to the values proclaimed by France and European Union: equality, non-discrimination, inclusion and digital sobriety (Recommendation no. 50).

COMPOSITION OF THE FRENCH DIGITAL COUNCIL

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ABOUT THE FRENCH DIGITAL COUNCIL

The French Digital Council (Conseil national du numérique, abbreviated CNNum) is an independent advisory commission created on 29 April 2011 by the French presidential decree n°2011-476. Its articles of association were amended by the decree of December 8, 2017. Its members are appointed by order of the Secretary of State for Digital Affairs for a period of two years.

The Council issues independent opinions and recommendations on any question relating to the impact of digital technologies on economy and society. The government can consult the Council on new legislation or draft regulations.

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