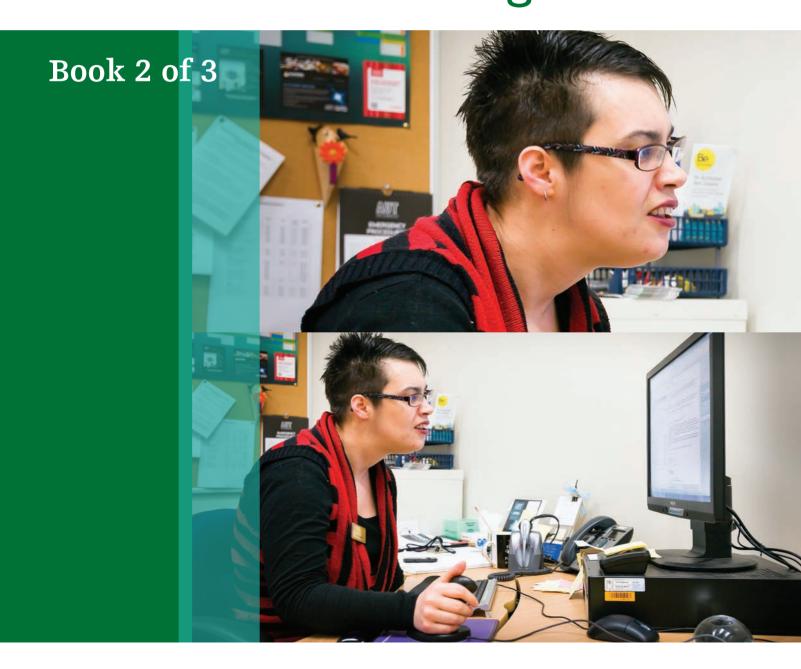


Better Information for Everyone: Disabled People's Rights in the Information Age



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Introduction

Accessing and sharing information is an important part of how we live in the world. When information is not provided in accessible ways it limits disabled people's opportunities and excludes disabled people from participating in society.

The Human Rights Commission's 2010 review of human rights in New Zealand found that disabled people remain the most disadvantaged group in New Zealand society. While gains have been made in various areas, the breadth of marginalisation of disabled people cannot be underestimated and is not easily quantified. ⁵

For disabled people, the full realisation of their human rights depends on the accessibility of information, products and services. The provision of information can create barriers if it is assumed that everyone can read and understand complicated English words and phrases, or that everyone can hear or see the information. Such barriers exist despite the fact that most of them could be avoided by careful planning, at no great cost.²

Life in the twenty-first century has been significantly transformed by the Internet. Indeed, every region in the world has experienced over 100 per cent growth in Internet usage over the past decade.³

Information, news, email, social interaction, shopping, and entertainment are accessible in an instant across the world. The Internet and modern information and communication technologies (ICT) have truly revolutionised the lives of disabled people by removing environmental barriers and enabling equal access and participation in society,⁴ improving personal autonomy and quality of life.

This report

In December 2011 the Commission released *The Wider Journey* discussion document, which raised issues relating to the built environment, independent voting processes and access to information.

The purpose of *The Wider Journey* was twofold: to invite further information and input from disabled people and experts, and to gain a more accurate picture of the issues in order to inform monitoring and implementation of the United Nations Convention on the Rights of Persons with Disabilities (Disability Convention). The discussion document also sought feedback on draft recommendations to progress improvements.

The Commission received 32 submissions on *The Wider Journey*, 20 of these responding to the chapter on access to information.

Submitters were unanimous in agreeing that access to information remains a significant and worrying barrier to disabled people's participation in society, and called for action to reduce the resulting marginalisation experienced by disabled people. All submitters supported the recommendations of *The Wider Journey*. In particularly, there was strong support for making the New Zealand Government Web Standards mandatory for district health boards, territorial local authorities, other Crown entities, and schools.

Poor access to council and school information received several mentions in submissions. Accounts of inaccessible council information related to rates, and public documents on their websites being only in Portable Document Format (PDF), which can be difficult to access for many disabled people. Schools were reported as giving poor access to information and communications on the legal rights of children who were suspended. Many submitters called for more information in plain language, and highlighted the often forgotten accessibility needs of people with learning disabilities and people experiencing mental illness.

A common theme through all submissions was a general lack of respect for disabled people's information accessibility needs,

with service providers failing to ask "How can we provide this information to you?" Submitters reported frequently not receiving answers to requests for accessible information, or receiving them only after considerable time and/or lobbying. Several submitters commented on the need for closer consultation with and involvement of disability representative organisations in the development, planning and implementation of communication strategies and plans. Details submitters gave of current problems are in the relevant sections of this report.

In addition to information from submissions, this report has drawn on complaints made to the Commission, previous Commission reports and other information shared with the Commission. This report covers:

- 1 human rights standards on accessible information
- 2 issues in New Zealand with accessible information
- 3 international and domestic good practice
- 4 ways forward
- 5 recommendations.

Human rights standards on accessible information

International obligations

The defining international standard of accessibility is the United Nations Convention on the Rights of Persons with Disabilities (Disability Convention), which New Zealand ratified in 2008. It clarifies the application and implementation of human rights for disabled people. It does not create new rights for this group of people, but requires States Parties to ensure disabled people have the full enjoyment of human rights and equality under the law.

Information accessibility is addressed in articles 9 and 21 of the Disability Convention. These require the State to facilitate disabled people's independent living and full participation, in all aspects of life, on an equal basis with others, by:

- 1 providing information intended for the general public to disabled people in accessible formats and technologies appropriate to different kinds of disabilities
- 2 in official interactions with disabled people, accepting and facilitating the use of sign languages, Braille and all other accessible means, modes and formats of communication that disabled people choose to use

- 3 promoting access to new information and communications technologies and systems, including Internet-related ones
- 4 promoting the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost
- 5 urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible formats
- 6 encouraging the mass media, including providers of information through the Internet, to make their services accessible to disabled people.

New Zealand legislation

New Zealand's legislation and policy also supports information accessibility requirements. The New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 oblige the wider state sector to "reasonably accommodate" disabled people, i.e. provide special services, facilities or information in different formats if it is reasonable to do so. Government departments are also required to implement and report on the New Zealand Disability Strategy.⁵

Full compliance with international and domestic standards of accessibility will require a planned and staged approach to ensure that improvements are progressively implemented.



A visually impaired student uses assistive computer technology.

The Commission's experience and research

Information and communications in New Zealand are often designed for one kind of end user, who can see and read proficiently in English and is confident with the Internet. This approach results in information that is not accessible to a wide range of disabled people. The following section outlines issues and problems in the accessibility of New Zealand's information and communications.

The Commission has received a steady stream of complaints and enquiries about access to information and communications. Complaints have included the inaccessibility of:

- 1 government information, due to formats it is provided in
- 2 correspondence from government departments, despite repeated requests
- 3 public service information (e.g. from a bank)
- 4 New Zealand Sign Language (NZSL) interpreters for Deaf people using government department services.

The Commission has recently undertaken two significant disability community engagement projects, one in 2010 ⁶ and one in 2011.⁷ These involved receiving information and feedback from disabled people on where action is most needed for advancing disabled people's human rights. Key examples identified in relation to information access were:

- 1 inaccessible government agency correspondence and forms that, if not responded to as required, could often result in penalties
- 2 "high stakes" information including medical information (e.g. informed consent forms and medicine labels) in inaccessible formats
- 3 inaccessible school information
 (e.g. school reports, newsletters and homework diaries)
- 4 absence of closed captions, audio descriptions or NZSL interpretations in the promotion of official information on television.⁸

Government information

Correspondence with government agencies

Government agencies interact with New Zealanders in a variety of ways that include personal correspondence and public communication.

Correspondence from government agencies can contain information about education, taxation, welfare benefits, personal health, and job applications. In the Commission's experience, letters are usually sent in printed form, with government agencies tending to argue that print correspondence, individualised to specific names, is more secure and private than electronic communications. But printed letters assume recipients are fully sighted and have a good command of the English language, with no learning disabilities. People in these circumstances are forced to rely on others to help them understand their personal, often private, and very important correspondence from government agencies.

Forms completed in handwriting are another form of communication required by government agencies, such as applications for a New Zealand passport. People who are not able to handwrite must also rely on

others to complete such forms. Transferring personal information in this way and verifying that it has been correctly recorded on the form, especially in cases where the individual is not able to read the handwriting for themselves, can be an onerous task for disabled people.

When individual staff are made aware of such difficulties, compromises can often be negotiated. However, advocating for compromises to standard operating procedures requires significant time and skills, and this in itself can leave disabled people feeling singled out and "demanding". This means that such requests can sometimes seem too difficult a challenge to instigate.

Contacting government agencies regarding specific individual requests is another common form of communication with government agencies. If the individual is email and Internet literate the question-and-answer exchange can usually be achieved. For those who are do not use the Internet and email, telephone or face-to-face interactions are often the best alternatives.

Public information

In addition to individual correspondence, government agencies provide a range of public information. The Government increasingly relies on the Internet to disseminate and store public information. Unfortunately, many disabled people do not have the necessary technology or skill needed to use the Internet, so alternative information formats or communication need to be provided.

Some government departments do provide public information in alternative formats. The Ministry of Health provides all publications, brochures and health education resources in HTML (Hypertext Markup Language) and/or Microsoft Word alongside PDF files. The Ministry of Health has also produced Disability Support Service information brochures in Easy Read format and NZSL video clips.

Some government agencies provide information over the telephone. For example, the Electoral Commission, the Ministry of Health, the New Zealand Transport Agency, and Work and Income all publish key information on the Royal New Zealand Foundation of the Blind's (RNZFB) Telephone Information Service (TIS). Digitised speech is used to narrate this information which RNZFB members can phone in and listen to.

Technology does exist which enables information written in HTML to be narrated over the telephone using understandable digitised speech. This technology could be more widely employed to increase the amount of accessible information for disabled people.

The State Services Commission has twice undertaken the "Kiwis Count" survey to measure how New Zealanders perceive and experience public services. The last survey, conducted in 2009, found that disabled people are significantly more likely to use public services to get help or advice with a problem (as opposed to seeking information). They are also less likely to have used, or prefer to use, the Internet or mobile phones to contact public services. This may reflect the higher-than-average age of disabled people, or that the type of information they are looking for is not as easy to find, or that public service websites are harder for them to navigate.

Disabled people have significantly higher contact with, and use of, health and social assistance services, and their preferred methods of contact are via telephone and face-to-face interactions.⁹

Face-to-face communication

There will always be people who require face-to-face communication whether due to a lack of access to the Internet or for reasons of their disability, such as dyslexia or another learning disability that makes it difficult to access text information. Submitters to *The Wider Journey* reported that face-to-face communication is a particularly important requirement for Māori and Pacific disabled people who require accessible information that is also culturally appropriate.

For some disabled people, widespread and increasing reliance on the Internet is making life more difficult. One person summarised this in a news media item, saying:

There are still going to be people like me out there, and we need to be given an option ... the world is still going to exist if we are not going to be computer literate.¹⁰

Submitters expressed concern at an indication from the Government that state sector reforms would involve greater reliance on technology in communicating with the public. 11 Such reforms should involve close consultation with organisations representing disabled people to ensure they reduce barriers to information and communication.



Anna Nelson, Disability Support Advisor at AUT, providing advice to a student.

World Wide Web

Government, business, educational and other organisations are increasingly using the Internet as a means of providing the public with access to information and other services in a timely and cost-effective way.

The Internet and modern information and communication technologies (ICT) have truly revolutionised the lives of the disabled. 12 Blind people can now enlist the help of electronic screen readers that read text out loud; Deaf people can read transcripts of speeches or view videos with closed-captions. People with motor disabilities who are unable to pick up a book or write can access the web through personally tailored assistive technologies (AT). The Internet has the potential to provide equal access to disabled people, and to provide this access more broadly, more cheaply and more quickly than through other media.

For over a decade, the international Web Content Accessibility Guidelines (WCAG), developed by the World Wide Web Consortium (W3C), have provided a comprehensive and authoritative international benchmark for the design of accessible websites. These guidelines were developed in 1999 and updated in 2008. They provide a ready reference of

accessibility principles for websites, web software and website tools, and an easy means of assessing the accessibility of websites.

In most cases, access to the web for disabled people can be achieved if these best-practice guidelines are implemented. However, the guidelines do not address the needs of people with learning or intellectual disabilities. This has seen few websites providing Easy Read or other formats designed for people with learning disabilities.

When designing an accessible website both navigational features and content need to be considered. File formats like GIF or TIF are generally not accessible to people who use screen readers. In recent years a lot of attention has been focussed on the accessibility of PDF files, and recent improvements in PDFs have enhanced their potential accessibility for people who use screen readers.

However, in reality, many assistive technologies, such as the commonly available screen readers, do not fully support PDF, which means it cannot be regarded as a sufficiently accessible format. An alternative

file format (like HTML or Word) must be provided and published alongside each PDF document. 13 In New Zealand, for those who depend on screen readers for internet access, HTML is the preferred format, and this is reflected in the New Zealand Government Web Standards. 14

New Zealand Government Web Standards 2.0

From July 2010, public websites created by all core government departments and ministries have had to meet the New Zealand Government Web Standards 2.0, which are based on the international Web Content Accessibility Guidelines. 15

The standards set a number of requirements for public-sector websites with their major focus being the enhancement of government website accessibility for disabled people. These guidelines recognise that accessible websites tend to benefit users without disabilities, as well as those using a variety of technologies to access the web.

The standards are grouped into four sections: strategy and operations, content and design, legal and policy, and technical. The W3C's Web Content Accessibility Guidelines 2.0 form the bulk of the technical standards. 16

Government departments and agencies are obliged to assess themselves against these standards once a year. The first such assessments were due by March 2011, but were completed in early 2012. The self-assessment process found that all mandated agencies are aware of the standards and are making efforts to implement them. As this was the first assessment process it helped to raise awareness of the standards and identify problems agencies have in implementing them. However, full compliance with the standards is low and it was hard to find any one government agency that was fully compliant.¹⁷

Although it is considered that New Zealand has good provisions for web accessibility, this has been criticised by submitters for its limited scope, which only covers government departments and not wider state-sector agencies such as district health boards, territorial local authorities and schools. Countries like Australia and the United Kingdom extend this to the private sector with significant success and backing from the judiciary. ¹⁸

Private sector services and information

Commercial services

Public services include commercial services such as those provided by banks and power companies. Some commercial services are working to ensure their services are accessible to everyone but many barriers still exist for disabled people.

The New Zealand Bankers' Association has developed a set of voluntary guidelines "to assist banks to meet the needs of older and disabled customers", 19 and there have been significant improvements in the banking services available to disabled customers in recent years. For example, most banks are rolling out talking automatic teller machines (ATMs), which will improve independence for blind and vision-impaired customers. Until Kiwibank is able to install its own talking ATMs, it is enabling free access to other banks' talking ATMs for its customers who register for this service. The Banking Ombudsman also provides a service in which unresolved complaints can be taken to them by any member of the public, including disabled people. However, submitters reported ongoing problems in accessing banks and more work needs to be done to reduce these barriers for disabled people.

An increasing number of services provide options for customers to receive alerts and check balances on mobile phones or email. This enables access for some disabled customers, such as those with speech software or screen magnification on their cell phones. However, these services are inaccessible to other disabled people who may, for example, communicate only by a land-line phone. Electronic statements and bills from banks and utility companies are often provided in PDF, which, as outlined previously, has limited compatibility with some screen reading technology.

Mass media

Newspapers and television news provide important information to the public. There are some good accessibility provisions in this area but significant barriers still exist.

Since 2003, the New Zealand Herald has made electronic versions of the paper available to the Royal New Zealand Foundation of the Blind (RNZFB). Digitised speech is then used to narrate newspaper articles over their Telephone Information Service (TIS). A competitor, Fairfax Limited, also provides the RNZFB with electronic versions of some articles from its papers,

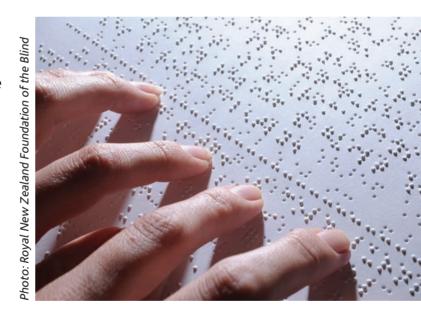
but, as with the government information described earlier, these services are only available to RNZFB members.

While highly valued by blind users, the TIS news is extremely limited compared with the extensive service provided by Vision Australia, which provides a large library of books, magazines and resources for children.²⁰ The Commission could not find an example of a newspaper that is provided in its entirety in an accessible format. Advertising is routinely omitted, and publishers do not share any articles which they do not have copyright to provide online. This is despite unique provisions in Australian and New Zealand copyright legislation which allows blindness agencies to reproduce materials without securing copyright clearance.

During the 1990s, Television New Zealand ran a weekly programme of news for Deaf people in NZSL, but this service came to an end some years ago. Television New Zealand Access Services provides closed captions on TV One News bulletins each day and captions many primetime programmes on three TV channels. However, organisations representing Deaf and hearing-impaired people are lobbying for more accessible

broadcasting, highlighting the low rates of access to television broadcasting in New Zealand compared with other countries. This includes inaccessible online video content which is significant given the growing provision of broadcasting via the Internet, such as TV on demand.

The Commission is not aware of any Easy Read material produced by the mass media in New Zealand.



Diverse accessibility issues

A few submitters raised issues related to information access for Māori and Pacific people where computer access and literacy can be very low, and face-to-face communication is preferred. Submitters highlighted a gap in the provision of information to Māori and Pacific people that is both accessible for disabled people and culturally appropriate. In response to this gap, a submitter reported that a non-government organisation had produced an accessible brochure outlining various government disability support services available to their largely Māori community.

A submitter representing Pacific disabled people expressed concern at the isolation of many Pacific disabled people and their dependence on family members for access to information. Many Pacific people do not have Internet access and their primary means of getting information is via face-to-face contact. The latter is more successful if carried out in Pacific cultural spaces or with a cultural advocate.

International good practice

The Global Initiative for Inclusive Information and Communication Technologies (G3ict) is an international initiative established to support the implementation of the various ICT provisions in the Disability Convention.

Participating organisations include industry, academia, the public sector and organisations representing disabled people. G3ict has developed a framework for assessing a country's compliance in line with the ICT accessibility requirements of the Disability Convention.²¹

New Zealand good practice

As indicated above, there are some good practices underway in New Zealand to ensure that information is accessible. These have been supported by the implementation of the New Zealand Government Web Standards and by ongoing lobbying by disabled individuals and disability groups.

During the Civil Defence response to the Canterbury earthquakes, in 2010 and 2011, NZSL interpreters were provided for some essential official announcements. However, subsequent requests for NZSL interpreters have not been supported.

Good practice examples include:

- 1 the Ministry of Health (see page 10)
- 2 government department staff who are vigilant in keeping records of customers' preferred formats, to help ensure letters sent to those customers are accessible to them
- 3 the Office for Disability Issues guides and toolkits on making information accessible for disabled people, e.g. Make Your Communication Accessible; A Guide on Making "Easy Read" Information; and Common Website Accessibility Barriers and Solutions.²²

The way ahead

New Zealand has some good standards for web accessibility and a mechanism for monitoring compliance with these standards. However, more work needs to be done on ensuring and promoting compliance by the wider state sector and private entities. The standards could also be updated to include provision for Easy Read information.

The Commission noted the importance placed on the provision of accessible information in the aftermath of the Christchurch earthquakes. Article 11 of the Disability Convention requires States Parties to take "all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk ... and the occurrence of natural disasters". To this end, a communications plan for disabled people should ensure that all important information in emergency situations is conveyed in a manner which makes it accessible to all.

In view of the potential costs involved in fully implementing the rights contained in the Disability Convention, compliance is expected to happen progressively depending on the availability of resources. To avoid this being used as a reason for non-compliance, States Parties must demonstrate that they are making progress using the resources at their disposal effectively, and that they are not implementing regressive measures.



A joystick "mouse" that can be used by those with limited dexterity. Very little pressure is needed for left or right clicking.

Recommendations

The Commission recommends that:

- a. the Canterbury Earthquake Recovery
 Authority and the Christchurch City
 Council provide key information
 regarding the Canterbury earthquake
 recovery and rebuild in ways that are
 accessible to all citizens, including
 ensuring that all website information
 conforms to New Zealand Government
 Web Standards
- b. the New Zealand Government Web Standards be promoted to ensure compliance by all government departments
- c. the New Zealand Government Web Standards be made mandatory for Crown entities including district health boards, territorial local authorities and schools
- d. government departments incorporate the implementation of accessible information guidelines and toolkits into their annual New Zealand Disability Strategy plans and reports.

Appendix A

The Disability Convention

The Disability Convention addresses accessibility of information in five of its articles. Article 2, for instance, provides clear definitions of the important terms "Communication" and "Language". "Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plainlanguage, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology. "Language" means spoken and signed languages and other forms of non-spoken languages. This article also defines "universal design" as it applies to communications and means:

the design of products ... to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

In recognition of the fundamental qualities needed to ensure disabled people's human rights, "accessibility" and "full and effective participation and inclusion in society" are included in Article 3 as the defining general principles of the Disability Convention. This prioritises accessibility and full participation as principles to guide the interpretation and implementation of the entire Disability Convention.

Other principles of the Disability Convention to be considered in its implementation include: non-discrimination, equality of opportunity, and respect for people's inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons.²³ These concepts mean that society, both in its public and in its private dimensions, is organised to enable all people to take part fully in all its spheres.²⁴

Article 4 of the Disability Convention outlines the State's obligations to ensure and promote the full realisation of all human rights and fundamental freedoms for all disabled people without discrimination of any kind on the basis of disability, including:

1 to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention; (Article 4(1)(a)

- 2 to take into account the protection and promotion of the human rights of disabled people in all policies and programmes; Article 4(1)(c)
- 3 to take all appropriate measures to eliminate discrimination on the basis of disability by any person, organisation or private enterprise; *Article 4(1)(c)*
- 4 to undertake or promote research and development of, and to promote the availability and use of, new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost; (Article 4(1)(q)
- 5 to provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities; *Article 4(1)(h)*
- 6 in the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning

issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities through their representative organisations; *Article 4(3)*

Article 9 of the Disability Convention is dedicated to all aspects of accessibility. This includes access to information and communications, and information and communications technologies and systems, including electronic services and emergency services. This article provides a positive duty on States to take steps to:

- 1 promote the provision of appropriate forms of assistance and support to ensure access to information for disabled people; (Article 9(2)(f)
- 2 to promote access for persons with disabilities to new information and communications technologies and systems, including the Internet; (Article 9(2)(g)
- 3 to promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and

systems become accessible at minimum cost; (Article 9(2)(h).

Article 21 addresses disabled people's right to freedom of expression and opinion, and access to information, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice. This article provides a positive duty on States to take all appropriate measures to ensure these rights for disabled people, including by:

- 1 providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost; *Article 21(a)*
- 2 accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions; Article 21(b)
- 3 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; *Article 21(c)*
- 4 encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities; *Article 21(d)*
- 5 recognising and promoting the use of sign languages; *Article 21(e)*.

Access to information and communications enables disabled people to then exercise their civil and political, social cultural and economic rights.

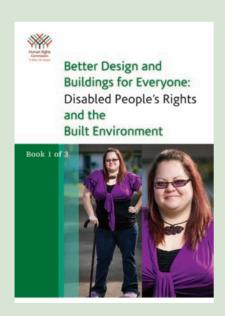
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- 4 Report of the United Nations Expert Group
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- 5 The New Zealand Disability Strategy is a government document mandated under the New Zealand Public Health and Disability Act 2000. The Act also requires the Minister for Disability Issues to report annually on government departments' progress in implementing the Disability Strategy.
- 6 The development of the chapter on the rights of disabled people in the 2010 Review of Human Rights involved disability community

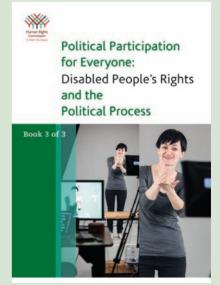
- engagement and consultations. The 2011 engagement work followed on from the 2010 findings.
- An extensive disability community engagement programme run by the Commission in 2011 involved hosting 20 hui for disability communities in Auckland/Northland, the Central region and the South Island. Approximately 550 people attended. The purpose of these hui included gathering information on where action is most needed on disabled people's human rights, which would in turn assist the Commission in advocating for the rights of disabled people and monitoring the implementation of the Disability Convention. Accessibility was by far the most frequent issue raised by participants, with access to information being one of three more referenced accessibility problems.
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