

# WEB ACCESSIBILITY FOR PEOPLE WITH DISABILITIES IN GEORGIA:

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## RECOMMENDATIONS REPORT

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Operating Unit on Policy-Driven  
Electronic Governance



UN for  
Persons with  
Disabilities  
in Georgia



# WEB ACCESSIBILITY FOR PEOPLE WITH DISABILITIES IN GEORGIA:

*D2 RECOMMENDATIONS REPORT*

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## ABBREVIATIONS

### **CRPD**

UN Convention on Rights of Persons with Disabilities

### **ICTs**

Information and communication technologies

### **WCAG**

Web Content Accessibility Guidelines

### **W3C**

World Wide Web Consortiums

### **WHO**

World Health Organization

### **EU**

European Union

### **GoG**

Government of Georgia

## EXECUTIVE SUMMARY

In assessing the state of affairs and global best practice of web accessibility for Persons with Disabilities (PwD) in Georgia, this report finds that data on disability in Georgia is limited and fragmented. The lack of concrete statistics of the persons with different abilities makes it impossible to discern the real picture of the problems faced by, and the needs of PwDs and their families. For instance, no specific data by gender, age groups, income or educational attainment levels exists for PwDs in Georgia. As of October 2020, Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs (MoIDPOTLHSA) estimated that 127,132 individuals are registered as recipients of state social assistance related to disability (up from 118,651 in March 2015). This is well below global estimates of 10-15% of the world's population having some form of permanent or temporary disability.

The online survey of the PwD community conducted in 2021, found that a third have not been in contact with the public sector in the last 12 months, highlighting the potential underestimation of the community's size in Georgia. Of the survey respondents 8 in 10 lives with family. A quarter are unemployed, with half living on an annual income below GEL 2,999, and a majority of respondents rely on government pensions or financial support from family. The respondents indicate, that the PwD community generally have access to mobile phones, with roughly half using laptops and PCs on a regular basis. There

is a preference for independent living and self-managed access to government services through the internet, by telephone or physically (in that order of preference).

A simple web accessibility assessment of a selected number of public and private websites in Georgia found that none fully comply with the W3C's WCAG AA level.<sup>1</sup> Public sector websites generally perform better than their private sector equivalents. The lack of compliance with the WCAG standard is partially caused by the fact that currently this standard is not introduced in Georgia. Compared to international good practice, Georgian government websites do not perform badly, but there is improvement potential across the broad range of areas, not least in relation to Georgia's commitment to the CRPD.

In light of the project findings, three recommendations are made for the Georgian approach to underpin the country's ratification of the CRPD and the improved web accessibility for PwDs.

First, Georgia must introduce the missing **legal and regulatory components** and align these to the EU approach and the WCAG standard. It is recommended that Georgia transposes the Directive (EU) 2016/2102 into its national legislation, by either adopting a special Law on the Accessibility of Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities (recommended solution) or adopting a Regulation on the

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1. The W3C WCAG is a standard for web accessibility. It is the key international standard for web accessibility and good end-user design. See section 3.1., pages 18-19 for more.

Accessibility of the Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities. Non-governmental entities refer to all entities including private, non-profit and other forms of companies, organisations etc.

Second, a whole-of-government online **usability and web accessibility standard**, including the WCAG standard, level AA, should be introduced. This will also align Georgian with international and EU practice and requirements. It is recommended to assign that responsibility to the Data Governance Agency (DGA), and to incorporate as an initiative in the upcoming Digital Governance Strategy for Georgia 2021-2024. Relevant resources must be provided to DGA for this expanded mandate.

Third, a **governance and compliance framework** facilitating the improved online usability and web accessibility, with a particular focus on the online service offers of the public sectors, should be introduced in Georgia. It is recommended to strengthen the existing mandate of DGA to include monitoring and compliance assurance of both the legal and regulatory framework related to online usability and the web accessibility standard. Relevant resources must be provided to DGA for this expanded mandate.

# 1. INTRODUCTION AND BACKGROUND

## 1.1. Why is web accessibility important?

The UN CRPD recognizes the critical role of information and communication technologies (ICTs) to enable and empower Persons with Disabilities (PwDs) and facilitate their full enjoyment with the same human rights and fundamental freedoms on par with the general population.

## 1.2. People with Disabilities in Georgia

Data on disability in Georgia is very limited and fragmented. The MoIDPOTLHSA estimated that in October 2020 127,132 individuals were registered as recipients of state social assistance related to disabilities (up from 118,651 in March 2015).<sup>2</sup> Equivalent to 3% of the total population, which is well below both the World Bank and the WHO more conservative estimates of a global disability prevalence - around 10%.<sup>3,4</sup>

Scaling the WHO's conservative 10%<sup>5</sup> estimates to the number Georgians with some form or degree of disability in 2020 would be approximately 398,000. If using 15% estimate by the World Bank (2020) the number would be closer to 600,000 people equivalent to around half the population of Tbilisi.

In an online survey distributed to PwDs in Georgian and English languages, in February-March 2021, a number of complimentary findings emerged in relation to the PwD community.<sup>6</sup> While statistically not valid (due to sample size) it does provide a number of interesting insights. Close to 90% of respondents are aged 19 to 59, of which 72% live in the greater Tbilisi area and 78% in towns with 200,000 or more inhabitants. A full 86% live with family while only 8.3% live alone. Half the respondents indicated annual income levels below GEL 2,999, with 22.2% and relying mainly on government pensions and 13.9% receiving financial support from family. A full 47.2% of PwD respondents are employed in the private sector, 25% are unemployed, 8.3% are government employees, with a similar number of PwDs being self-employed, and 2.8% studying.

A full 33% of respondents had not been in contact with any government entity in the last 12 months, while 58.4% had been at least twice, and 38.9% have been more than five times in the last year. This highlights the need for government assistance but also the fact that not all PwDs are potentially captured by MoIDPOTLHSA data.

2. MoLHSA (2020). სოციალური პაკეტის მიმღებთა რაოდენობა ჯგუფების მიხედვით.

3. IDFI (2015)

4. UNDP (2019c)

5. UNDP (2019c)

6. Web accessibility for People with Disabilities in Georgia (2021). Survey was in Feb-March 2021 online. Survey sample is 36. Survey questions and responses provided in separate report.



A number of behavioural and preferential trends emerge from the online survey of the PwD community. The vast majority of respondents prefer to access government online and by themselves. This is followed by a preference for telephone or physical contact with the government. There is a lower preference for personal assistance, indicating that PwDs aim to live and function independently and without special assistance of family or friends.

In relation to access, mobile phones are the most common digital device PwDs in Georgia have access to and use with over 61% of respondents using it frequently. This is followed by half commonly using laptops and some four out of ten using desktop PCs. The use of tablets and other devices is low. For communication with family, in person interaction dominates with 75% indicating it is the most common form of interaction. By comparison telephone and internet-based contact is common for about half of the respondents.

Georgians with visual challenges tend to use screen readers and read aloud functions on websites, but often have personal assistance. Survey respondents have a preference for the former, plus audio translations of online content. Georgians with restrictive body movements tend to use contact-operated devices, with mouthpieces, voice-command and audio-description functions being important tools. Similar tools are preferred and in addition to that improved audio description software installed on websites and read-aloud functionality. Georgians with hearing problems tend to look for sub-titles on videos, text transcripts of audio, and alternative texts. Sign-language is also looked for. These are also the preferred options but combined with screen-readers. Georgians with cognitive challenges tend to get help from others (e.g., family and friends), but also use read-aloud and voice command software. The preference is for having assistance and alternative means of information and services.

## 2. RECOMMENDATIONS

The reports undertaken in the framework of the project: State-of-affairs and International Best Practice Report (D1) and stakeholder Consultation Report (D2), resulted in three main recommendations to comply with CRPD requirements and to improve web accessibility for PwDs. The recommendations are:

Recommendations 1: Introduce the missing **legal and regulatory components** and align these to the EU approach and the WCAG standard.

Recommendation 2: Introduce a whole-of-government online **usability and web accessibility standard**, including the WCAG standard, level AA.

Recommendations 3: Introduce the **governance and compliance framework** facilitating the improved online usability and web accessibility, with a particular focus on online service offers of the public sector.

Each of the three recommendations will be outlined in the following three sections.

### 2.1. *Legal and regulatory components*

To address all the recommendations \ the legal and regulatory framework in Georgian must be adjusted.

First, any future legislation in Georgia should be aligned to the four principles of accessibility of websites and mobile applications – but also online content and transactional eServices – as used in Directive (EU) 2016/2102. That is:

- Perceivability, i.e., information and user interface components must be presentable to users in ways they are perceived;
- Operability, meaning that user interface components and navigation must be operable;
- Understandability, i.e., information and the operation of the user interface must be understandable, and
- Robustness, i.e., content must be robust enough to be interpreted reliably by a wide variety of user agents, including assistive technologies.

Second, to underpin the CRPR commitment the following legal and regulatory adjustments should be implemented:

1. Georgia should align its legal and regulatory approach to that of the EU by transposing [Directive \(EU\) 2016/2102](#) into its national legislation. Either by adopting a special Law on the Accessibility of the Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities (recommended) or adopting a Regulation on the Accessibility of the Websites and Mobile Applications of Public Institutions and all Non-Governmental Entities. Non-Governmental entities refer to all entities including private, non-profit and other forms of companies, organisations etc.

2. To ensure that all ICT devices and solutions are universally accessible to all, including PwDs, Georgia is also encouraged to review:
  - a. A public sector regulations giving equivalent access (incl. choice and affordability) to PwDs, which shall be aligned with the EU [Users' Rights' Directive \(2009/136\)](#), the [Directive 2002/22 on universal service and users' rights relating to electronic communications networks and services \(Universal Service Directive\)](#) to ensure that people with disabilities are able to access electronic communications. It shall further be aligned with the [Amended Audio-visual Media Services Directive 2018/1808](#) to ensure that the disability accessibility is required from providers of audio-visual media services, including emergency services.
  - b. A private sector regulations, that should include a standard for accessibility requirements for ICT products and services, which in turn should be aligned with the [European Accessibility Act \(2019/882/EU\)](#) and the [Electronic Communications Code \(Directive 2018/1972\)](#). The first, regulates accessibility of key products and services in the public and private sector, such as computers, smartphones, tablets, TV sets, banking ATMs and services, payment terminals, eBooks and eReaders, eCommerce websites, apps, eServices and ticketing machines. The second, the address access electronic communications, such as the telephone network, the internet and email, on an equal basis with others.

### **The current legal framework**

The issue of the rights of the people with disabilities in Georgia is currently regulated by the:

- [Law of Georgia on the Rights of Persons with Disabilities](#)

The issue of electronic communications in Georgia is regulated by the:

- [Law of Georgia on Electronic Communications](#)
- [Law of Georgia on Electronic Documents and Electronic Trust Services](#)

The following institutions are mandated to act at the strategic or operational level and to perform oversight of the implementation of the legislation in the area of electronic communications:

- Ministry of Justice
- Georgian National Communications Commission
- Digital Governance Agency (established by the [Law of Georgia on the legal entity under public law called the Digital Governance Agency](#))

### **Transposition of the European Parliament and the Council Directive (EU) 2016/2102 of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies**

To address recommendation 1 and create the relevant mandates for recommendations 2 and 3, the EU [Directive \(EU\) 2016/2102](#) should be transposed into national legislation. By transposing Directive (EU) 2016/2102, a minimum standard for accessibility of the websites and mobile applications of public sector bodies, will be established in the Republic of Georgia. A minimum standard aligned with European and global good practice.

The practice for transposition varies across the EU Member states. The majority of the countries

adopted Laws (*lex specialis*) to incorporate the provisions of the Directive into domestic legislation. The example of states are [Belgium](#), [Czechia](#), [Denmark](#), [Spain](#), [France](#), [Croatia](#), [Cyprus](#), [Luxembourg](#), [Hungary](#), [Poland](#), [Portugal](#), [Romania](#) and [Finland](#). The second-largest group of EU Member states adopted an implementing regulation, such as [Estonia](#), [Latvia](#), [Lithuania](#), [Malta](#) and [Netherlands](#). The rest of the EU Member states transposed the Directive mostly by amending their respective Laws on Electronic Communications or Electronic Government. In almost all cases, additional amendments were made. This included, for instance, amendments of the laws on administrative procedure, laws on establishing institutions/agencies with the regulatory mandate, laws on misdemeanours (or administrative offences), ombudsperson, etc.

Considering the practice of the EU Member states, as well as the current legal system in Georgia, two possibilities for transposition of the Directive are recommended:

1. Adoption of a special Law on the Accessibility of the Websites and Mobile Applications of Public Institutions, and
2. Adoption of a Regulation on the Accessibility of the Websites and Mobile Applications of Public Institutions.

The first potential solution will require the adoption of a special **Law on the Accessibility of Websites and Mobile Applications of Public Entities and All Non-Governmental Entities**. Non-governmental entities refer to all entities including private, non-profit and other forms of companies, organisations etc. This Law will directly regulate the obligations of the public institutions and all non-governmental entities and set the minimum standards for accessibility of the websites and mobile applications (i.e., address recommendation 1). It will also regulate the jurisdiction of the regulatory authority, the monitoring and evaluation mechanisms and the compliance measures. It is recommended to assign this role to the Digital Governance Agency (i.e., address recommendation 3). This will be in-line with existing legal and regulatory mandates. In addition to the Law, the Agency will have to adopt implementing regulations for setting the model of the accessibility statement and the model of the monitoring methodology. A draft of the Law on Accessibility of Websites and Mobile Application of Public Sector Bodies is enclosed in Annex I.

The second potential solution will require the adoption of a **Regulation on the Accessibility of Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities**. For this scenario, the Law of Georgia on the Rights of Persons with Disabilities or the Law of Georgia on Electronic Communications needs to be amended to set up the legal basis for the adoption of the implementing regulations. This regulation will regulate the obligations of the public institutions and all non-governmental entities and set the minimum standards for accessibility of the websites and mobile applications of public institutions. It will also regulate the jurisdiction of the authority including the monitoring and evaluation mechanisms and the compliance measures. It is recommended this role be assigned to the Digital Governance Agency, which is aligned with existing legal and regulatory mandates. The disadvantage of this solution is that the regulation cannot regulate the compliance measures and impose fines. This solution will require amendments of the Law of Georgia on the legal entity under public law called the Digital Governance Agency (to regulate the mandate of the Agency) and the Code of Administrative Offences (to regulate the compliance measures and the fines). In addition to the Regulation, the

Agency will have to adopt internal regulations for setting the model of the accessibility and the monitoring methodology. A draft of the Regulation on the Accessibility of Websites and Mobile Application of Public Institutions and All Non-Governmental Entities is enclosed in Annex I.

Irrespective of the solutions chosen a legal and regulatory impact assessment need to be performed to assess which laws or regulations will be affected and how these new minimum standards will affect both public institutions and non-governmental entities.

Although it may be relatively easier to adopt a Regulation, it will require a greater number of amendments to other existing Laws and Regulations (e.g., the DGA Act, the Electronic Communication Act etc.). Based on the Georgian legal tradition, international and specifically European best practice, it is **recommended that for Georgia to adopt a special Law on the Accessibility of Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities**. The proposed text for the Law is enclosed in Annex I.

Considering the international and European good practice, public institutions and non-governmental entities should be given enough period for implementation of the Law/Regulation setting minimum standards. It is **recommended that a minimum twelve, but maximum 24 months is allocated to its implementation**.

## 2.2. Usability and web accessibility standard

To address recommendation 2, it is important to compliment the legal and regulatory framework complying with the transposed Directive (EU) 2016/2102, to ensure the actual improvement of web accessibility for PwDs and the general population. It is therefore recommended for the GoG to develop and introduce an online usability and web accessibility standard (i.e., address recommendation 2). The standard should have the following features:

1. Recommendation for the pre-development design, development and post development process.
2. Mandatory requirements for language use, look-and-feel, functionality, web accessibility (i.e., WCAG AA).
3. Supporting elements like examples, code for reuse, stylesheets, self-assessment tool, and support by the responsible authority.
4. Relevant mandate and responsibility to ensure compliance and support should be approved. It is recommended that the mandate and responsibility are anchored to the government entity responsible for digitization of the Government of Georgia, currently the Digital Governance Agency (DGA) but supported by a cross-governmental working group and steering committee including representatives from key GoG entities like the Ministry of Finance, Ministry of Interior, local authorities etc.

Inspired by the Danish approach it is **recommended for Georgia to establish a usability and web accessibility standard covering (local, regional and national), websites, apps and transactional online services all levels of government and incorporate measurable minimum accept criteria, guidelines and tools as well**. It is further **recommended to include measurable minimum accept**

**criteria in an initial Georgian version(s), or a phase of at least four (4) years (to follow the upcoming Digital Transformation Strategy for 2021-2024), of the usability and web accessibility guide.** Subsequent versions, or a phase two, may be based on guiding principles of usability but with the WCAG standards at its core. This should be based on an assessment of the level of compliance with the usability standards in Georgia. If compliance is low, phase one should be continued to establish a user-centric service design culture.

It is **recommended that these proposals are incorporated into the 2021 work programme(s) and relevant strategies of the GoG and the entity responsible for digitisation.**

### 2.3. Governance and compliance framework

As recommended in section 2.1 by transposing Directive (EU) 2016/2102 into Georgian legislation, the legal basis and standard for web accessibility, as well as the legal and regulatory responsibility and mandates to ensure compliance will be established. Specifically, the adjusted Georgian legislation will underpin compliance with the legal and regulatory framework, the usability and web accessibility standard, as it will:

- Establish the mandate and responsibility to monitor, assess and enforce compliance with the new CRPD and an online usability and web accessibility standard (incl. WCAG AA). It is recommended that this mandate and responsibility be anchored to the government entity responsible for digitisation of the GoG, currently the DGA.
- The mandate will include the mandatory follow-up on formal action plans signed by any government entity found non-compliant.

This mandate and responsibility is **recommended to be accompanied with a number of specific actions:**

1. Establishment of **formal action plans** specifying key activities and a timeline for DGA and GoG entities. Non-compliant entities should be fully responsible for the follow-up and any costs associated with compliance with the established web accessibility and usability standards (established in recommendations in section 2.1 and 2.2).
2. The mandate should be accompanied with a **relevant budget increase for the mandated entity.**
3. The mandated entity has **the right to escalate non-compliance to the cabinet office of GoG and/or any national steering committee** responsible for digitisation or PwD accessibility in the Georgia and the GoG.
4. **Establish an annual assessment** cycle of online services of the government and key private sector companies. The annual assessments should be broader and more in-depth for an initial four (4) years to improve the level of compliance across Georgia. The annual assessment report should be complemented by an assessment of web accessibility for PwDs as established in Georgia's CRPD commitment(s). The annual assessment reports should be aligned and linked to the Public Defender's reporting cycles.

It is further **recommended that an initial phase one for four (4) years should be based on validation checks of all key high-frequency, high-volume government websites, apps and eServices (as per usability and web accessibility standard)**. This could be linked also to reporting on the Public Service Quality Index developed by the Public Service Authority which includes criteria relevant to usability and web accessibility. A subsequent phase two, could once compliance is a regular occurrence, be based on regular spot-checks on guiding principles for usability but with the WCAG standards remaining at its core.

It is **advised to incorporate these recommendations into the 2021 work programme(s) and relevant strategies of the GoG and the entity responsible for digitisation.**

# ANNEX 1

## LAW OF GEORGIA ON THE ACCESSIBILITY OF WEBSITES AND MOBILE APPLICATIONS OF PUBLIC INSTITUTIONS AND ALL NON-GOVERNMENTAL ENTITIES

### Article 1 – Scope of regulation

- (1) This Law lays down provisions related to the accessibility requirements of the websites and mobile applications of public institutions or non-governmental entities, thereby enabling those websites and mobile applications to be more accessible to users, in particular to persons with disabilities.

### Article 2 – Exemptions of application

- (1) This Law does not apply to the following websites and mobile applications:
  - (a) websites and mobile applications of public broadcasters and their subsidiaries, and of other bodies or their subsidiaries fulfilling a public service broadcasting remit;<sup>7</sup>
  - (b) websites and mobile applications of non-governmental organisations that do not provide services that are essential to the public, such as services that are directly mandated by state or local authorities, or
  - (c) websites and mobile applications of schools, kindergartens or nurseries, except for the content thereof related to essential online administrative functions. When the essential content is provided in an accessible manner through another website, its redevelopment in an accessible format on the website of the concerned establishment is not required.
- (2) This Law shall not apply to the following content of websites and mobile applications:
  - (a) office file formats published before \_\_\_\_\_, unless such content is needed for active administrative processes relating to the services performed by the public institution and non-governmental entities concerned;

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7. Please note that the right of persons with disabilities and of the elderly to participate and be integrated in the social and cultural life in Georgia is inextricably linked to the provision of accessible audio-visual media services. However, that right may be better developed in the context of Georgian specific legislation focusing on accessibility that also applies to private broadcasters in order to guarantee conditions of fair competition without prejudice to the public interest role performed by the audio-visual media services. This Law/Regulation should consequently not apply to the websites and mobile applications of public service broadcasters.



- (b) pre-recorded time-based media published before \_\_\_\_\_;
- (c) live time-based media, unless these media are kept online or republished after the live broadcast. These media shall be considered as pre-recorded time-based media without undue delay from the date of the initial broadcast or republishing of the time-based media, not exceeding the time strictly necessary to make time-based media accessible with priority being given to essential information relating to the health, welfare and safety of the public, for which the period of time shall not exceed fourteen (14) days. In justified cases, such as when it is impossible to procure the relevant services in due time, such period might exceptionally be extended to the shortest time necessary to make the content accessible;
- (d) online maps and mapping services, as long as essential information is provided in an accessible digital manner for maps intended for navigational use;
- (e) third-party content that is neither funded nor developed by, nor under the control of, the public institution and non-governmental entities concerned. Where the purpose of content of websites or mobile applications of public institutions is to hold consultations or to organise forum discussions, that content shall not be considered as third-party content and shall not therefore be excluded from the scope of this Law, except in the case of user-contributed content which is not under the control of the public institution or the non-governmental entities concerned;
- (f) reproductions of items in heritage collections that cannot be made fully accessible because of either:
  - i. the incompatibility of accessibility requirements with either the preservation of the item concerned or the authenticity of the reproduction, such as contrast; or
  - ii. the unavailability of automated and cost-efficient solutions that would easily extract the text of manuscripts or other items in heritage collections and transform it into content compatible with the accessibility requirements;
- (g) content of extranets and intranets, meaning websites that are only available for a closed group of persons and not to the public in general, published before \_\_\_\_\_, until such websites undergo a substantial revision;
- (h) content of websites and mobile applications qualifying as archives, meaning that content of such websites and mobile applications is neither needed for active administrative processes nor updated or edited after \_\_\_\_\_.

### Article 3 – Definition of terms

- (1) For the purposes of this Law, the terms used herein shall have the following meanings:
- (a) **Accessibility** - principles and techniques to be observed when designing, constructing, maintaining, and updating websites and mobile applications in order to make them more accessible to users, in particular, but in no way limited, to persons with disabilities;
  - (b) **Agency** - the Digital Governance Agency established under the Law of Georgia on the legal entity under public law called the Digital Governance Agency;
  - (c) **Bodies governed by public law** - bodies that have all of the following characteristics:
    - i. are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
    - ii. have legal personality; and
    - iii. are financed, for the most part, by the state or local authorities or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the state or local authorities, or by other bodies governed by public law;
  - (d) **Content of websites and mobile applications** - textual as well as non-textual information, downloadable documents and forms, and two-way interaction such as the processing of digital forms and the completion of authentication, identification and payment processes;
  - (e) **Disproportionate burden** - measures that would impose an excessive organisational or financial burden on a public institution or a non-governmental entity or would jeopardise the capacity of the body to either fulfil its purpose or to publish information needed for or relevant to its tasks and services, whilst taking into account the likely resulting benefit or detriment for citizens, in particular persons with disabilities.
  - (f) **Items in heritage collections** - privately or publicly owned goods presenting a historical, artistic, archaeological, aesthetic, scientific or technical interest and that are part of collections preserved by cultural institutions such as libraries, archives and museums;
  - (g) **Measurement data** - quantified results of the monitoring activity carried out in order to verify the compliance of the websites and mobile applications of public institutions and non-governmental entities with the accessibility requirements set out in article 4 of this Law. It covers both quantitative information about the sample of websites and mobile applications tested, such as the number of websites and applications with, potentially, the number of visitors or users; and quantitative information about the level of accessibility;

- (h) **Mobile application** - application software designed and developed, by or on behalf of public institutions or non-governmental entities, for use by the general public on mobile devices such as smartphones and tablets. It does not include the software that controls those devices (mobile operating systems) or hardware;
- (i) **Non-governmental entity** – an entity, organisation or institution under article \_\_\_\_\_ of the \_\_\_\_\_ of Georgia;
- (j) **Office file formats** – the documents that are not intended primarily for use on the web and that are included in web pages such as Adobe Portable Document Format (PDF), Microsoft Office documents or their (open source) equivalents;
- (k) **Public institution** - an institution under article 27 of the General Administrative Code of Georgia;
- (l) **Stakeholders** - persons with disabilities, organisations representing the interests of persons with disabilities and of the elderly, social partners, industry involved in the creation of accessibility software relating to websites and mobile applications, and civil society;
- (m) **Standard** - a technical specification, adopted by a recognised standardisation body, for repeated or continuous application, with which compliance is not compulsory, and which is one of the following:
  - i. International standard - a standard adopted by an international standardisation body;
  - ii. European standard - a standard adopted by a European standardisation organisation;
  - iii. Harmonised standard - a European standard adopted on the basis of a request made by the European Commission for the application of European Union harmonisation legislation;
- (n) **Time-based media** - media of the following types: audio-only, video-only, audio-video, audio and/or video combined with interaction;
- (o) **Web page** – a web document accessible through the web browser designed or developed by public institution or designed or developed on their behalf, which is used by the users on their devices (computers, mobile phones, PDAs, etc.).

**Article 4 - Requirements for the accessibility of websites and mobile applications**

- (1) Public institutions and non-governmental entities shall take the necessary measures to make their websites and mobile applications more accessible by making them:
  - (a) perceivable, meaning that information and user interface components are presentable to users in ways they can perceive;
  - (b) operable, meaning that user interface components and navigation are operable;
  - (c) understandable, meaning that information and the operation of the user interface are understandable; and
  - (d) robust, meaning that content must be robust enough to be interpreted in a reliable manner by a wide variety of user agents, including assistive technologies.

**Article 5 - Disproportionate burden**

- (1) Public institutions and non-governmental entities shall apply the accessibility requirements set out in article 4 of this Law to the extent that those requirements do not impose a disproportionate burden on them for the purposes of that regulation.
- (2) Only legitimate reasons shall be taken into account in any assessment of the extent to which the accessibility requirements cannot be met because they would impose a disproportionate burden; in particular, lack of priority, time or knowledge shall not be considered as legitimate reasons, nor shall there be deemed to be any legitimate reasons for not procuring or developing software systems to manage content on websites and mobile applications in an accessible manner.
- (3) In order to assess the extent to which compliance with the accessibility requirements set out in article 4 of this Law imposes a disproportionate burden, public institutions and non-governmental entities shall take account of relevant circumstances, including the following:
  - (a) the size, resources and nature of the public institution or non-governmental entity concerned; and
  - (b) the estimated costs and benefits for the public institution or non-governmental entity concerned in relation to the estimated benefits for users, in particular but in no way limited to persons with disabilities taking into account the frequency and duration of use of the specific website or mobile application.
- (4) Without prejudice to paragraph 1 of this article, the public institution or non-governmental entity concerned shall perform the initial assessment of the extent to which compliance with the accessibility requirements set out in article 4 of this Law imposes a disproportionate burden.

- (5) Where a public institution or non-governmental entity avails itself of the derogation provided for in paragraph 1 of this article for a specific website or mobile application, after conducting an assessment as referred to in paragraph 3 of this article, it shall endeavour to make the content in question as accessible as possible and shall make other content fully accessible.
- (6) Where a public institution or non-governmental entity avails itself of the derogation provided for in paragraph 1 of this article for a specific website or mobile application after conducting an assessment as referred to in paragraph 3 of this article, it shall explain, in the accessibility statement referred to in article 7 of this Law, the part or parts of the accessibility requirements that could not be complied with and shall, where appropriate, provide accessible alternatives.
- (7) Public institutions or non-governmental entities shall provide the Agency with a written report on the initial assessment referred to in paragraph 3 of this article of the extent to which compliance with the accessibility requirements set out in article 4 of this Law imposes a disproportionate burden, and the said report shall also include a description of the accessible alternatives referred to in paragraph 6 of this article.
- (8) Without prejudice to its powers to initiate investigations pursuant to article 10 of this Law, the Agency may deliver a written opinion on the initial assessment report within twenty (20) days of receipt thereof, requesting the public institution or non-governmental entity concerned to take any measures he deems necessary in the circumstances. Such written opinion shall be communicated to the public institution concerned by registered letter.

#### **Article 6 - Presumption of conformity with the accessibility requirements**

- (1) Content of websites or mobile applications that fulfils the relevant requirements of European standard [EN 301 549 V1.1.2 \(2015-04\)](#) or parts thereof shall be presumed to be in conformity with the accessibility requirements set out in article 4 of this Law that are covered by those relevant requirements or by parts thereof.

#### **Article 7 – Accessibility statement**

- (1) Public institutions shall provide and regularly update a detailed, comprehensive and clear accessibility statement on the compliance of their websites and mobile applications with this Law.
- (2) The accessibility statement shall include:
  - (a) an explanation concerning those parts of the content that are not accessible, and the reasons for that inaccessibility and, where appropriate, the accessible alternatives provided for;

- (b) a description of, and a link to, a feedback mechanism enabling any person to notify the public institution concerned of any failure of its website or mobile application to comply with the accessibility requirements set out in article 4 of this Law, and to request the information excluded pursuant to article 2(2) and article 5 of this Law; and
  - (c) a link to the enforcement procedure set out in article 10 to which recourse may be had in the event of an unsatisfactory response or of a lack of a response to the notification or the request.
- (3) For websites, the accessibility statement shall be provided in an accessible format, using the model accessibility statement adopted by the Agency and shall be published on the relevant website.
  - (4) For mobile applications, the accessibility statement shall be provided in an accessible format, using the model accessibility statement adopted by the Agency and shall be available on the website of the public institution or non-governmental entity that developed the mobile application concerned, or alongside other information available when downloading the application.
  - (5) The model of the accessibility statement shall be adopted by the Agency within six months following entering into force of this Law.
  - (6) Where a public institution or non-governmental entity receives a notification or a request pursuant to article 4(1)(b) of this Law, it shall provide an adequate response to such notification or request within fifteen (15) working days.

### **Article 8 - Additional measures**

- (1) The Agency shall adopt measures to facilitate the application of the accessibility requirements set out in article 4 of this Law to websites and mobile applications other than those of public institutions and non-governmental entities and, in particular, to websites and mobile applications covered by existing national laws on accessibility.
- (2) The Agency shall promote and facilitate training programmes relating to the accessibility of websites and mobile applications for relevant stakeholders and staff of public institutions and non-governmental entities, designed to train them how to create, manage and update the accessible content of websites and mobile applications.
- (3) The Agency shall take the necessary measures to raise awareness of the accessibility requirements set out in article 4 of this Law, of their benefits to users and to owners of websites and mobile applications, and of the possibility of giving feedback in the case of any failure by public institutions and non-governmental entities to comply with the requirements of this Law.

### **Article 9 – Monitoring and reporting**

- (1) The Agency shall periodically monitor the compliance of websites and mobile applications of public institutions and non-governmental entities with the accessibility requirements set out in article 4 of this Law.
- (2) The Agency shall prepare and submit annual reports to the Parliament of Georgia on the outcome of the monitoring, including the measurement data. Such report shall be drawn up on the basis of the arrangements for reporting referred to paragraph 4 of this article, and it shall also cover information on the use of the enforcement procedure set out in article 10 of this Law.
- (3) In relation to the measures adopted pursuant to article 8 of this Law, the first report shall also cover the following:
  - (a) description of the mechanisms set up for consulting with relevant stakeholders on the accessibility of websites and mobile applications;
  - (b) procedures to make public any developments in accessibility policy relating to websites and mobile applications;
  - (c) experiences and findings from the implementation of the rules on conformity with the accessibility requirements set out in article 4 of this Law; and
  - (d) information on training and awareness-raising activities.
- (4) Where significant changes have been made in relation to the elements of paragraph 3 of this article, the Agency shall include in subsequent reports information concerning those changes.
- (5) The content of all the reports, which need not list the websites, mobile applications or public institutions examined, shall be made public in an accessible format.
- (6) The model of the monitoring methodology of paragraph 1 of this article shall be adopted by the Agency within six months following entering into force of this Law.

### **Article 10 – Investigations and Complaints**

- (1) The Agency shall initiate investigations on the website or mobile application of a public institution or a non-governmental entity where he has the reason to believe that such public institution or non-governmental entity has acted or is acting in breach of this Law.
- (2) The Agency shall also initiate investigations on the website or mobile application of a public institution or non-governmental entity upon the receipt of a complaint in writing by any person alleging that such public institution or non-governmental entity provided an unsatisfactory response or failed to provide a response to a notification or request within

the time period specified in article 7(6) of this Law or has otherwise acted or is acting in breach of the provisions of this Law.

- (3) When commencing an investigation pursuant to paragraphs 1 and 2 of this article, the Agency shall notify all the parties concerned in accordance with the methods of service set out in article 14 of this Law, that it intends to carry out an investigation. When notifying the public institution or non-governmental entity concerned, the Agency shall inform it that the Agency has reason to believe that that public institution or the non-governmental entity acted or is acting in breach of this Law, and shall grant the public institution concerned fifteen (15) days from the service to reply in writing to the Agency, stating whether that public institution or non-government entity considers the complaint to be justified, which course of action it will be taking to remedy the situation, as the case may be, and a reasonable time line within which it will implement the course of action as indicated.
- (4) By means of a notice in a format accessible to the intended recipient, the Agency may, if so required for the purpose of carrying out an investigation, request any person:
  - (a) to provide it with any information that may be described in the said notice;
  - (b) to produce any documents in possession or control of that person relating to the investigation.
- (5) A person shall not be obliged to give information or produce a document requested as defined in paragraphs 4 of this article if that person is deemed to be exempt from providing that information or producing the document before the Court in civil proceedings.
- (6) The Agency shall communicate its decision stating whether or not the public institution or non-governmental entity concerned has failed to comply with or has otherwise acted or is acting in breach of, any of the requirements set out in this Law to the parties concerned, in accordance with the methods of service set out in Article 14 of this Law. In its decision of the Agency shall give the reasons for its finding of a breach of this Law and shall request the public institution or non-governmental entity concerned to undertake any remedial action the Agency deems necessary in the circumstances within a specified time limit and inform the public institution or non-governmental entity that, in default, the Agency shall proceed to undertake compliance measures as provided for in this Law.
- (7) Agency may, upon receipt of a request by the public institution or non-governmental entity concerned made in writing or by electronic means within seven (7) days of service of the decision, decide to extend the time limit for compliance with the decision if the Agency considers that the circumstances of the case so allow.
- (8) In the event that the public institution or non-governmental entity concerned, having been served with the decision of the Agency as provided in paragraph 6 of this article, fails to take the necessary action within the specified time limit, the Agency shall in the first instance proceed to undertake a compliance measure consisting of the publication of the name of the public institution or non-governmental entity and of the decision of the Agency in



accordance with the provisions of Article 12 of this Law.

- (9) Prior to taking of any such compliance measures pursuant to paragraph 8 of this article, the Agency shall issue a final warning to the public institution or non-governmental entity concerned in accordance with the methods of service set out in article 14 of this Law, stipulating a further time-limit which may not exceed fifteen (15) days from service of such warning within which the public institution or non-governmental entity must comply with its decision, and specifying the compliance measures that will be taken if the public institution or non-governmental entity concerned remains in default of such compliance.
- (10) If notwithstanding the publication of the name of the public institution or non-governmental entity and of the decision of the Agency as provided for in paragraph 8 of this article, the public institution or non-governmental entity persists in not complying with the aforesaid decision, the Agency may then impose an administrative fine in accordance with the provisions of article 12 of this Law.

#### **Article 11 – Role of the Agency**

- (1) The Agency shall be responsible for monitoring and enforcing the application of the provisions of this Law in order to ensure the compliance of websites and mobile applications of public institutions and non-governmental entities with the accessibility requirements set out in article 4 of this Law.
- (2) The Agency may seek the advice of, and may consult with, any other competent body or entity in the exercise of its functions under this Law.

#### **Article 12 – Compliance measures**

- (1) Subject to the provisions of article 10(8) of this Law, where a public institution or non-governmental entity does not comply with any of its obligations pursuant to this Law, then the Agency may in the first instance publish the name of the public institution or non-governmental entity and the decision of the Agency taken pursuant to article 10(6) of this Law in any such manner as it considers appropriate in the circumstances.
- (2) If notwithstanding the compliance measure taken by the Agency under paragraph 1 of this article, the public institution or non-governmental entity still fails to comply with the decision of the Agency, then the Agency may, if such a decision has not been appealed by the public institution or non-governmental entity, impose an administrative fine not exceeding \_\_\_\_\_GEL.
- (3) Before proceeding to impose any the fine of the paragraph 2 of this article, the Agency shall write a warning to the non-compliant public institution or non-governmental entity on the fine that may be imposed, the reasons therefor, giving that public institution or non-governmental entity a period of seven (7) days for making its written submissions/response. The Agency shall then proceed to decide whether to impose a fine and if it decides to impose a fine the amount indicated in paragraph 2 of this article. In doing so the Agency shall state its reasons therefor.

- (4) For the purposes of this Law, the Agency may when undertaking a compliance measure which includes the publication of a decision, at its discretion publish only a summary consisting of the salient points of its decision such as it may consider appropriate in the circumstances.

#### **Article 13 – Right of appeal**

- (1) The public institution or non-governmental entity concerned or the complainant as the case may be, may lodge an appeal before the \_\_\_\_\_ from a decision of the Agency issued pursuant to this Law.
- (2) The effects of a decision by the Agency, which is appealed from shall not, except where the \_\_\_\_\_, as the case may be, so orders, be suspended by virtue of the appeal.
- (3) Any administrative fine imposed by the Agency shall not apply until the public institution or non-governmental entity on whom the administrative fine is imposed has exhausted the right of appeal that it may exercise in accordance with this Law, or if the public institution to whom the decision is addressed has permitted the applicable time-limits to contest such a fine expire without availing itself of the said right of appeal.

#### **Article 14 – Methods of service**

- (1) Where the Agency exercises its powers pursuant to this Law, the decision of the Agency shall forthwith be served on the public institution or non-governmental entity to whom the decision is addressed and on the complainant, as the case may be, either by registered post to the official address of the public institution or non-governmental entity and to the last known business or private address of the complainant, or by electronic means that provide a reliable record of when service took place.
- (2) In the case of service by electronic means, the decision shall be deemed to have been served upon the public institution or non-governmental entity to whom the decision is addressed, and on the complainant as the case may be, when the Agency has received:
  - (a) an electronic receipt automatically generated by the e-mail server when the communication is read; or
  - (b) a written confirmation by return electronic mail from an employee of the public institution or non-governmental entity to whom the decision is addressed, and from the complainant as the case may be.
- (3) If service is not effected within a week of issuing the decision for any reason attributable to the public institution or non-governmental entity to whom the decision is addressed, or to the complainant as the case may be, the Agency shall publish a notice in the official gazette and in one or more daily newspapers, stating that a decision has been taken in respect of the public institution to whom the decision is addressed, or the complainant as the case may be, and inviting it or him to collect the decision from the Agency. In any such case, service shall be deemed to have been effected on the third day after the date of publication of the last notice.

**Article 14 – Entry into force of this Law**

- (1) This Law shall enter into force upon its promulgation.
- (2) This Law shall apply as follows:
  - (a) to websites of public institutions and non-governmental entities not published before \_\_\_\_\_, from \_\_\_\_\_;
  - (b) to websites of public institutions and non-governmental entities not covered by paragraph (1)(a), from \_\_\_\_\_; and
  - (c) to mobile applications of public institutions and non-governmental entities, from \_\_\_\_\_.

## ANNEX 2

### REGULATION ON THE ACCESSIBILITY OF THE WEBSITES AND MOBILE APPLICATIONS OF PUBLIC INSTITUTIONS AND ALL NON-GOVERNMENTAL ENTITIES

#### Article 1 – Scope of regulation

- (1) This Regulation lays down provisions related to the accessibility requirements of the websites and mobile applications of public institutions and or non-governmental entities, thereby enabling those websites and mobile applications to be more accessible to users, in particular to persons with disabilities.

#### Article 2 – Exemptions of application

- (1) This Regulation does not apply to the following websites and mobile applications:
  - (a) websites and mobile applications of public broadcasters and their subsidiaries, and of other bodies or their subsidiaries fulfilling a public service broadcasting remit;
  - (b) websites and mobile applications of nongovernmental organisations that do not provide services that are essential to the public, such as services that are directly mandated by state or local authorities, or
  - (c) websites and mobile applications of schools, kindergartens or nurseries, except for the content thereof related to essential online administrative functions. When the essential content is provided in an accessible manner through another website, its redevelopment in an accessible format on the website of the concerned establishment is not required.
- (2) This Regulation shall not apply to the following content of websites and mobile applications:
  - (a) office file formats published before \_\_\_\_\_, unless such content is needed for active administrative processes relating to the services performed by the public institution or non-governmental entity concerned;
  - (b) pre-recorded time-based media published before \_\_\_\_\_;
  - (c) live time-based media, unless these media are kept online or republished after the live broadcast. These media shall be considered as pre-recorded time-based media without undue delay from the date of the initial broadcast or republishing of the time-based media, not exceeding the time strictly necessary to make time-based media accessible with priority being given to essential information relating to the health, welfare and safety of the public, for which the period of time shall not exceed fourteen (14) days. In justified cases, such as when it is impossible to procure the relevant services in due

time, such period might exceptionally be extended to the shortest time necessary to make the content accessible;

- (d) online maps and mapping services, as long as essential information is provided in an accessible digital manner for maps intended for navigational use;
- (e) third-party content that is neither funded nor developed by, nor under the control of, the public institution or non-governmental entity concerned. Where the purpose of content of websites or mobile applications of public institutions or non-public entities is to hold consultations or to organise forum discussions, that content shall not be considered as third-party content and shall not therefore be excluded from the scope of this Regulation, except in the case of user-contributed content which is not under the control of the public institution or non-governmental entity concerned;
- (f) reproductions of items in heritage collections that cannot be made fully accessible because of either:
  - i. the incompatibility of accessibility requirements with either the preservation of the item concerned or the authenticity of the reproduction, such as contrast; or
  - ii. the unavailability of automated and cost-efficient solutions that would easily extract the text of manuscripts or other items in heritage collections and transform it into content compatible with the accessibility requirements;
- (g) content of extranets and intranets, meaning websites that are only available for a closed group of persons and not to the public in general, published before \_\_\_\_\_, until such websites undergo a substantial revision;
- (h) content of websites and mobile applications qualifying as archives, meaning that content of such websites and mobile applications is neither needed for active administrative processes nor updated or edited after \_\_\_\_\_.

### Article 3 – Definition of terms

- (1) For the purposes of this Regulation, the terms used herein shall have the following meanings:
  - (a) **Accessibility** - principles and techniques to be observed when designing, constructing, maintaining, and updating websites and mobile applications in order to make them more accessible to users, in particular, but in no way limited, to persons with disabilities;
  - (b) **Agency** - the Digital Governance Agency established under the Law of Georgia on the legal entity under public law called the Digital Governance Agency;
  - (c) **Bodies governed by public law** - bodies that have all of the following characteristics:
    - i. are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;

- ii. have legal personality; and
  - iii. are financed, for the most part, by the state or local authorities or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the state or local authorities, or by other bodies governed by public law;
- (d) **Content of websites and mobile applications** - textual as well as non-textual information, downloadable documents and forms, and two-way interaction such as the processing of digital forms and the completion of authentication, identification and payment processes;
- (e) **Disproportionate burden** - measures that would impose an excessive organisational or financial burden on a public institution or non-governmental entity, or would jeopardise the capacity of the body to either fulfil its purpose or to publish information needed for or relevant to its tasks and services, whilst taking into account the likely resulting benefit or detriment for citizens, in particular persons with disabilities.
- (f) **Items in heritage collections** - privately or publicly owned goods presenting a historical, artistic, archaeological, aesthetic, scientific or technical interest and that are part of collections preserved by cultural institutions such as libraries, archives and museums;
- (g) **Measurement data** - quantified results of the monitoring activity carried out in order to verify the compliance of the websites and mobile applications of public institutions and non-governmental entities with the accessibility requirements set out in article 4 of this Regulation. It covers both quantitative information about the sample of websites and mobile applications tested, such as the number of websites and applications with, potentially, the number of visitors or users; and quantitative information about the level of accessibility;
- (h) **Mobile application** - application software designed and developed, by or on behalf of public institutions, for use by the general public on mobile devices such as smartphones and tablets. It does not include the software that controls those devices (mobile operating systems) or hardware;
- (p) **Non-governmental entity** – an entity, organisation or institution under article \_\_\_\_\_ of the \_\_\_\_\_ of Georgia;
- (i) a voluntary self-governing body established to pursue essentially non-profit making objectives;
- (j) **Office file formats** – the documents that are not intended primarily for use on the web and that are included in web pages such as Adobe Portable Document Format (PDF), Microsoft Office documents or their (open source) equivalents;

- (k) **Public institution** - an institution under article 27 of the General Administrative Code of Georgia;
- (l) **Stakeholders** - persons with disabilities, organisations representing the interests of persons with disabilities and of the elderly, social partners, industry involved in the creation of accessibility software relating to websites and mobile applications, and civil society;
- (m) **Standard** - a technical specification, adopted by a recognised standardisation body, for repeated or continuous application, with which compliance is not compulsory, and which is one of the following:
  - i. International standard - a standard adopted by an international standardisation body;
  - ii. European standard - a standard adopted by a European standardisation organisation;
  - iii. Harmonised standard - a European standard adopted on the basis of a request made by the European Commission for the application of European Union harmonisation legislation;
- (n) **Time-based media** - media of the following types: audio-only, video-only, audio-video, audio and/or video combined with interaction;
- (o) **Web page** - a web document accessible through the web browser designed or developed by public institution or non-governmental entity or designed or developed on their behalf, which is used by the users on their devices (computers, mobile phones, PDAs, etc.).

#### **Article 4 - Requirements for the accessibility of websites and mobile applications**

- (1) Public institutions and non-governmental entities shall take the necessary measures to make their websites and mobile applications more accessible by making them:
  - (a) perceivable, meaning that information and user interface components are presentable to users in ways they can perceive;
  - (b) operable, meaning that user interface components and navigation are operable;
  - (c) understandable, meaning that information and the operation of the user interface are understandable; and
  - (d) robust, meaning that content must be robust enough to be interpreted in a reliable manner by a wide variety of user agents, including assistive technologies.

**Article 5 - Disproportionate burden**

- (1) Public institutions and non-governmental entities shall apply the accessibility requirements set out in article 4 of this Regulation to the extent that those requirements do not impose a disproportionate burden on them for the purposes of that regulation.
- (2) Only legitimate reasons shall be taken into account in any assessment of the extent to which the accessibility requirements cannot be met because they would impose a disproportionate burden; in particular, lack of priority, time or knowledge shall not be considered as legitimate reasons, nor shall there be deemed to be any legitimate reasons for not procuring or developing software systems to manage content on websites and mobile applications in an accessible manner.
- (3) In order to assess the extent to which compliance with the accessibility requirements set out in article 4 of this Regulation imposes a disproportionate burden, public institutions and non-governmental entities shall take account of relevant circumstances, including the following:
  - (a) the size, resources and nature of the public institution or non-governmental entity concerned; and
  - (b) the estimated costs and benefits for the public institution or non-governmental entity concerned in relation to the estimated benefits for users, in particular but in no way limited to persons with disabilities taking into account the frequency and duration of use of the specific website or mobile application.
- (4) Without prejudice to paragraph 1 of this article, the public institution or non-governmental entity concerned shall perform the initial assessment of the extent to which compliance with the accessibility requirements set out in article 4 of this Regulation imposes a disproportionate burden.
- (5) Where a public institution or non-governmental entity avails itself of the derogation provided for in paragraph 1 of this article for a specific website or mobile application, after conducting an assessment as referred to in paragraph 3 of this article, it shall endeavour to make the content in question as accessible as possible and shall make other content fully accessible.
- (6) Where a public institution or non-governmental entity avails itself of the derogation provided for in paragraph 1 of this article for a specific website or mobile application after conducting an assessment as referred to in paragraph 3 of this article, it shall explain, in the accessibility statement referred to in article 7 of this Regulation, the part or parts of the accessibility requirements that could not be complied with and shall, where appropriate, provide accessible alternatives.
- (7) Public institutions and non-governmental entities shall provide the Agency with a written report on the initial assessment referred to in paragraph 3 of this article of the extent to



which compliance with the accessibility requirements set out in article 4 of this Regulation imposes a disproportionate burden, and the said report shall also include a description of the accessible alternatives referred to in paragraph 6 of this article.

- (8) Without prejudice to its powers to initiate investigations pursuant to article 10 of this Regulation, the Agency may deliver a written opinion on the initial assessment report within twenty (20) days of receipt thereof, requesting the public institution or non-governmental entity concerned to take any measures he deems necessary in the circumstances. Such written opinion shall be communicated to the public institution or non-governmental entity concerned by registered letter.

#### **Article 6 - Presumption of conformity with the accessibility requirements**

- (1) Content of websites or mobile applications that fulfils the relevant requirements of European standard [EN 301 549 V1.1.2 \(2015-04\)](#) or parts thereof shall be presumed to be in conformity with the accessibility requirements set out in article 4 of this Regulation that are covered by those relevant requirements or by parts thereof.

#### **Article 7 – Accessibility statement**

- (1) Public institutions and non-governmental entities shall provide and regularly update a detailed, comprehensive and clear accessibility statement on the compliance of their websites and mobile applications with this Regulation.
- (2) The accessibility statement shall include:
  - (a) an explanation concerning those parts of the content that are not accessible, and the reasons for that inaccessibility and, where appropriate, the accessible alternatives provided for;
  - (b) a description of, and a link to, a feedback mechanism enabling any person to notify the public institution or non-governmental entity concerned of any failure of its website or mobile application to comply with the accessibility requirements set out in article 4 of this Regulation, and to request the information excluded pursuant to article 2(2) and article 5 of this Regulation; and
  - (c) a link to the enforcement procedure set out in article 10 to which recourse may be had in the event of an unsatisfactory response or of a lack of a response to the notification or the request.
- (3) For websites, the accessibility statement shall be provided in an accessible format, using the model accessibility statement adopted by the Agency and shall be published on the relevant website.
- (4) For mobile applications, the accessibility statement shall be provided in an accessible format, using the model accessibility statement adopted by the Agency and shall be available on

the website of the public institution or non-governmental entity that developed the mobile application concerned, or alongside other information available when downloading the application.

- (5) The model of the accessibility statement shall be adopted by the Agency within six months following entering into force of this Regulation.
- (6) Where a public institution or non-governmental entity receives a notification or a request pursuant to article 4(1)(b) of this Regulation, it shall provide an adequate response to such notification or request within fifteen (15) working days.

### **Article 8 - Additional measures**

- (1) The Agency shall adopt measures to facilitate the application of the accessibility requirements set out in article 4 of this Regulation to websites and mobile applications other than those of public institutions and or non-governmental entities and, in particular, to websites and mobile applications covered by existing national laws on accessibility.
- (2) The Agency shall promote and facilitate training programmes relating to the accessibility of websites and mobile applications for relevant stakeholders and staff of public institutions and non-governmental entities, designed to train them how to create, manage and update the accessible content of websites and mobile applications.
- (3) The Agency shall take the necessary measures to raise awareness of the accessibility requirements set out in article 4 of this Regulation, of their benefits to users and to owners of websites and mobile applications, and of the possibility of giving feedback in the case of any failure by public institutions or non-governmental entities to comply with the requirements of this Regulation.

### **Article 9 – Monitoring and reporting**

- (1) The Agency shall periodically monitor the compliance of websites and mobile applications of public institutions and non-governmental entities with the accessibility requirements set out in article 4 of this Regulation.
- (2) The Agency shall prepare and submit annual reports to the Parliament of Georgia on the outcome of the monitoring, including the measurement data. Such report shall be drawn up on the basis of the arrangements for reporting referred to paragraph 4 of this article, and it shall also cover information on the use of the enforcement procedure set out in article 10 of this Regulation.
- (3) In relation to the measures adopted pursuant to article 8 of this Regulation, the first report shall also cover the following:
  - (a) description of the mechanisms set up for consulting with relevant stakeholders on the accessibility of websites and mobile applications;

- (b) procedures to make public any developments in accessibility policy relating to websites and mobile applications;
  - (c) experiences and findings from the implementation of the rules on conformity with the accessibility requirements set out in article 4 of this Regulation; and
  - (d) information on training and awareness-raising activities.
- (4) Where significant changes have been made in relation to the elements of paragraph 3 of this article, the Agency shall include in subsequent reports information concerning those changes.
- (5) The content of all the reports, which need not list the websites, mobile applications or public institutions examined, shall be made public in an accessible format.
- (6) The model of the monitoring methodology of paragraph 1 of this article shall be adopted by the Agency within six months following entering into force of this Regulation.

#### **Article 10 – Investigations and Complaints**

- (1) The Agency shall initiate investigations on the website or mobile application of a public institution or non-governmental entity where he has the reason to believe that such public institution or non-governmental entity has acted or is acting in breach of this Regulation.
- (2) The Agency shall also initiate investigations on the website or mobile application of a public institution or non-governmental entity upon the receipt of a complaint in writing by any person alleging that such public institution or non-governmental entity provided an unsatisfactory response or failed to provide a response to a notification or request within the time period specified in article 7(6) of this Regulation or has otherwise acted or is acting in breach of the provisions of this Regulation.
- (3) When commencing an investigation pursuant to paragraphs 1 and 2 of this article, the Agency shall notify all the parties concerned in accordance with the methods of service set out in \_\_\_\_\_ (*Law that regulates the administrative procedure*) of this Regulation, that it intends to carry out an investigation. When notifying the public institution or non-governmental entity concerned, the Agency shall inform it that the Agency has reason to believe that that public institution or non-governmental entity acted or is acting in breach of this Regulation, and shall grant the public institution or non-governmental entity concerned fifteen (15) days from the service to reply in writing to the Agency, stating whether that public institution or non-governmental entity considers the complaint to be justified, which course of action it will be taking to remedy the situation, as the case may be, and a reasonable time line within which it will implement the course of action as indicated.
- (4) By means of a notice in a format accessible to the intended recipient, the Agency may, if so required for the purpose of carrying out an investigation, request any person:

- (a) to provide it with any information that may be described in the said notice;
  - (b) to produce any documents in possession or control of that person relating to the investigation.
- (5) A person shall not be obliged to give information or produce a document requested as defined in paragraphs 4 of this article if that person is deemed to be exempt from providing that information or producing the document before the Court in civil proceedings.
- (6) The Agency shall communicate its decision stating whether or not the public institution or non-governmental entity concerned has failed to comply with or has otherwise acted or is acting in breach of, any of the requirements set out in this Regulation to the parties concerned, in accordance with the methods of service set out in \_\_\_\_\_ (*Law that regulates the compliance measures*). In its decision of the Agency shall give the reasons for its finding of a breach of this Regulation and shall request the public institution or non-governmental entity concerned to undertake any remedial action the Agency deems necessary in the circumstances within a specified time limit and inform the public institution or non-governmental entity that, in default, the Agency shall proceed to undertake compliance measures as provided for in this Regulation.
- (7) Agency may, upon receipt of a request by the public institution concerned made in writing or by electronic means within seven (7) days of service of the decision, decide to extend the time limit for compliance with the decision if the Agency considers that the circumstances of the case so allow.
- (8) In the event that the public institution or non-governmental entity concerned, having been served with the decision of the Agency as provided in paragraph 6 of this article, fails to take the necessary action within the specified time limit, the Agency shall in the first instance proceed to undertake a compliance measure consisting of the publication of the name of the public institution or non-governmental entity and of the decision of the Agency in accordance with the provisions of \_\_\_\_\_ (*Law that regulates the compliance measures*).
- (9) Prior to taking of any such compliance measures pursuant to paragraph 8 of this article, the Agency shall issue a final warning to the public institution or non-governmental entity concerned in accordance with the methods of service set out in \_\_\_\_\_ (*Law that regulates the compliance measures*), stipulating a further time-limit which may not exceed fifteen (15) days from service of such warning within which the public institution or non-governmental entity must comply with its decision, and specifying the compliance measures that will be taken if the public institution or non-governmental entity concerned remains in default of such compliance.
- (10) If notwithstanding the publication of the name of the public institution and of the decision of the Agency as provided for in paragraph 8 of this article, the public institution persists in not complying with the aforesaid decision, the Agency may then impose an administrative fine in accordance with the provisions of \_\_\_\_\_ (*Law that regulates the compliance measures*).

### **Article 11 – Application**

- (1) This Regulation shall apply as follows:
  - (a) to websites of public institutions and non-governmental entities not published before \_\_\_\_\_, from \_\_\_\_\_;
  - (b) to websites of public institutions and non-governmental entities not covered by paragraph (1)(a), from \_\_\_\_\_; and
  - (c) to mobile applications of public institutions and non-governmental entities, from \_\_\_\_\_.

The following provisions needs to be incorporated in the Laws that regulate the mandate of the Agency, and the administrative offences and procedure.

### **Article \_\_ – Role of the Agency**

- (1) The Agency shall be responsible for monitoring and enforcing the application of the provisions of the Regulation on the Accessibility of the Websites and Mobile Applications of Public Institutions and All and Non-Governmental Entities in order to ensure the compliance of websites and mobile applications of public institutions and non-governmental entities with the accessibility requirements set out in article 4 of the Regulation.
- (2) The Agency may seek the advice of, and may consult with, any other competent body or entity in the exercise of its functions under the Regulation on the Accessibility of the Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities.

### **Article \_\_ – Compliance measures**

- (1) Subject to the provisions of article 10(8) of the Regulation on the Accessibility of the Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities, where a public institution does not comply with any of its obligations pursuant to the Regulation, then the Agency may in the first instance publish the name of the public institution or non-governmental entity and the decision of the Agency taken pursuant to article 10(6) of the Regulation in any such manner as it considers appropriate in the circumstances.
- (2) If notwithstanding the compliance measure taken by the Agency under paragraph 1 of this article, the public institution or non-governmental entity still fails to comply with the decision of the Agency, then the Agency may, if such a decision has not been appealed by the public institution or non-governmental entity, impose an administrative fine not exceeding \_\_\_\_\_GEL.
- (3) Before proceeding to impose any the fine of the paragraph 2 of this article, the Agency shall write a warning to the non-compliant public institution or non-governmental entity on the fine that may be imposed, the reasons therefor, giving that public institution or non-

governmental entity a period of seven (7) days for making its written submissions/response. The Agency shall then proceed to decide whether to impose a fine and if it decides to impose a fine the amount indicated in paragraph 2 of this article thereof. In doing so the Agency shall state its reasons there for.

- (4) For the purposes of the Regulation on the Accessibility of the Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities, the Agency may when undertaking a compliance measure which includes the publication of a decision, at its discretion publish only a summary consisting of the salient points of its decision such as it may consider appropriate in the circumstances.

#### **Article \_\_ – Right of appeal**

- (1) The public institution or non-governmental entity concerned or the complainant as the case may be, may lodge an appeal before the \_\_\_\_\_ from a decision of the Agency issued pursuant to the Regulation on the Accessibility of the Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities.
- (2) The effects of a decision by the Agency, which is appealed from shall not, except where the \_\_\_\_\_, as the case may be, so orders, be suspended by virtue of the appeal.
- (3) Any administrative fine imposed by the Agency shall not apply until the public institution or non-governmental entity on whom the administrative fine is imposed has exhausted the right of appeal that it may exercise in accordance with the Regulation on the Accessibility of the Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities, or if the public institution or non-governmental entity to whom the decision is addressed has permitted the applicable time-limits to contest such a fine expire without availing itself of the said right of appeal.

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