Transatlantic Learning: From Washington to London and Beyond

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Abstract

Previous research refers to the influence of ideas and values on policy design as policy learning. For 25 years, the values and ideas of the Americans With Disabilities Act (ADA) have influenced disability law and policy globally and, as several authors have emphasized, have served as inspiration in European antidiscrimination legislation. This article explores the influence of the ADA on disability policy learning in Europe and the European policy traditions that have defined policies regulating the accessibility of information and communication technologies (ICT) for persons with cognitive disabilities. It attempts to demonstrate that ADA policy values have influenced antidiscrimination legislation in the United Kingdom and Norway and that European policy traditions have shaped the extension of antidiscrimination legislation to ICT accessibility for persons with cognitive disabilities. Finally, this article seeks to provide a useful basis for further informing the implementation of the ADA.

Key Words: policy learning; Americans With Disabilities Act; ICT accessibility; cognitive disability

This article explores the 25-year influence of the Americans With Disabilities Act (ADA) in Europe by examining policy learning as a process of integrating domestic and international ideas. It further describes opportunities going forward for policy learning in the United States based on a European approach to ensuring information and communications technologies (ICT) accessibility for persons with cognitive disabilities. Research has examined ICT accessibility as an interdisciplinary social, legal, organizational, and individual phenomenon (Blanck, 2008, 2014b; Easton, 2011, 2013; Giannoumis, 2014a, 2014b; Lazar & Jaeger, 2011; Myhill, Cogburn, Samant, Addom, & Blanck, 2008; Noble, 2002; Tatomir & Durrance, 2010; Toboso, 2011; Wall & Sarver, 2003). The academic debate has spanned decades and has examined the accessibility implications of technological innovations such as the graphical user interface (Paciello, 2000; Thatcher, 2006), learning technologies (Tobin, 2014), anonymity technologies (Giannoumis, 2014c), the semantic web (Blanck, 2014a, 2014b) and the “Internet of Things” (Blanck, 2015, this issue). However, despite efforts from advocates, social scientists, and legal scholars to inform policy implementation and practice, persons with disabilities still experience ICT accessibility barriers. According to Blanck (2015, this issue) cognitive disability “covers conditions that may be based on the interaction of biology and environment over the life course—autism, intellectual and developmental disabilities, cerebral palsy, traumatic brain injury, brain injury acquired from aging, physiological and environmental conditions, post-traumatic stress disorder, dyslexia and learning disorders, and other conditions called print-related disabilities.”

Previous research has theorized that policy learning involves the international transfer of ideas when the experiences of other governments are used to inform the design of laws and policies (Dolowitz, Greenwold, & Marsh, 1999; Dolowitz & Marsh, 1996, 2000; Meseguer, 2005). Since the enactment of the ADA in 1990, the ideas and principles of the ADA have diffused to national
and international law in Europe and beyond (Halvorsen, 2010; Halvorsen & Hvinden, 2009; Hvinden, 2009; Hvinden & Halvorsen, 2003; Quinn, 2004, 2006). However, despite the influence of the ADA, the European approach to disability law and policy has been influenced by policy traditions based on ensuring human rights and achieving social outcomes through a combination of persuasion and technical standardization.

Further, research has demonstrated that the principles enshrined in the ADA have influenced disability law and policy in Europe (Blanck, 2009; Burke, 1997; Halvorsen, 2010; Quinn, 2004, 2009). At Northeastern Law School’s 11th Annual Valerie Gordan Human Rights Lecture, international and comparative disability law and policy Professor Gerard Quinn captures the influence of the ADA, stating that the ADA:

is remarkable not for what it is but for what it stands for. It symbolises an attempt . . . to treat persons with disabilities as subjects and not as objects, to give them visibility as human persons. This symbolic move motivates millions beyond your borders.

In the years following Quinn’s address at Northeastern, social scientists began to empirically investigate the similarities and differences between disability policy in Europe and the United States. This research used political theories based on institutional change and policy learning to construct a framework for examining the policy instruments and regulatory approach to disability policy in the United States and Europe.

However, research has yet to explore fully the influence of the ADA using institutional change and policy learning theories as an analytic framework for examining the transfer of ideas. This article fills this gap by exploring the influence of the ADA on disability policy in Europe and analyses the European policy traditions that have defined ICT accessibility policy in the United States and Europe.

Theoretical Framework

Previous research on institutional change and policy learning provides a useful theoretical framework for examining the influence of the ADA on policy design in Europe. It also identifies the opportunities for reciprocal learning in the United States based on policy traditions that have influenced the approach to ensuring accessible ICT for persons with cognitive disabilities in Europe.

Institutional Change

A number of researchers have examined policy learning within a broader theoretical framework
for institutional change (Campbell, 2004; Greif & Laitin, 2004; Hall, 1993; Hall & Taylor, 1996; Mahoney & Thelen, 2010b; March & Olsen, 2006; Streeck & Thelen, 2005). Institutions are characterized as structural features of society and refer to a “relatively enduring collection of rules and organized practices” (March & Olsen, 2006, p. 3). As an analytic framework, institutionalism provides a basis for examining the relationship between institutions and behavior (Hall & Taylor, 1996). For example, historical institutionalism has provided useful explanations for examining how policies and practices structure and constrain the choices of policy actors. Previous research has emphasized the role of policy traditions as taken-for-granted assumptions that structure the choices of policy actors and has used historical institutions to explain the distinctiveness of national political outcomes (Hall & Taylor, 1996; Sanders, 2006). Thus, historical institutionalism posits that ideas and interests generate preferences over time (Campbell, 1998; Steinmo, Thelen, & Longstreth, 1992).

The present study uses historical institutionalism to examine the social institutions linked to the ADA. Social institutions constitute resilient, ordered and predictable rules, norms, and procedures (Peters, 1998). I refer to social institutions specifically as the formal and informal norms, values, and procedures important to a society that structure and constrain the choices of policy actors. Social institutions simultaneously empower and constrain policy actors (Hall & Taylor, 1996). Thus, social institutions create inclination or bias, while also acting as “arenas of change” by indirectly affecting behaviors and outcomes (DiMaggio & Powell, 1983; March & Olsen, 2006; Room, 2011). I use historical institutionalism to examine the influence of the ADA in Europe and the policy traditions that differentiate the approaches to ensuring ICT accessibility for persons with cognitive disabilities in the United States and Europe.

Research on political and social institutions has attempted to explain institutional stability and institutional change (Greif & Laitin, 2004). Hall (1993) examines institutional change as a process of policy learning – “a deliberate attempt to adjust the goals or techniques of policy in response to past experience and new information” (p. 278). Hall (1993) posits that institutional change may represent adjustments in policy instruments that occur “in response to dissatisfaction with past policy” (p. 283) and the transformation of policy goals in response to broader social, political and economic interests that extend “beyond the boundaries of the state” (p. 288). This study examines institutional change in Europe based on adjustments of policy instruments and transformation of policy goals in the United Kingdom and Norway.

Campbell (2004) claims that ideas contribute to institutional change by affecting policy design. He poses a typology of ideas that includes ideas as “concepts and theories located in the foreground of [policy] debates” (p. 93). Campbell (2004) characterizes these ideas “as programs [emphasis added] concepts and theories that enable or facilitate decision making and institutional change by specifying for decision makers how to solve specific problems” (p. 98). He further relates institutional change to the behaviors of “institutional entrepreneurs” (pp. 101–103). These institutional entrepreneurs act as “high-level public and private decision makers” such as “key policymakers in the legislative and executive branches of government” or “top corporate managers” and introduce ideas in the form of programs (pp. 101–103).

Research has also demonstrated that displacement processes act as a mechanism of institutional change (Mahoney & Thelen, 2010a; Streeck & Thelen, 2005). Mahoney and Thelen (2010a) argue that displacement occurs when “existing rules are replaced by new ones” (p. 16). The authors characterize displacement as a “slow-moving process” that involves the introduction of new institutions, which “directly compete with (rather than supplement) an older set of institutions” (p. 16). Maggetti (2014) transposes displacement processes as mechanisms for institutional change to regulatory policies claiming, “[n]ew rules and organizations imported from abroad redefine the regulatory framework” (p. 4).

Policy Learning

Research on policy diffusion has examined the influence of ideas on policy design (Meseguer, 2005). Policy learning provides a useful explanation for the diffusion of ideas in policy design as actors voluntarily seek solutions to common problems. Dolowitz and Marsh (2000) characterize policy learning within a broader framework of policy transfer, referred to as “knowledge about
policies, administrative arrangements, institutions and ideas in one political setting (past or present) utilized in the development of policies, administrative arrangements, institutions and ideas in another political setting” (p. 5).

Dolowitz and Marsh (2000) pose several illustrative questions for examining policy transfer:

- Who are the key actors involved in the policy transfer process?
- What is transferred?
- From where are lessons drawn?
- What are the different degrees of transfer?
- What restricts or facilitates the policy transfer process?
- How is the process of policy transfer related to policy “success” or policy “failure”? (p. 8)

The following section uses these questions as a reference point for exploring the influence of the ADA in Europe.

The ADA Travels Abroad: The Influence of the ADA on Disability Policy in Europe

Who has been involved in the adoption of ADA principles in Europe? A comprehensive overview of the influence of ADA principles on disability policy in the European Union, Member States, and other European countries is beyond the scope of this article. However, the Academic Network of European Disability experts (ANED) provides a useful overview of disability antidiscrimination law and policy in Europe and demonstrates that most European countries provide legal protections for persons with disabilities from discrimination (ANED, 2015). Nevertheless, the nature and scope of disability antidiscrimination protections vary.

For example, most European countries provide constitutional protections for equality or equal treatment. According to ANED data, countries such as Germany and Spain have constitutional protections for equality on various grounds, although whether disability is explicitly mentioned in constitutional equality provisions differs. All European countries have passed antidiscrimination legislation in various forms, and several countries have passed disability-specific antidiscrimination legislation. Compared to the ADA in the United States, European antidiscrimination legislation resembles the form, if not also the function of, the ADA protections. However, the definition of disability used in the various European antidiscrimination laws varies as well as the extent to which discrimination includes both direct and indirect discrimination (Lawson, 2008). Analysis of antidiscrimination protections in Europe does not account for nor reflect the practical implementation of the law. Although many countries provide extensive protections from discrimination on the grounds of disability, persons with disabilities in Europe continue to experience discrimination and social exclusion in many areas of life (Bickenbach, 2013, 2014; Hvinden, 2013; Schiek, 2011; Waddington, 2009; Waldschmidt, 2009).

What policy ideas from the ADA were transferred to European disability antidiscrimination legislation? Again, it is beyond the scope of this article to analyze individually, every antidiscrimination law in each European country, to identify which ideas were adopted by European legislators. Instead, this article focuses on two countries that provide a useful basis for examining policy learning. As one country outside of the European Union, Norway is a useful country to analyze, as Norwegian legislators have adopted disability-specific antidiscrimination legislation similar in form to the ADA.

In contrast to Norway, as a European Union Member State, the United Kingdom provides an important counterpoint to the Norwegian example. Legislators in the United Kingdom initially adopted disability antidiscrimination legislation, again similar in form to the ADA, but, through subsequent reforms, the United Kingdom legislation combined separate laws prohibiting discrimination on various grounds into a single Equality Act 2010. Norway and the United Kingdom provide a useful basis for examining the similarities and differences in disability antidiscrimination legislation in Europe as well as providing a model for examining the long-term effects of policy learning.

Provisions for reasonable accommodation in the ADA provide a useful basis for examining policy learning in the United Kingdom and Norway. Lawson (2008) refers to reasonable accommodation as a requirement for “duty-bearers to recognize that individuals with certain characteristics … might be placed at a disadvantage by the application to them of conventional requirements or systems” (p. 1). She further stated that reasonable accommodation as a legal principle embedded in legislation such as the ADA requires “duty-bearers to recognize the disadvantage which would result from treating relevant
individuals in the same way as they treat others . . . [and] to take reasonable steps to remove that disadvantage by treating relevant individuals differently from the way in which they treat others.” (p. 2). Blanck (2014a) connected the principle of reasonable accommodation to obligations for accessibility, including both the built environment and ICT. According to Blanck (2014a) “accessibility is linked to the concept of reasonable accommodation as a means to affirmatively allow individuals with disabilities the chance for effective online communication” (p. 48).

In the United Kingdom, the principle for reasonable accommodation, termed reasonable adjustment, first emerged in the Disability Discrimination Act 1995 (DDA; Lawson, 2008, p. 63). However, the DDA’s reasonable adjustment provisions differed from reasonable accommodation provisions in the United States, in that reasonable adjustment in the United Kingdom is also “anticipatory.” Lawson (2008) distinguishes the reasonable adjustment obligations in the DDA from reasonable accommodation obligations in the United States, stating reasonable adjustment includes “those duties which are entirely individualized and reactive in nature,” “those duties which contain an anticipatory element,” and “duties to refrain from withholding consent unreasonably to steps which others wish to take in order to facilitate access” (pp. 63–64). According to Lawson (2008), anticipatory reasonable adjustment requires:

- duty-bearers to anticipate barriers which their operations might present to disabled people and to take steps to remove or reduce those obstacles. Unlike the purely reactive duties relating to employment and premises, these anticipatory duties require adjustments to be made in advance of the appearance of a particular disabled person wishing to make use of the operation in question. (p. 92)

Thus, obligations for reasonable adjustment provided in the DDA require service providers to promote the accessibility of goods and services.

The Norwegian government adopted disability antidiscrimination legislation 19 years after the United States. The principle of reasonable accommodation appears in Norway’s disability antidiscrimination legislation, the Anti-discrimination Accessibility Act 2009, however only in reference to employment. Rather than adopting reasonable accommodation principles in reference to obligations for accessibility, the Anti-discrimination Accessibility Act 2009 includes an obligation to ensure “general accommodation” (BLID, Barne- likestillings- og inkluderingsdepartementet [Children, Equality and Social Inclusion]. 2008a). According to the Act, general accommodations refer to “Public and private undertakings that offer goods or services to the general public are obliged to ensure the universal design of the undertaking’s normal function provided this does not entail an undue burden for the undertaking” (BLID, 2008a). Thus, general accommodation obligations regulate service providers to promote universal design.

Where were the ideas for disability antidiscrimination legislation in the United Kingdom and Norway drawn? As discussed, the principle of reasonable accommodation in the ADA provides a useful basis for examining policy learning. Disability antidiscrimination legislation in the United Kingdom and Norway have adopted provisions similar to the ADA’s reasonable accommodation principle, reasonable adjustment and universal design respectively. However, these principles are embedded in a broader regulatory approach to disability policy. Previous research has characterized the United States as the prototypical regulatory state with a long tradition of providing social welfare through regulatory policies—that is, legislative, financial, and regulatory policies aimed at forcing or persuading market actors to achieve social outcomes (Burke, 2002; Levi-Faur, 2011). Thus, the influence of the ADA extends beyond principles of reasonable accommodation and includes the use of social norms as a means for combating disability antidiscrimination (Blanck, 2014a). However, in the United Kingdom and Norway, this influence is confounded by different national policy traditions as well as the influence of European Union doctrine.

Have the principles in the ADA inspired disability antidiscrimination legislation in the United Kingdom and Norway? In the United Kingdom, perhaps the clearest evidence of the influence of the ADA is found in the legislative proposals that led to the passage of the DDA 1995. In 1994, four years after the introduction of the ADA, the United Kingdom parliament introduced a bill on the civil rights for persons with disabilities. The text of the bill states that this proposal “is both comprehensive and can be viewed as following the US ‘Civil Rights’ tradition.
where individuals can themselves take action to enforce their rights (Roll, 1994, p. 9). The bill reviews antidiscrimination legislation in the United States stating, “in the USA a series of ‘civil rights’ type laws for people with disabilities [have] culminated in the Americans with Disabilities Act,” and “[a] central feature of USA disability legislation is the requirement ... to make “reasonable accommodation” (Roll, 1994, p. 11). Importantly, the bill states that “the ADA has had considerable influence” in countries such as Canada, but that “it is too early to gauge the effectiveness of the legislation” (Roll, 1994, p. 11). The bill also contains other references to reasonable accommodation as a key principle in antidiscrimination legislation. One year later, the United Kingdom parliament introduced the DDA based in part on this proposal.

In Norway, the proposal leading up to the introduction of the Anti-Discrimination Accessibility Act 2009 referred to the ADA. Similar to the United Kingdom, the Norwegian proposal reviewed U.S. and other international disability antidiscrimination laws. The Norwegian Association of Blind and Visually Impaired Academics (SAF) suggested harmonizing Norwegian antidiscrimination law with the United Kingdom and United States, stating that obligations for universal design “must contain a general legal claim on goods and services, similar to other countries, such as ADA legislation (Americans with Disabilities Act) in the US and DDA (Disability Discrimination Act) in UK” (BLID, 2008b, p. 136). In reference to obligations for universal design, the proposal states:

there are two traditions, a European and an American, which defines universal design. Standards Norway believes the European definition is good, but suggests that it can cause problems for European and Norwegian industry if we must rely on different definitions and different availability categories for different markets. (BLID, 2008b, p. 135)

Although this evidence suggests that the ADA, in part, influenced disability antidiscrimination law in Norway, Halvorsen (2010) provides a broader argument for the influence of the ADA in Norway stating:

the Nordic countries [including Norway] increasingly have adopted US style regulations to promote accessibility to ICT over the last decade, partly in response to the emerging supranational disability rights law and policy in the EU, the Council of the Europe and the UN and partly through policy learning from the US. (p. 74)

Halvorsen and Hvinden (2009) further state: “As the Nordic governments have been reluctant to confront business and employers too strongly, regulatory measures (including legislation) for advancing real opportunities for persons with disabilities to participate in mainstream society have been underdeveloped” (p. 8).

What has restricted or facilitated the transfer of ADA policy learning? Although the ideas and principles of the ADA have contributed to the design of antidiscrimination legislation in the United Kingdom and Norway, national policy traditions and the European Union’s exercise of supranational governance have also influenced these countries introduction of antidiscrimination policy. The next section discusses two categories of institutional norms, values, and procedures in Europe, which provide a basis for realizing the rights of persons with cognitive disabilities.

**European Approach to ICT Accessibility for Persons With Cognitive, Intellectual, or Developmental Disabilities**

Although the ADA has influenced disability antidiscrimination laws in the United Kingdom and Norway, the policy ideas of the ADA also have integrated with institutional norms, values, and procedures of national and European Union institutions. This section focuses on ICT accessibility law and policy as it pertains to persons with cognitive, intellectual and developmental disabilities.

**Universality and Human Rights**

The EU’s approach to ensuring accessible ICT for persons with cognitive, intellectual, and developmental disabilities is characterized by a human rights approach to antidiscrimination as opposed to the United States’ civil rights approach. Legal scholars have extensively detailed the European Union’s approach to human rights and, therefore, this article focuses more specifically on a universal approach to regulating the design of ICT as opposed to a minority group approach (Persson,
Ahman, Yngling, & Gulliksen, 2014). The primary contrast between policies in the US and Europe, in this area, is related to approaches that emphasize accessibility versus universal design. The United States has a tradition of regulating ICT accessibility, meaning that ICT should be usable by persons with disabilities. In the words of Blanck (2015 this issue), “[universal design] is well beyond a minimum standard of accessibility.” In addition, as Blanck (2014a) has argued, the ADA has been plagued with definitional debates focusing on whether litigants have standing as “persons with disabilities” (pp. 35–37). This debate is largely moot in countries such as Norway that have adopted a universal design approach to regulating ICT.

A universal design approach, as legislated in Norway, provides a broader basis for promoting and regulating the design of ICT. According to the Norwegian Ministry of Children and Equality’s Action Plan for universal design “The government wants to get away from a way of thinking in which the individual is defined as the problem and in which special measures for people with disabilities are the main solution” (BLID, 2009, p. 4). Norway’s approach complements the United Nation Convention on the Rights of Persons With Disabilities (“CRPD”), which states in Article 2 that universal design “means the design of products, environments, programs and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design” (United Nations, 2006, p. 4). Thus, universal design is concerned not only with the usability of ICT by persons with disabilities or persons with cognitive disabilities, but also with the usability of ICT by the broadest possible population.

The distinction between universal rights and minority group rights, and accessibility and universal design, may further be understood within the framework of the World Health Organization’s International Classification of Functioning, Disability and Health (ICF; WHO, 2014). The ICF posits that disability results from the three-fold interaction of the individual’s impairment, the environment, and the activity. The ICF conceptualization of disability is reflected in the United Nation Convention on the Rights of Persons With Disabilities (CRPD). According to the CRPD, Preamble section (e):

disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others. (p. 1)

Having ratified the CRPD in 2010, the European Union, under Article 9 is obligated to “take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, … to information and communications, including information and communications technologies and systems” (p. 9). Moving beyond conceptions of accessibility as limited to persons with disabilities, and into a policy framework that emphasizes the universality of disability as a human experience, ensures that the rights of persons with disabilities includes, as Blanck (2014a) states, persons with cognitive disabilities as “arguably the largest meta-group of people with disabilities” (p. 24).

In the EU’s i2010 initiative on e-Inclusion, the European Commission states that the “lack of e-Accessibility persists in many countries . . . due to structural market failures and lack of common approaches . . . which pose serious barriers for industry. Mass-market technologies and services often continue to ignore inclusive design/design for all” (European Commission, 2007, p. 5). Design for all is a similar concept to universal design. The i2010 initiative on e-Inclusion argues that to promote a universal design approach, “[i]ndustry and users should continue their cooperation with the European Standardisation Organisations to pursue standardisation efforts” (European Commission, 2007, p. 7). The Council of Europe has additionally passed a resolution on universal design and a report on achieving full participation through Universal Design (Council of Europe, 2001, 2009). According to the resolution: “Given that standards can be an efficient tool for incorporating accessibility, usability and safety in new products and systems, governments should promote the use of accessibility and usability standards and their inclusion in national and international standardisation work” (Council of Europe, 2001, p. 27). Thus, the European approach to ensuring universal design is characterized by persuasive policies aimed at encouraging market actors to adopt universal design practices and contribute to standardization efforts.
Standardization
The EU’s approach to ensuring accessible ICT for persons with cognitive, intellectual, and developmental disabilities is characterized by the use of standards. The European Consumer Voice in Standardization (ANEC) claims that design for all is “a basic consumer right to have access to products and services ... [and] means designing mainstream products and services so as many people as possible can use them—whatever their age and ability” (ANEC, 2015).

The European Standards Organizations (ESO) published a standard on accessibility requirements for public procurement of ICT products and services in Europe (EN 301 549; European Telecommunications Standards Institute, ETSI, 2014). The standard is the first of its kind that explicitly recognizes users with cognitive disabilities and adopts a universal design approach to establishing functional performance criteria stating, in Section 4.1, that “the [criteria] are intended to describe the functional performance of ICT enabling people [emphasis added] to locate, identify, and operate ICT functions, and to access the information provided, regardless of physical, cognitive or sensory abilities” and further recognizes that “[a]ny ability impairments may be permanent, temporary or situational” (ETSIs, 2014, p. 21). In the proposed rules aimed at updating existing ICT standards for public procurement (Section 508) in the United States, the Access Board stated that the group of advisors responsible for providing recommendations for updating Section 508 were “unable to reach consensus on recommendations for requirements to make ICT accessible for individuals with cognitive disabilities, citing a lack of common standards or testable metrics to verify conformance” (United States Access Board, 2015, p. 78). However, the proposed rules do include reference to a private sector standard developed by the American National Standards Institute, which “covers issues associated with designing accessible software for people with a wide range of physical, sensory and cognitive abilities, including those who are temporarily disabled and the elderly” (United States Access Board, 2015, p. 63). See also Blanck (2015, this issue).

The ESO continue in Section 4.2.10 by recognizing that users with limited cognition, including “persons with limited cognitive, language and learning abilities,” “will need the ICT to provide features that make it simpler and easier to use,” for example through “[a]djustable timings, error indication and suggestion, and a logical focus order” (ETSIs, 2014, p. 23). The standard also includes provisions related to accessible documentation in providing product documentation and support services that “does not preclude the possibility of providing alternate formats that meet the needs of some specific type of users (e.g., ... easy-to-read information for persons with cognitive impairments)” (ETSIs, 2014, p. 75).

Finally, regarding interactive ICT systems involving speech-to-speech communication, the service shall enable speech or cognitively impaired telephone users and any other user to communicate by providing assistance between them” (ETSIs, 2014, p. 76).

Prior to publishing EN 301 549, the ESO produced a guidance document for the design of ICT products and services. This was aimed at helping “designers to maximize the level of usability of products and services” and encouraging a design for all “approach so as to make products and services accessible to as many people as possible, including elderly people and persons with disabilities, without the need for adaptation or specialized design” (ETSIs, 2002, p. 9). The International Organization for Standardisation (ISO) provides a similar focus in ISO 9241-210:2010 “Ergonomics of human-system interaction—Part 210: Human-centred design for interactive systems” (ISO, 2010). The guidance document recognizes the diversity of users based on “[c]ognitive abilities such as intellect, memory, language and literacy” and recommends providing information in “more than one modality [by providing] alternative and redundant means of inputting or presenting information ... [to] achieve more natural and effective human-computer interaction” (ETSIs, 2002, p. 70). The guidance document further states that “[m]any of the needs of people with sensory and cognitive disabilities can be met with mainstream products if output information is provided in a range of different modalities” (ETSIs, 2002, p. 70).

In addition to the pan-European efforts conducted by the ESO, Standards Norway, the Norwegian national standards organization, has produced two standards related to universal design and ICT. In 2013, Standards Norway produced a standard on user participation in the development of ICT (NS 11040 2013), which aims to address “the process of designing or adapting ICT solutions” so that “the greatest possible number
of people can participate in it on an equal footing” (Standards Norway, 2013b, p. 3). In the same year, Standards Norway also produced a standard on accessible text documents (NS 11021:2013), which specifies the requirements for designing electronic text documents (Standards Norway, 2013a). However, the standard is limited in that forms and documents with interactive or multimedia content are not included and thus, user interfaces are not discussed.

The British Standards Institution (BSI), the UK’s national standards organization, has also produced a standard on web accessibility (BS 8878:2010). The standard recognizes the needs of persons with cognitive disabilities stating:

> the ways in which people perceive web content can vary depending on the nature of their condition (people with conditions including multiple sclerosis, dyslexia, strokes and head injuries may all experience cognitive impairments such as difficulty concentrating, fatigue, confusion and short-term memory loss). (BSI, 2009, p. 35)

The standard goes on to argue that “[c]omplex navigation, content with a higher than average reading age, complicated layout and movement can all cause accessibility and usability difficulties for people with cognitive impairments” and “[p]eople with cognitive impairments benefit from clear layout, images that support text and the option to change how the page is displayed, e.g. the ability to change the background colour or text size” (BSI, 2009, p. 35).

Finally, the EU’s approach to ensuring accessible ICT for persons with cognitive, intellectual and developmental disabilities is also distinguished by the reliance on policy networks. According to a report by the Nordic Thinktank for Welfare Technology (2015) “[a] general business model or plan … is needed by many public and private actors … to improve cooperation to ensure that more solutions are successfully implemented. Too many products and projects are unsuccessful as a direct result of poor cooperation and lack of mutual understanding.” The report goes on to recommend “[b]etter and wider use of private-public partnerships … and private-public innovations … [and b]etter and broader cooperation in product development and testing” (Nordic Thinktank for Welfare Technology, 2015, p. 8).

The recommendations of the report complement previous research, which demonstrates that the use of policy networks characterizes the European approach to governance (Egan, 2001; Rhodes, 2006; Rozbicka, 2013). According to Egan (2001), “the decision units in contemporary European economies are both public and private actors, enmeshed in a wide variety of networks and relations” (p. 22). Wallace, Wallace, and Pollack (2005) further characterize the influence of policy networks on the design of European Union policies stating:

> the openness and interdependence of these networks, it is argued, determine both the relative influence of various actors and the substantive content of EU policies … This network form of governance, moreover, has been accentuated further over the past decade by the creation of formal and informal networks of national regulators … in which such networks of private and public actors substantially determine the broad contours of the policies that are eventually brought before the Council and the European Parliament. (p. 40)

Egan (2001) takes a broader view of policy networks in European Union governance and characterizes the role of policy networks in standardization:

> The network relationship conveys an image of a complex pattern of interorganizational linkages varying across issues and sectors. The dynamics of regulation are thus shaped by the institutionalization of rules and norms based on stable expectations and mutual understandings among the participants. (p. 32)

Thus, the policy networks involved in European standardization and European Union policy design provide a useful area of exploration for understanding the EU’s approach to ensuring accessible ICT for persons with cognitive, intellectual, and developmental disabilities.

eAccess+ is a network of research institutes, universities, technology companies, professional organizations and advocates aimed at “coordinating, supporting and improving the implementation of eAccessibility throughout Europe” (eAccess+, 2015c). eAccess+ has developed the “eAccess+ Hub!” a centralized knowledge and
information sharing platform that provides a comprehensive overview of international resources for ICT accessibility. The information on cognitive impairments and recommended solutions and adjustments that the “eAccess+ Hub!” provides, aggregates resources from Australia, Canada, Norway, and the United States (eAccess+, 2015a, 2015b). In particular, the “eAccess+ Hub!” refers to a Norwegian guide for designing web content for people with cognitive disabilities (Norwegian Computing Center & Karde AS, 2010). The guide aims to:

- support editors and developers in their efforts to make electronic services and content available to everyone, but especially for people with cognitive challenges, such as impaired memory, reading and writing difficulties, general learning difficulties, and problems with attention and communication. …
- The guide covers all phases of a development project, from planning and design to implementation and testing.

The guide includes an overview of ICT accessibility laws in Norway and refers specifically to Section 508 for additional information, standards and tools (Norwegian Computing Center & Karde AS, 2010).

Although eAccess+ focuses on accessible ICT, two European policy networks, EIDD and EDeAN, focus more directly on design for all. Design for All Europe (EIDD) is a European professional network that aims to enhance quality of life through Design for All and “encourage active interaction and communication between professionals interested in the theory and practise of Design for All” (EIDD, 2012). According to the EIDD:

- The first and fundamental difference between … [accessibility and design for all] is the attitude taken towards the world and its inhabitants. Though both approaches aim at achieving inclusion, … design for disability … leads it to tend to continue targeting inclusion by identifying categories to be included and dealing with them, one by one or group by group … while Design for All developed from a socio-political matrix in which the foremost emphasis has always been on social inclusion as such, rather than on one or more identifiable groups of people to be included (Kercher, 2008b).

EIDD Ambassador Pete Kercher (2008b) further characterizes an approach to Design for All in four ways:

1. The essence of Design for All derives from socio-political rather than from design roots;
2. Its approach is therefore essentially holistic, based on the real need to cater for the wealth of human diversity, rather than focused on restricted groups of users, however deserving in the short to medium term;
3. Design for All constitutes the methodology that lends itself best to achieving a seamless rather than a sectoral approach to social inclusion;
4. It therefore also constitutes the methodology that lends itself best to translating fine sentiments into hard, tangible facts: really making this world into a better place for everyone and not just talking about it.

EIDD reinforces the divergence of a universal human rights approach and a minority civil rights approach to regulating the design of ICT. Through this broad understanding of Design for All as a mechanism of social change, EIDD have continued to promote an inclusive society, and in 2005 published an agreement “Culture for All,” which stated “Design for All can provide concrete approaches for designing both the contents and the containers of culture to be more accessible for everyone” (EIDD, 2005, p. 2). When applied to the web and digital forms of cultural content, design for all provides a useful approach for ensuring access to culture for everyone in an era when mass-digitization and online anonymity threaten to subvert legislative efforts to protect both the rights of content owners to reproduce and distribute content and the rights of nondiscrimination for persons with cognitive disabilities (Blanck, 2014a; Ferri & Giannoumis, 2014; Giannoumis, 2014c). Kercher (2008a) summarizes this argument stating unequivocally that “it is time we made the artificial environment adapt to us rather than keep on obstinately insisting that we adapt to what we have created ourselves.”

Although EIDD acts as a pan-European professional organization involved mostly with establishing professional norms of practice, the European Design for All e-Accessibility Network (EDeAN) acts as a network of European Union organizations initiated and advised by the European Commission, which aims to advocate for
design for all and accessible ICT (EC, 2000, p. 18; EDeAN, 2013). The EDeAN network includes special interest groups dedicated to “Policy and Legislation” and “Standardisation.” However, while EIDD continues to actively involve their network members and produce timely contributions to design for all theory and practice, the lack of top-down support from the EU and bottom-up support from network members has resulted in sustainability challenges, which has resulted in a network, EDeAN, whose contributions are now largely obsolete (EDeAN, 2007; EIDD, 2015). Nonetheless, from 2007 to 2009, while EDeAN was supported by an EU-funded research project, Dfa@eInclusion, the network produced reports documenting standardization as a mechanism for design for all and promoting participation of design for all experts in standardization efforts; and also provided an overview of policies pertaining to design for all and promote dialogue among design for all experts in policy related activities (Dfa@eInclusion, 2008a, 2008b). Therefore, despite sustainability concerns, EU-funded research projects have produced useful knowledge and insights regarding design for all and contributed to change by encouraging cross-border interactions between professional communities (COGKNOW, 2009; Dfa@eInclusion, 2010; MonAMI, 2011; SHARIT, 2010; USEM, 2010; VAALID, 2012).

Conclusion

The main finding of the present analysis is that ADA policy learning principles have influenced disability law and policy in Europe by inspiring regulatory reforms aimed at legislation to protect persons with disabilities from discrimination. However, despite drawing inspiration from the United States, I have argued that a distinctive European approach can be identified using, as illustration of this point, the disability policy traditions of the European Union, United Kingdom, and Norway. The United Kingdom and Norway, as illustrative of other European countries, combine a universal, human rights perspective, with implementation procedures that emphasize standardization and involve networks of policy actors. Although the United States has resisted requiring compliance with technical standards, the European Union and European countries have begun developing standards and professional norms as a means for ensuring ICT accessibility for persons with cognitive, intellectual, and developmental disabilities.

As the movement for ensuring accessible ICT for persons with cognitive disabilities continues to develop in the United States, policy traditions in Europe provide an opportunity to inform future efforts in the United States (Fabris, 2015). Based on the present qualitative and illustrative review, I offer two main policy learning recommendations going forward, each of which require further comparative study and analyses. First, from a European perspective, it would seem important for the United States to adopt the CRPD to act as a further catalyst for ADA policy learning and for promoting ICT accessibility as a civil and human rights obligation. This action also would promote the concept of universal design as a means for achieving inclusion of the broadest possible population, particularly with reference to individuals with cognitive and other disabilities.

Second, the present analysis suggests that the US must continue to develop ways for the incorporation of, and harmonization with, developing national and international standardization bodies in Europe to further global adoption of ICT accessibility standards and promote social inclusion for persons with cognitive, intellectual and developmental disabilities. The ADA has created important opportunities for policy learning globally. I have suggested in this article that this influence has traveled from the United States to London and Oslo, influencing the European approach to reasonable accommodations as well as providing a basis for developing policies aimed at ensuring ICT accessibility for persons with cognitive, intellectual, and developmental disabilities. The present analyses is meant to spur additional study into how the United States may promote further promote human rights broadly and ensure ICT accessibility in practice.

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