

# The Importance of Electronic Accessibility in Brazilian Juridical Electronic Process

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## ABSTRACT

This article aims at proposing the implementation of accessibility requirements in the pilot project of electronic process in the Brazilian Labor Judiciary Branch through analysis and research of disabled Brazilians' reality, regarding the access to electronic means and mobile devices, observing, above all, international and domestic access standards. In addition to studying the reality of persons with disabilities, this paper aims at drawing some guidelines for implementation of this electronic accessibility requirements in the process of the Brazilian Labor Judiciary Branch.

## Categories and Subject Descriptors

K.4.3 [Computer and Society ]: Organizational Impacts – Automation, Computer-Supported Collaborative Work, Reengineering; K.J.1 [ Computer Applications ]: Administrative Data Processing – Government;

## General Terms

Management, Experimentation, Human Factors, Standardization, Theory, Legal Aspects

## Keywords

Labor Justice, Accessibility, Process, Strategic Management, Public Sector

## 1. INTRODUCTION

In December 2006, after enacting the Law nº 11,419, which created the Brazilian Juridical Electronic Process, Brazil has taken a step forward into implementing the juridical electronic process. From that time on, Brazilian courts began to seek technological improvements in its infrastructure. After a short period of time, besides several innovations brought in, the Brazilian Judiciary Power, in June 2011, officially ushered in the Juridical Electronic Process Project (PJe).

This project is a computer system developed by the National Council of Justice, in partnership with other courts, in order to

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build an “Electronic” Judiciary. The idea was to gather the efforts of Brazilian courts towards adopting a unique solution for electronic process. With the PJe, not only magistrates, but also civil servants and other participants in procedural phases shall exert juridical acts directly in the system, by fully electronic means, as well as following all juridical phases of a process. Nowadays, initial versions of the System are being implemented in five regions of Brazil. However, after practicing the first juridical acts and developing the System, pundits have acknowledged a dire need for adapting the PJe to accessibility principles.

To talk about accessibility is to speak of equality and parity as well. The accessibility movement, whether the architectural, digital or of attitude, impels the diminishing of barriers imposed by a peculiar characteristic of such individuals. Accessibility, to persons with disabilities, represents the right of no impediments when it comes to architecture, communication, physical access, equipments, adequate content programmes and presentation of alternative information files. The goal is to provide unrestricted and wide access to such people. To evaluate and measure the importance of accessibility in the current context is not an easy task. For the broadness of this subject, we deem it as a principle that should be unwaveringly followed, once it should be the basis of any rule or standard related to human dignity. Accessibility is not limited to just allowing persons with disabilities (or with reduced capability) to take part in activities which include the use of products, services and information, but also to provide them an opportunity of inclusion and extension of such rights, to all social classes.

Every action aiming at accessibility is very important. Nevertheless, given the progress of information and communication technologies, electronic accessibility has become a fundamental tool for developing any application in technological fields, especially in Brazil, where recent data (year 2010) from the Statistics and Geographical Brazilian Institute (IBGE) appoints that 45,6 millions of people have some sort of disability, which accounts for 23.91% of the Brazilian population. From that amount, 12,7 millions (6.7% of the whole population) have at least a severe kind of deficiency. In these numbers one may also find persons with disabilities in risk situations, such as extreme poverty, abandonment and social isolation.

In Brazil, electronic accessibility has been the subject of laws, and the Federal Government has been implementing several projects for installing it in Brazilian courts. However, the Judiciary Power

still needs proper actions pertaining to accessibility, especially when it comes to electronic accessibility.

Furthermore, despite the efforts made by the federal government, there are still numerous websites and technological systems of municipal governments and courts which do not yet abide by the criteria established in international norms of accessibility or even in the Brazilian accessibility model [1], the E-mag (Government Electronic Accessibility Model). Besides, the UN Convention on the Rights of Persons with Disabilities, ratified as a constitutional rule in Brazil (by the 186/2008 decree), determines, in the article 9, that States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to information and communications technologies and systems, which includes the Electronic Process.

## **2. CRITERIA FOR ACCESSIBILITY IN THE PROJECT OF JURIDICAL BRAZILIAN ELECTRONIC PROCESS**

The central element of this approach is exactly how to implement the changes in the right time and how to fully carry out the project, following accessibility standards, whether it be the model used by the Federal Government, or the international one. In this context, the Superior Council of Labor Justice has been gathering efforts in order to guide the criteria for implementation. However, it is worth to point out the following guidelines:

- 1) The project shall be in full conformity with the UN Convention, particularly with its article 9, and with the 186/2008 decree;
- 2) The project shall make compatible the usability patterns with the ones of accessibility, in a way that each pattern does not rule out another. Also, the accessibility and usability's integration shall be searched, because not yoking such concepts might result in different barriers to the users;
- 3) Court Accessibilities Commissions shall be created, in order to continuously monitor and supervise the project development;
- 4) The approached pattern shall include electronic accessibility to persons with all sorts of disabilities, in a way that web patterns shall merge fully with accessibility guidelines;
- 5) To advance with internal norms from the Courts: there should be internal norms which deal specifically with Electronic Process;
- 6) To implement the electronic process aligned with the court's Strategic planning: this alignment will be essential in order to minimize the risks of implementing and maintaining the technological environment of this new tool, especially because the electronic process involves direct consequences to society. Also, it is important to prioritize the Courts' strategies, by implementing an IT governance plan, in order to strengthen the Information Technologies sector.

## **3. CONCLUSION**

For these reasons, it is clear that implementing accessibility requirements in the electronic process is essential to reap a successful project, given that the number of persons with disabilities is approximately of 45 millions of people. Therefore, according to what has been verified in the studied cases, it is of good advice to adopt planning criteria in the implementation project, by using models of electronic governance which pertains the project's development. It is also imperative to underscore that the development of juridical electronic process that upholds accessibility requirements shall be crucial to the development of Justice in the Amazon, where some Brazilian Courts are located in the Amazon and it is very complicated to get to.

Therefore, at the current stage in which the project stands, it is still possible for the Labor Courts Administration to take efficient measures in the administrative, juridical and structural spheres, in order to ensure the implementation of a fair electronic process that encourages social equality and provides an effectively accessible tool of electronic justice to persons with disabilities.

## **4. REFERENCES**

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