3. DATA, PRIVACY AND PROTECTION OF RIGHTS IN THE DIGITAL SOCIETY

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DIGITAL ACCESSIBILITY AS A HUMANISTIC IMPERATIVE: TOWARDS INCLUSION IN THE DIGITAL SOCIETY

Abstract: This article addresses the issue of digital accessibility of websites and mobile applications as a matter that extends beyond technical legislative requirements. The authors argue that in a democratic digital society, accessibility constitutes a humanistic imperative deeply rooted in the constitutional principle of inherent and inalienable human dignity (Article 30 of the Constitution of the Republic of Poland). The paper analyzes the current legal framework regarding accessibility in Poland, highlighting the necessity to shift from a "forced compliance" approach (technocratic formalism) toward inclusive design based on empathy and understanding of user needs. It is demonstrated that to effectively counteract marginalization and digital exclusion—particularly among persons with disabilities and seniors—it is essential to perceive technology as a tool for genuine social inclusion. The article postulates a paradigm shift in public administration: from treating accessibility standards as a "cost" or "obligation" to viewing them as an essential foundation for the protection of human rights and a guarantor of citizen agency in the information space.

Keywords: *digital accessibility, human dignity, digital society, e-government, digital exclusion*

INTRODUCTION

Currently, one of the primary challenges facing contemporary society is ensuring the digital accessibility of websites and mobile applications. Although this process is stimulated by rapidly evolving legal regulations—which define technical standards and frameworks of accountability—digital accessibility should not be viewed solely through the prism of legislative requirements or technological advancement. In the Polish legal system, this is supported by the provisions of the Act of 4 April 2019 on the Digital Accessibility of Websites and Mobile Applications of Public Entities (Act on Digital Accessibility of Websites and Mobile Applications of Public Entities, 2019) and the Act of 19 July 2019 on Providing Accessibility to Persons with Special Needs (Act on Ensuring Accessibility for Persons with Special Needs, 2019). In common understanding, accessibility has many meanings. It can signify the possibility of obtaining something (attainability), or the ease of understanding or interacting with people (approachability) (Dąbrowski & Klimek, 2012, p. 26). In its most fundamental sense, the issue of accessibility encompasses a catalog of specific social practices and legal-administrative norms that determine the extent to which individuals and particular social groups can utilize distinct elements of the social system, as well as the system viewed as a whole. Accessibility policy optimizes this process by identifying and defining functional barriers, as well as by developing and implementing methods for mitigating or removing them.

Viewing accessibility solely through the prism of legal regulations and technical guidelines (such as WCAG standards) risks reducing it to the role of a "requirement to be met," whereas, in essence, it constitutes a foundation of modern democracy. Digital accessibility is a humanistic imperative that extends beyond the scope of mere duty—it is an expression of respect for the agency of every user and an acknowledgement that, in the digital world, access to information and services is a fundamental right rather than a privilege. These considerations point toward the thesis that inclusion in a digital society requires a shift from "forced compliance" to "empathy-based design," where technology becomes a tool for genuine inclusion rather than a new source of social barriers.

The concept of exclusion focuses on issues of social participation and social isolation. Those excluded are people who, while formally belonging to society, are simultaneously unable (whether due to factors beyond or within their control) to fully benefit from this membership. Exclusion can be voluntary (i.e., a withdrawal from the mainstream of society, stepping back

of one's own volition) or imposed—or rather, forced—for example, by material conditions (this type of exclusion is closely linked to poverty), but also by factors such as age and physical ability (Zabielska, 2012, p. 182). In this context, exclusion is not an innate trait of an individual, but rather the result of a mismatch between social and digital structures and the diversity of human experience, which makes the removal of barriers in the virtual space a key instrument for counteracting marginalization.

1. Digital accessibility

Digital accessibility is one of the key challenges facing the contemporary state. The dizzying pace of ICT development is opening up new possibilities to transform virtually all aspects of our lives (Kusiak-Winter & Mielczarek-Mikołajów, 2024, p. 95). The definition of digital accessibility has been shaped in the context of the development of modern technologies and the need to build an information society based on the principles of equality and inclusiveness. According to the Web Content Accessibility Guidelines (WCAG), digital accessibility means that digital content is perceivable, operable, understandable, and robust, which implies the possibility of its full reception by diverse groups of users (Hołda-Wydrzyńska, 2013, p. 55). Digital accessibility is closely linked to the concept of social inclusion, which assumes equal opportunities in access to information and digital services for all citizens, regardless of their capabilities or limitations. The introduction of accessibility standards aims to counteract digital exclusion, which, in an era of dynamic technological development, poses a significant threat to persons with disabilities and the elderly (Leszczyński & Liżewski, 2018, p. 11). In this view, accessibility standards become a key instrument of social policy, aimed at systemically counteracting marginalization. In the era of rapid digitalization, digital exclusion is not merely a matter of "lack of equipment," but a structural barrier that particularly affects persons with disabilities and seniors. Consequently, the implementation of WCAG requirements in public administration extends beyond a technocratic necessity—it constitutes the fulfillment of the state's duty to protect human rights.

The Act of 4 April 2019 on the Digital Accessibility of Websites and Mobile Applications of Public Entities (Act on Digital Accessibility of Websites and Mobile Applications of Public Entities, 2019) specifies the conditions for the digital accessibility of websites and mobile applications of public entities. Firstly, it is emphasized that the digital accessibility of a website and a mobile application consists in ensuring their functionality (the

user is able to utilize all functions offered by them)[1], compatibility (enabling the website or application to work with the widest possible range of programs, including tools and software assisting persons with disabilities)[2], perceivability (enabling the user to perceive content through the senses of hearing, sight, or touch)[3] and understandability (the ability of the user to understand the content and the way it is presented)[4]. The remaining requirements constitute the so-called accessibility statement [5] and the provision of alternative access to an element of a website or a mobile application[6]. This Act also defines the digital accessibility requirements for websites and mobile applications of public entities, i.e., it specifies the conditions that a website or mobile application of a public entity must meet to be considered digitally accessible. Furthermore, the Act establishes requirements regarding the content, review, and updating of the accessibility statement for websites and mobile applications, i.e., it contains provisions detailing the required content of the accessibility statement and specifies the deadlines and procedures for the review and updating of the accessibility statements by public entities for their websites and mobile applications. The Act also defines the competencies of the authority responsible for monitoring the provision of digital accessibility and outlines the tools for its oversight (Brzostek-Kleszcz, 2020, LEX).

To fully understand the *ratio legis* of these regulations, it is necessary to move beyond a technocratic approach to the computerization of administration and refer to the axiological foundations of the legal order. In this context, digital accessibility extends beyond the scope of simple implementation of technical standards, becoming an expression of recognition for the dignity of the human person as the foundation upon which real, rather than merely declarative, inclusion of the citizen in the information society rests.

[1] See Art. 4(4) of the Act on Digital Accessibility.
[2] See Art. 4(6) of the Act on Digital Accessibility.
[3] See Art. 4(9) of the Act on Digital Accessibility.
[4] See Art. 4(11) of the Act on Digital Accessibility.
[5] In accordance with Art. 10(1) of the Act on Digital Accessibility, a public entity shall draw up an accessibility statement in a digitally accessible manner for each language version of a website or mobile application, in the language of the version of the website or mobile application to which it refers.
[6] In accordance with Art. 7(2) of the Act on Digital Accessibility, an alternative method of access consists, in particular, of providing contact via telephone, correspondence, means of electronic communication, or through a sign language interpreter or a tactile interpreter, if the public entity provides such an option.

2. Human dignity as the foundation of digital accessibility

One of the fundamental anthropological categories, which also serves as the axiological basis of contemporary legal systems, is dignity (human dignity, the dignity of the human person). In international law, it constitutes the source of an individual's legal personhood. We find references to the dignity of the person in the preambles to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights, 1966), as well as the International Covenant on Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights, 1966), and in the UN Convention on the Rights of the Child (Convention on the Rights of the Child, 1989). All of the aforementioned legal acts base their norms on human dignity, recognizing it as the fundamental source of the entire human rights system. Despite existing differences in the interpretation of the concept of dignity, in the contemporary legal order, it is widely perceived as a primary axiological value that exerts an influence on the processes of law-making, interpretation, and application. Ensuring the respect and protection of dignity is among the duties of public authorities, as well as other entities operating within the state.

The concept of dignity has not been defined in any normative act of international, European, or Polish law. For this reason, its content is primarily clarified by legal doctrine. Marek Chmaj points out that dignity is a specific cultural value and a universal message that expresses a sense of inner worth and human responsibility. It is tied to the essence of humanity and—in this author's view—results from the unique position of man as a rational being. From dignity understood in this way stems its universal and inalienable nature; it belongs to every human being on equal terms, regardless of citizenship, age, physical or mental state, or life circumstances (Chmaj, 2006, p. 35). Dignity is so closely intertwined with humanity that they cannot be separated, and a human being cannot be deprived of it.

The particular significance of human dignity as a fundamental value of the legal order is expressed in the Constitution of the Republic of Poland of April 2, 1997. This concept is invoked both in the preamble to the Basic Law and twice in its substantive text. The preamble includes the following provision: (...) We call upon all those who will apply this Constitution for the good of the Third Republic, to do so while respecting the inherent dignity of the human person, his or her right to freedom and the duty of solidarity with others, and to have respect for these principles as an unshakeable foundation of the Republic of Poland." Article 30 of the

Constitution states: "The inherent and inalienable dignity of the human person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable, and its respect and protection shall be the obligation of public authorities.

Article 30 of the Constitution of the Republic of Poland defines the place and significance of human dignity within the Polish legal system. The constitutional legislator has elevated it to the rank of a supreme value, making it the foundation of the catalogue of individual rights and freedoms. Dignity is defined as an inherent and inalienable trait, meaning that it belongs to every person regardless of their individual characteristics, social standing, or life circumstances. In constitutional law doctrine, it is emphasized that it serves as a fundamental legal principle of a normative nature, setting the boundaries for the state's legislative activity (Bosek, 2016, pp. 39-44). From the perspective of a personalist interpretation of Article 30 of the Constitution of the Republic of Poland, it is recognized that the source of an individual's rights and freedoms is their inherent dignity, inextricably linked to the nature of the human person (Polak & Trzciński, 2018, p. 257).

Nowadays, the exercise of many constitutional rights and freedoms, such as the right to information, education, participation in public life, or access to administrative services, is increasingly realized through digital technologies. A lack of digital accessibility, therefore, does not constitute merely a technical barrier; rather, it may lead to limitations on an individual’s ability to effectively exercise their rights. In this view, digital accessibility becomes one of the essential conditions for the practical realization of human dignity and the rights and freedoms derived from it.

Digital accessibility creates challenges that extend beyond the legal dimension, encompassing an ethical one as well, since it relates to the way in which human dignity, equality, and agency are realized in the digital space. In the conditions of contemporary cultural pluralism, co-shaped by digital communication, the dignity of the human person can serve as a universal normative foundation for the ethics of digital accessibility (Dróżdż, 2019, p. 49).

3. Digital accessibility standards

The development of the information society in the sphere of citizen-government relations undoubtedly brings both opportunities and threats. The tangibly growing electronic economy is perceived as the most forward-looking strategy for economic development and a hope for increasing

innovation, competitiveness, and efficiency. It leads to the vigorous development of the field of ICT services and the creation of new models and prospective working methods, consequently leading to the creation of modern professions and jobs. The most important feature of the new solutions that form the basis of the information society is their interactivity (Kisiel, 2014, pp. 10-15). P. Romaniuk emphasizes that 'for many years, public administration activities have been actively geared towards the development of e-services. These include, in particular: making a wide range of public administration services available electronically, increasing the efficiency of public administration through the use of interoperable IT solutions, making data from reference registers and other public sector information available to citizens, local governments, and other entities for use in the necessary expansion of content and service offerings, and supporting the development of wide-reaching e-services and the mutual recognition of ICT solutions and tools' (Romaniuk, 2022, p. 442).

"Implementing digital accessibility standards in the public sphere requires moving away from viewing them solely as a set of technical guidelines. From an axiological perspective, they represent an operationalization of the constitutional principle of protecting human dignity, translating supreme ethical values into the language of measurable obligations for public entities. In the context of services provided by public authorities, digital accessibility becomes a key condition for the practical realization of civil rights. Modern e-administration—covering an ever-widening range of services from education to e-health—must ensure equal access for all citizens, regardless of their functional limitations. An example of this is the Internet Patient Account (IKP) portal, which, through full digitization of access to medical records and e-prescriptions, eliminates the need for in-person visits to medical facilities, thereby overcoming architectural barriers that limit patients' independence. Equally important tools in the inclusion process are video relay services for sign language, enabling deaf individuals to communicate directly with officials in real-time. The implementation of such e-services—supported by assistive technologies such as screen readers (NVDA, JAWS) or voice control mechanisms—makes the digital space a real tool for persons with disabilities to handle public matters.

E-services can be clearly defined as services provided electronically via the Internet. They can be divided into two categories: administrative e-services (related to the issuance of administrative decisions) and public e-services (focused on the distribution of specific goods, e.g., making payments, submitting documents) (Romaniuk, 2020, p. 270). E-

administration refers specifically to the use of information and communication technology tools by public administration bodies, aimed at improving document flow and communication with citizens (Zielińska, 2024, p. 47). However, the cited theoretical framework of e-administration, defining it as a mechanism for optimizing document flow and communication, requires a significant complementation with an inclusive perspective. The introduction of e-services should not be considered solely in terms of operational efficiency or the reduction of administrative costs. From the perspective of social inclusion, the key added value of public e-services is their potential to restore agency to persons with disabilities. The digitalization of administrative procedures, by removing architectural barriers and flexibly adapting interfaces to individual sensory needs, becomes a tool for effective empowerment. It allows for a transition from a model of a citizen dependent on the assistance of third parties toward a model of an independent participant in public life, for whom digital accessibility is a necessary condition for full participation in the information socjety.

CONCLUSION

The analysis conducted allows for the formulation of the thesis that digital accessibility in the Polish legal system should be perceived not as a collection of technical guidelines, but as a fundamental humanistic imperative, deeply rooted in the constitutional principle of the inherent and inalienable dignity of the human person. The contemporary process of digitizing public administration, although undoubtedly an opportunity to increase the efficiency of services, carries with it the risk of systemic exclusion for individuals whose physical or sensory limitations do not align with standard technological interfaces.

Shifting the focus from "enforced legislative compliance" to "empathy-based design" constitutes a key *de lege ferenda* postulate for the e-administration of the future. In the face of dynamic technological changes, legal frameworks—including the 2019 Act—should be interpreted in a personalist spirit. This means that every interpretation of regulations concerning accessibility must be performed through the prism of Article 30 of the Constitution of the Republic of Poland, where the priority is not merely the technical correctness of the website code, but the real agency and subjectivity of the citizen.

The conclusions of these considerations indicate that full inclusion in the information society requires public authorities not only to implement WCAG standards but, above all, to shift the paradigm in thinking about e-

services. Digital accessibility is not a "cost" or an "administrative burden," but a necessary foundation of a modern democratic state ruled by law, in which technology serves to strengthen the freedoms and rights of the individual rather than limit them. Ultimately, the effectiveness of these actions will depend on the ability of administrative bodies to move beyond declarative formalism toward actual universal design, making the digital public space a place open to everyone, regardless of their individual characteristics.

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