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BD/ICASA

To: Nditsheni Hangwani
From: Bruno Druchen
National Director
E mail: nhangwani@icasa.org.za
Date: 15 December 2014
Re: Notice 1007/2014 ICASA Code for persons with disabilities

Dear Nditsheni

To enable persons Deaf People in South Africa to live independently and participate fully in all aspects of life, ICASA shall take appropriate measures to ensure to the Deaf Community of South Africa **access, on an equal basis with others**, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

The appropriate measures are to develop and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public and to ensure that broadcasters and service providers that offer facilities and services which are open or provided to the public take into account all aspects of accessibility to Deaf the Community.

When reading the Code that has been drafted after DeafSA participated at all Provincial Public Hearings and making extensive submissions , it is clear that the code has been manipulated by the services providers , to prevent equal access.

Address all correspondence to the National Director

National Chairperson: Mr Lucas Magongwa
National Executive Director: Mr. Bruno Druchen
Patron: Honourable Minister Essop Pahad

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It is evident that the United Nations Convention on the Rights of People with Disabilities (UNCRPD) were not consulted when the regulations were compiled, The Government of South Africa ratified the convention in 2007 and

Definitions

"Sign Language" page 7

In South Africa we use the term South African Sign Language and we it is recommended that the word Sign Language should be replaced by South African Sign Language (SASL)

The definition of Sign Language is wrong and should be replaced with the following:

"South African Sign Language" is a visually perceived language based on a naturally evolved system of articulated hand gestures and their placement relative to the body, along with non-manual markers such as facial expressions, head movements, shoulder raises, mouth morphemes, and movements of the body.

"Subtitle" page 7

The definition for **"subtitle"** should be replaced with "a textual version of a film or television program's dialogue that appears onscreen"

"Universal design" page 7

Please change this according to the UNCRPD

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

Additional Definition

We recommend that the following definition should be added.

Closed Captioning

Closed captioning (or abbreviated: **CC**) and subtitling are both processes of displaying text on a television, video screen, or other visual display to provide

additional or interpretive information. Both are essentially the same and typically used as a transcription of the audio portion of a program as it occurs, sometimes including descriptions of non-speech elements

Reasonable accommodation

"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms

2 Purpose of the Regulations

The following should be added in paragraph a page 7, the word equal

- a) Ensuring that persons with disabilities have **equal** access to the ECS and BS

It is recommended that the following is added.

- d) Ensuring that Service Providers comply to the regulations.

3 Scope of Regulations

The scope of the regulations should be transparent to the users of the service and therefore this should be shared with the Public of South Africa

4 Basic Standards for Audio Visual Broadcasting Service Licensees

- a. Please remove the following as is practicable , to keep the latter will not be according to the UNCRPD to have equal access
- b. Please amend, reflect the same written word as the spoken word if the spoken words are English , if the spoken words are in another language , the same meaning in the written language should be used.
- c. SFX labels (sounds that are audible to the hearing viewer) should be subtitled
- d. This can be confusing that sentences must be made easy and the proper jargon should be used , subtitles should be correctly formatted and subtitles should be timed correctly to shot changes.

The following should be build into the regulations:

Presentation:

- subtitling should use the Tiresias Screenfont for all subtitles.
- ICASA should regulate the cable and satellite platform providers adhere to the same standards.

- Broadcasters are encouraged to use anti-aliasing techniques to help make the appearance of subtitles clearer.
- Subtitles should be placed within the 'safe caption area' of a 14:9 display and should normally occupy the bottom of the screen

Pre-recorded and live subtitles:

- Pre-prepared block subtitles are the best approach to providing accurate, easily legible and well-synchronised subtitles and should be used for pre-recorded programmes.
- Recommended colours are white, yellow, cyan and green against a solid black background as these provide the best contrast.
- Live subtitles should flow continuously and smoothly.

Lay-out:

- Subtitles should normally comprise a single sentence occupying no more than two lines
- natural linguistic breaks so that each subtitle forms an understandable segment.

Non-speech information:

- Clearly describe relevant non-speech information, such as the mood of any music playing and the words of songs if possible (using the # sign to precede and conclude music), louder speech (using capital letters),
- inaudible mutterings or incoherent shouts etc. (which should be explained as such).
- Italics or punctuation marks may be used to indicate emphasis.
- Where long speechless pauses in programmes occur, an explanatory caption should be inserted.

Synchronisation of speech and subtitling:

- Aim should be to synchronise speech and subtitling as closely as possible.

Speed of subtitling:

- the speed should not normally exceed 160 to 180 words per minutes for pre-recorded programmes.
- It may not be practicable to restrict the speed of subtitles for all live programmes, commissioning editors and producers should be aware that dialogue which would require subtitles faster than 200 wpm would be difficult for many viewers to follow.

Accuracy:

- Subtitle users need to be able both to watch what is going on, and to read the subtitles, so it is important that these are as accurate as possible, so that viewers do not need to guess what is meant by an inaccurate subtitle. Broadcasters should ensure that subtitles for pre-recorded programmes are reviewed for accuracy before transmission.

- Where live subtitling is to be provided, advance preparation is vital – where possible, any scripted material should be obtained, and special vocabulary should be prepared. The subtitling for repeated programmes first broadcast live should be reviewed and edited if necessary

Broadcasters should ensure that they consult periodically with groups representing access services users on issues such as the quality of access services, and the selection and scheduling of programmes. To facilitate feedback from access service users, broadcasters should also provide contact details on their websites, including e-mail addresses and telephone and textphone numbers. Broadcasters should monitor and respond to this feedback

- 2 The proposed 10% for the first year is not assisting the Deaf Community, currently the SABC's programmes are 20% accessible and for the next two years the SABC will comply and for the last twenty years there was an extremely slow pace of implementation and this should change to the original draft regulation of 100% accessible programmes in the first year. Deaf People in South Africa cannot wait another 10 years to have 100% access.

Emergency Services

The clause is vague and all service providers must comply to make their services accessible

- Deaf people and Hard of Hearing persons cannot make calls to emergency numbers provided by Government and Cellphone operators.
- All operators must ensure that services are accessible – Deaf People can send text messages –

Interpreting relay services should be available in order for Deaf People to phone by using Sign Language and then the Call Centre (employed by Interpreters) interprets the call to emergency operators and toll free numbers

The recommendation of Video Relay services has been completely deleted and also from the Draft regulations, DeafSA can only make the conclusion that the service providers prevented this, because profits do not mean equal access. It is unforgiving that the regulators of South Africa are not objective and rather in support of the discrimination rather than equal access.

Conclusion

Access to information is fundamental to democracy and Deaf people are part of this democracy, 20 % access to Television and to information are not a consolation price – it is a violation of our democratic right

Constitution of Republic of South Africa.-The Republic of South Africa is one, sovereign, democratic state – founded on the following values: Human dignity, the **achievement of equality** and the advancement of human rights and freedoms.

Yours faithfully



BRUNO DRUCHEN
NATIONAL DIRECTOR