



ICASA


Draft Regulations on Code for Persons with Disabilities


Government Gazette no 41265





DEAF FEDERATION OF SOUTH AFRICA

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11 January 2018

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Comments on the Draft Regulations on Code for Persons with Disabilities Government Gazette no 41265

Dear Nditsheni Hangwani

The Deaf Federation of South Africa (DeafSA) is the biggest national association of the Deaf in South Africa. Our affiliates include most schools for the Deaf, clubs and religious groups of Deaf people. Our organisation was founded on 4 April 1929 and has a long history of advocating for the rights of Deaf South Africans

Please find herewith the comments from DeafSA. DeafSA has made comprehensive comments on the draft regulations in 2014 and we noted that many of the comments were accepted.

1

It need to be understood before we commence with our comments and corrections, the code is not for the Persons with Disabilities but of Persons with Disabilities.

2

Clause 1 – Definitions

It is not Sign Language but South African Sign Language (SASL) and the description is incorrect, because SASL is not a system but a real language equal to any other spoken language in terms of status. SASL comprises the use of manual gestures, facial expression and body language to convey meaning. South African Sign Language (SASL) is used by Deaf South Africans. This is a distinct language (recognised as such by the Government) with different syntax and vocabulary from English or any spoken language in South Africa.

Address all correspondence to the National Director

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National Director: Bruno Druchen
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Fundraising No: 01 100058 0007
Non-Profit Organisation No: 000 701

The submission made by DeafSA to Parliament to amend the Constitution, for SASL to be the 12th official language of South Africa, the submission made was approved by the National Assembly and the National Council of Provinces. In 2018 Parliament will draft a bill for SASL to be included in the constitution.

3.

Clause 4 – Basic Standards for Broadcasting Service Licensees.

The descriptions for Subtitles and Closed Captioning do not comply to International Standards and

The rules for TV closed captioning ensure that viewers who are Deaf and hard of hearing have full access to programming, address captioning quality and provide guidance to video programming distributors and programmers. The rules apply to all television programming with captions, requiring that captions be:

Accurate: Captions must match the spoken words in the dialogue and convey background noises and other sounds to the fullest extent possible.

Synchronous: Captions must coincide with their corresponding spoken words and sounds to the greatest extent possible and must be displayed on the screen at a speed that can be read by viewers.

Complete: Captions must run from the beginning to the end of the program to the fullest extent possible.

Properly placed: Captions should not block other important visual content on the screen, overlap one another or run off the edge of the video screen.

The rules distinguish between pre-recorded, live, and near-live programming and explain how the standards apply to each type of programming, recognizing the greater hurdles involved with captioning live and near-live programming. It therefore recommended that rules and proper guidelines be drafted as part of the Code, to give proper and accurate guidance to licensees. The guidelines were submitted in the 2014 submission and therefore added to the document as a reference.

The minimum subtitling and closed-captioning requirements is of grave concern, as explained below:

- There was no monitoring mechanism to monitor implementation.
- No sanctions were posted on the non-compliance and DeafSA is pleased to see that there is a R5 000 000 fine.
- In the 3 years since the minimum requirements were introduced no programme on the Public Broadcaster have been closed captioned.
- Live broadcasts were aired to share information with South Africans and no live captioning was done.
- 21 years into democracy and the Deaf Community are faced with a table for the minimum requirements for the implementation of the subtitles and closed-captioning.

4

Clause 5 – Basic Standards for Electronic Communications Services

Voice Recognition is misunderstood by the service providers and Deaf People are forced to use their voices and to personally converse telephonically when we want to discuss matters with our bank when we received calls from the banking institutions or we need to sign over power of attorney to the SASL interpreters.

Clause 6 – General requirements for communication and information provision to persons with disabilities

In this clause the requirements do not address the needs of Deaf people in South Africa , in terms of access to information despite the fact that DeafSA made a a comprehensive submission in 2014.

- Video relay service (VRS) must be a free, subscriber-based service for people who use South African Sign Language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying.
- Video remote interpreting (VRI) is a fee-based service that uses video conferencing technology to access an off-site interpreter to provide real-time SASL or oral interpreting services for conversations between hearing people and people who are Deaf or have hearing loss. Additionally, there may be some cost advantages in using VRI in certain circumstances. However, VRI will not be effective in all circumstances. For example, it will not be effective if the person who needs the interpreter has difficulty seeing the screen (either because of vision loss or because he or she cannot be properly positioned to see the screen, because of an injury or other condition). In these circumstances, an on-site interpreter may be required.

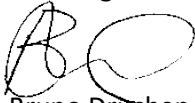
If VRI is chosen, all of the following specific performance standards must be met:

- real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
 - a sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the face, arms, hands, and fingers of the person using sign language, regardless of his or her body position;
 - a clear, audible transmission of voices; and
 - adequate staff training to ensure quick set-up and proper operation.
- Emergency Services

The VRS will assist Deaf People and a sms system that is dedicated to the Deaf Community.

Please involve DeafSA and the Deaf Community when discussion will take place in terms of the regulation and the implementation thereof.

Kind Regards



Bruno Druchen
National Director