

**Opening statement by Councillor Nomonde Gongxeka-Seopa at the
two-day engagement with stakeholders on the Draft Code on
Persons with disabilities, 6 to 7 June 2019**

Good morning – Molweni nonke, on behalf of ICASA, I would like to welcome all stakeholders here present today, as we embark on yet another engagement that will see us coming up with the Code of Conduct for Persons with Disabilities Regulations.

My name is Nomonde Gongxeka-Seopa and I am a Councillor here at ICASA, and I am also the Chairperson of the Committee for the **Code on Persons with disabilities**. This Committee is Co-Chaired by Councillor Botlenyana Mokhele who unfortunately is not able to join us today. We also have members of the Committee, and they are:

- Mr Bethuel Makola
- Ms. Nditsheni Hangwani
- Ms. Siphesihle Manentsa
- Ms. Thabitha Serumula
- Mr. Victor S Nkwane
- Ms. Yvonne Bohale and

Ladies and gentlemen

The issues we are going to address today are of critical importance, in that they affect the most disadvantaged sector of our population, that is persons with disabilities. As the Authority we draw our lessons from the United Nations Convention on the Rights of Persons with Disabilities, which seeks to ensure that the human rights of persons with disabilities are protected. As a collective, that is, ICASA the regulator, licensees and all the stakeholders, we are dutybound to ensure that the rights of persons with disabilities are protected, and upheld at all times. And therefore, we must all work together towards building an inclusive digital society, where services are received by **ALL** regardless of their social and economic standing.

Persons with disabilities in developing countries such as ours still face daunting barriers to socio-economic participation. Having access to Information and Communication Technologies (ICTs) can eliminate or mitigate some of these barriers. However, technology advancements seem not to promote penetration, affordability or scalability of ICT-based development to accommodate persons with disabilities. Hence a comprehensive ecosystem, and approach can will go a long way to assist in ensuring that sustainable mechanisms for access, affordability, and availability are developed.

The ICT ecosystem will promote successful outcomes when **ALL** the stakeholders, policy structures, and resources are aligned, this in order to strengthen and support initiatives that are targeted at advancing matters that affect persons with disabilities. In short, the promise of ICTs for persons with disabilities will not be realised in low- and middle-income communities, unless there is supportive legislation, policy, regulation, infrastructure, to name but a few.

The current Code of Conduct for Persons with Disabilities Regulations were published in 2007 in accordance with section 70 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) (herein referred to as the ECA). Section 2(h) of the Objects of the ECA stipulates that, the primary mandate of the Authority is **to promote the empowerment of historically disadvantaged persons, including challenges for persons with disabilities.**

Since the implementation of the current Regulations, the Authority conducted workshops and awareness programmes targeting organisations representing Persons with Disabilities, and the general public around the country. During the discussions, a number of issues were raised about the Regulations, about how they were developed; as well as issues relating to non-compliance by licensees on certain provisions of the Regulations.

Esteemed stakeholders

Some if not all of you will remember that in the past, the Authority hosted the National Summit on Persons with Disabilities, mainly to:

- Identify challenges experienced by persons with disabilities;
- Identify solutions to the challenges experienced by persons with disabilities;
- Take stock of the achievements in the provision of communication services since the promulgation of the Regulations Setting the Code on Persons with Disabilities;
- Create a platform for constructive engagement between licensees, manufacturers, persons with disabilities and other key stakeholders regarding the provision of communications services.

Subsequently, the Authority has also undertaken study visits to the United States of America (Washington DC), United Kingdom (London), Sweden (Stockholm) and Belgium (Brussels). The purpose of the study visits was to learn international best practice in relation to universal design, accessibility and inclusivity in relation to telecommunications and broadcasting services.

Some of the observations emanating from the outcomes of the study visits suggest that, operators should develop Codes for technical standards that are compliant with the needs of persons with disabilities, and that regulators must monitor and enforce compliance. From the telecommunications side, research indicate that, manufacturers, such as Blackberry, already have a wide selection of universally designed products on their catalogue which operators may order or provide their own specifications. In most cases, software for universally designed products is included during the stage of manufacturing, making it accessible and affordable for persons with Disabilities.

Among others, the European Union has issued a directive to its members to ensure that they provide equitable products and services for **ALL** including persons living with disabilities.

In March 2014, the Authority published the first Draft Regulations on the Code for Persons with Disabilities. This was then followed by an extensive country-wide public consultation process, and workshops on the draft regulations. Subsequently the second Draft Regulations were published for public comments in November 2014. And this was followed by the publication of the third Draft Regulations in November 2017.

Some of the concerns that were raised during the public consultations relate to the following:

- The font for Subtitles and Captioning must be made bigger;
- That subtitles must be provided for all TV programmes;
- Large print and braille billing statements must be issued by operators;
- The audio content and the subtitles must be in line (with no delays);
- A need for universal design of handsets, and at affordable prices;
- That cheaper hearing aids devices be made available;
- Airtime vouchers be printed in braille;
- Jaws software must be installed in smart phones;
- Allocation of separate TV and Radio channels for persons with disabilities must be provided;
- Subtitling and sign language interpretation during public announcements on television, must be a standard feature;
- Preference of captioning vs subtitles; etc

L&G's, the Authority has since reviewed and considered all the comments received since the onset of the reviewing the regulations process. It is for this reason that today and tomorrow, we are having this two-day engagement with all interested and affected stakeholders who previously participated in the consultation process since 2014.

Today's proceedings will unfold as such, that each presenter will be afforded fifteen (15) minutes to make their presentation and, once done we will then open the floor for discussions on issues raised.

As we commence with the programme, can I request that your cell phones are placed on silent mode, to ensure that they do not interfere with both the proceedings and our sound recording system.

I THANK YOU>>>>