



Higher and Further Education Disability Services Association

HEDSA
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Sam Van Musschenbroek
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Registered at Universities South Africa (USAf) as a Community of Practice NPO no.: 078-484

7 July 2021

**TO: Mr D Nkosi
CHAIR: PC TRADE AND INDUSTRY
PARLIAMENT**

SUBJECT: COPYRIGHT AMENDMENT BILL

Dear Mr Nkosi

Background

HEDSA is an NPO that is recognised as a community of practice by Universities South Africa. It is an advocacy and rights-based organisation that does work in the field of disability in the post-school sector in South Africa. The organisation represents students with disabilities at these institutions through engaging with the disability units of those institutions that have disability units or offices. HEDSA is the collective voice of disability units within the country and lobbies around issues of interest concerning various aspects of disability support across institutions. The initial engagement of disability units was at HEI where there were established disability units or offices, but HEDSA is continuing to actively expand to FET institutions as well.

HEDSA has established networks with a range of organisations that serve to work for students with disabilities in the higher and further education sectors. It encourages, enables and facilitates collaboration, sharing of best practice and networking amongst disability units across SA.

HEDSA also actively contributes to and comments on proposed legislation and policy regarding matters of disability within higher education. The most recent one being the Issue Paper on the Domestication of the UNCRPD.

HEDSA has identified projects that it facilitates over a two year time period (which include a current example of the development of guidelines to assist DU's at HEIs in the establishment of services). These projects are disability related and apply specifically to the HEI environment with the aim of promoting inclusive education principles.

Ms. Martie Miranda (Chairperson, UFS); Mr. Nevil Balakrishna (Vice-Chairperson, UKZN);
Mr. Sam Van Musschenbroek (Secretary, UFH); Ms Anneline Taljaard (Treasurer, Boland
College); Mr Andrew Sam (Acting Publicity and Communications, WITS), Mrs Nosiphiwo
Delubom (Co-opted member: NMU)

Website: www.hedsa.org.za

HEDSA's comment on the Copyright Amendment Bill

As HEDSA we strongly support and welcome Sections 12 A (fair use), 12 B, C and D (exceptions for research and education) and Section 19 B (exceptions for computer programs) and Section 19C (libraries, archives, museums and galleries). All these exceptions are needed by people with disabilities and those who teach or assist them such as librarians, archivists, etc.

Motivation and suggested way forward to consider

As HEDSA we also recently communicated the below suggestion to the Minister of Higher Education and Training, Dr Nzimande:

To succeed in their educational goals, students with disabilities in South Africa must receive equal access to their textbooks and other educational materials on an equal basis as their non-disabled peers. Educational materials must be made available in accessible formats to students who are blind, visually impaired, deaf, or who have other needs that impact communication.

This can be achieved notwithstanding the changes to South African copyright law, including the Marrakesh Treaty. Students with disabilities must not become reliant on book donations or NGO's such as Bookshare. An initiative to support South African publishers to offer accessible materials will benefit students, and South African society as a whole.

The biggest barriers to accessibility in education are not copyright, technology, or economics – they are mistrust and misunderstanding. For equal access to become a reality, South African individuals and organizations involved in the creation, production, distribution, and consumption of educational materials must communicate, coordinate, and collaborate on a comprehensive strategy to reduce and then eliminate accessibility barriers.

- The most efficient and effective way to make accessible educational materials available is for publishers to produce and sell accessible products with a reasonable profit margin.
- Publishers should develop accessibility expertise in-house and partner with accessible format producers to offer a range of accessible formats.
- Accessible materials should be priced so students pay standard prices while the educational institutions pay additional costs associated with formats such as braille, large print, audio, etc.
- E-books and other digital materials should be sold without encryption.
- Terms of Use for digital materials must allow for modification for the purposes of disability accommodation.
- Distributors of e-textbooks and other materials should display an 'accessibility information label' with each product, giving facts about the accessibility limitations of those products.

To facilitate the transition to accessible publishing, South Africa's higher education institutions should consider creating a clearinghouse for accessible materials, similar to the AccessText Network in the US (www.accesstext.org). This clearinghouse will request files from publishers that are needed by educational institutions to create accessible materials for their students. The goal of the clearinghouse is to help colleges and universities serve disabled students more effectively and efficiently.

To establish this clearinghouse will require communication, collaboration, and coordinated action among a variety of organizations, such as:

- Blind SA
- Higher and Further Education Disability Services Association
- Library and Information Association of South Africa

- Publishers Association of South Africa
- South African Book Development Council
- South African Braille Authority
- South African National Council for the Blind
- South African Disability Alliance
- South African Library for the Blind
- South African Union of Students – disability

The first step in the process is to survey students with disabilities, educational institutions, publishers, and related stakeholders about their experience and expectations regarding accessible instructional materials. It is important to get a good picture of what resources are in place and where additional support is needed before proceeding further. Again, collaboration and communication are key to defusing distrust and misunderstanding. Accessibility requires transparency and accountability to flourish.

South Africa faces many of the same challenges to accessibility as other countries, and some that are unique to its history and culture. Equality can only be achieved with commitment and follow-through from all the parties involved. Pursuing a collaborative, development-forward strategy will have long-term benefits for students, educational institutions, the publishing industry, and the creative community as a whole.

We trust that you find this in order.

Kind regards,



Mrs Martie Miranda
HEDSA Chairperson