



To: Mr. D Nkosi, Chairperson: Portfolio Committee on Trade and Industry,
Parliament, Cape Town

Dear Honourable Member Mr. Duma Nkosi,

Re: My submission on the Copyright Amendment Bill [B-13B of 2017]

I am writing in my personal and professional capacity as a blind organisational psychologist and MD of DAISY SA and ShazaCin Accessible Media. I am a recognised global disability strategist and policy developer. I am a member of the Presidential Working Group On Disability and recipient of several awards for my contribution to disability rights enforcement. I thank you for this opportunity to make a submission on the Copyright Amendment Bill.

The current copyright law is not available in braille and alternate reading formats for print disabled persons, nor does it have any exceptions for people with disabilities. I believe this is unconstitutional and in contravention of international conventions on human rights.

I was pleased when the Copyright Amendment Bill was published in 2015 with helpful provisions for people with disabilities. However, I was very disappointed when the Bill, after being approved in 2019, was sent back to Parliament for review 15 months later.

The exceptions for people with disabilities are not under review, yet they have been delayed in the whole process. As you may know, Blind SA has a case in the Johannesburg High Court about the unconstitutionality of our current law. I hope they are successful in their efforts to enable access to information in accessible formats for blind and other print disabled people.

I support the above Sections related to fair use and those for education, research, libraries and other information entities, as blind and other print disabled people also need these exceptions in our daily use of information, whether it be for leisure, work, health, teaching, learning, innovation, civic or other activities.

I am currently driving access to visual information through audio description in South Africa. This enables persons with visual



disabilities to exercise their basic human right to access information produced in visual media formats namely video /motion and still images. As information and communication becomes more digital/video based and exacerbated by the pandemic, visually disabled persons are left further behind. Audio description is the skillful use of words compliant with international standards and is an established access tool and artform. In my endeavour to assist blind people I have come across so many copyright issues due to our law being so outdated. We urgently need all the exceptions in the Sections under review.

I believe that the provisions in the Bill are in line with our constitution, international agreements and international human rights conventions. They surely cannot be non-compliant, when they have been informed by international copyright practices, laws, treaties, research and other documents. So many developed and developing countries have provisions for people with disabilities, so it is time South Africa gave us similar benefits in our copyright law.

As a blind person I feel seriously restricted and discriminated against as my needs and those of others who have print disabilities, are not addressed in our current copyright law.

Please ensure that the Bill is approved as soon as possible. I know it now must go to the provinces, but this process should be swift, decisive and finalised before January 2022. It was said in your recent meeting that it is your committee's intention to finalise the Bill before December 2021, so I hope this deadline is met. South Africa also needs to ratify the 2013 Marrakesh Treaty for visually impaired people too. The ongoing delays are grossly unfair to people with disabilities, but also to all users and creators of knowledge.

Thank you for accepting my submission,

Regards

Sincerely,



Shakila Maharaj (Ms)

