

Submission to the Joint Standing Committee on treaties

In response to the National Interest Analysis on the Marrakesh Treaty

Submission to:
Committee Secretary
Joint Standing Committee on Treaties
PO Box 6021
Parliament House
Canberra ACT 2600
Phone: +61 2 6277 4002
Fax: +61 2 6277 2219
jsct@aph.gov.au

Submitted by:
Robyn Gaile
A person who is blind

I am very pleased to submit the below comments, in relation to the National Interest Analysis, to the JSCT's inquiry into the Marrakesh Treaty to Facilitate Access to Published Works for People who are Blind, Visually Impaired or otherwise Print Disabled (Marrakesh, 27 June 2013).

I am keen to see that the Australian Government ratifies the Marrakesh Treaty.

As a person who has been blind since the age of eight, I have been dependent on the transcription of printed material into alternative formats throughout all of my schooling and into my adult life. Like many Australians, I love to read. When I read fiction, I enjoy escaping into worlds far removed from my own. I love having my imagination opened up and being introduced to people and places that expand my world view. It relaxes me. It feeds my soul, and it helps reduce the stress of every day life. When I read non fiction, I feel empowered by learning new things. The development of my analytical and critical thinking skills and the knowledge that I am increasing my vocabulary and understanding of the world are a terrific bonus!

The relaxing of international copyright laws so that books can be shared across borders will open up my world even more. I understand that the World Blind Union has reported that less than 5% of the the information published in print is made available in formats such as large print, braille, or accessible electronic formats. This is appalling. How would my sighted peers feel if they walked into a newsagency, public library or book store, and only 5% of the shelves had books or magazines on them? I can assure you there would be a public outcry.

Ratification of the Marrakesh Treaty will enable the Australian Government to meet it's obligations under articles 9, 21, 30 & 32 of the United Nations Convention on the Rights of Persons with Disabilities. See attachment A for a description of each of these articles.

The most recent data I have been able to source on the incidence of blindness and vision impairment in Australia is from 2009 data from the Australian Bureau of Statistics. In 2009, 501,700 people had partial and total loss of sight across all age groups. Of this number, 242,700 people had partial loss of sight and 259,000 people had total loss of sight. This represents over half a million people in Australia who will benefit from the Australian Government's adoption of the Marrakesh Treaty.

It has been a constant frustration to me that much of my time, even today, is spent scanning documents, or converting soft copy documents into accessible formats so that I can read the same documents as my sighted peers. The only benefit I gain from the extra steps I have to take on a daily basis in order to have access to the printed material in a format I can read as a blind person is that it makes me appreciate the material all that much more.

I support the position taken by Blind Citizens Australia in their submission to the joint standing committee. And, once again, I strongly urge the Australian Government to ratify the Marrakesh Treaty.

Your sincerely
Robyn Gaile

Attachment A

Articles 9, 21, 30 & 32 of the United Nations Convention on the Rights of Persons with Disability

Article 9 - Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, 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. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

c) To provide training for stakeholders on accessibility issues facing persons with disabilities;

d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 21 - Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

- b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- e) Recognizing and promoting the use of sign languages.

Article 30 - Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

- a) Enjoy access to cultural materials in accessible formats;
- b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
- c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

- a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
- b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
- c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
- d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
- (e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 32 - International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

- a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
- b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- c) Facilitating cooperation in research and access to scientific and technical knowledge;
- d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.