

Accessing Television

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Glossary of terms¹

Technical and related terms

'Accessible'

'Content is accessible when it may be used by someone with a disability.'

'Analogue technology'

'A technique for video and audio transmission and recording, where the signals can vary continuously in pitch and intensity. They need a certain *bandwidth* to be transmitted.'²

'AUDETEL'

'An Independent Television Commission, UK (ITC) project that undertook a thorough investigation of the technical, artistic, logistic and economic issues associated with the provision of an optional descriptive commentary on television programmes to enhance their enjoyment by visually impaired people. Such a commentary provides a carefully crafted description of actions, locations, body language and facial expressions and is reproduced in the gaps between the normal programme dialogue.' [See 'audio description' additional information]

'Audio description'

'A process variously known as Audio Description or Described Video [or video description] is in development and limited use in North America and the United Kingdom. In the main, this technique has been used in association with pre-recorded programming, including drama and documentary type productions, where a secondary sound track is introduced which includes a pre-scripted description of the scene

¹ Information supplied constitute working definitions. They are provided as the basis for future discussions to occur. Consequently, they should not be seen as definitive and as importantly, not considered to be representative of the views of the Broadcasting Commission of Ireland.

² *Glossary of subtitling terminology* (www.transedit.st/glossary.htm).

and on-screen action. This service is delivered via a supplementary audio channel that is transmitted in association with the broadcast and available through decoding equipment supplied to the viewer.’³ It is an ancillary component associated with a TV service which delivers a verbal description of the visual scene as an aid to understanding and enjoyment particularly, but not exclusively, for viewers who have visual impairments. The description content is voice only, often in mono, and is typically confined to gaps in the normal programme narrative.

According to the Independent Television Commission, audio description is as old as sighted people telling blind people about visual events happening in the world around them. Consequently, one sees that an audio description ‘is a commentary [that] tells the viewer what is happening at a given moment’.⁴ An example can be: ‘The elderly nurse takes the boy by the hand and leads him down the corridor. She ushers him into a room where a blond woman in her early thirties is lying in a bed. Mike looks at her, his lips slightly parted.’⁵

‘Audio subtitling’

‘This is a voice output for subtitles. This is only appropriate for programmes in foreign languages and is no substitute for audio description of own-language programmes. It is used in e.g. the Netherlands and some Scandinavian countries.’⁶

CENELEC

European Committee for Electrotechnical Standardisation.

CEN

European Committee for Standardisation.

‘Closed captioning’

See ‘Subtitle’.

‘Decoder’

‘1. An electronic apparatus that transforms *digital* [and also analogue] signals into information that can be used, like letters or

³ Simpson, J. (2001), *Improved TV Access for Blind Viewers in the Digital Era* – paper presented at the Australian Broadcasting Authority’s Conference Radio, Television and the New Media, Canberra 3-4 May (www.aba.gov.au), 3.

⁴ Independent Television Commission (2000a), *ITC Guidance On Standards for Audio Description*, May, 12.

⁵ Independent Television Commission: 2000 (a), 14.

⁶ RNIB, RNID, EFHOH, EUD, FEPEDA and EDU (2003), *Submission in response to the EC Public Consultation on the review of Television Without Frontiers directive*.

words. 2. A [device within or] attached to a TV set that permits viewing of encoded satellite or cable programmes or...’ “closed” assistive services such as subtitling, signing and audio description.⁷

‘*Digital technology*’

‘A technique for signal transmission and recording where, in contrast to *analogue* technology, each values of a video and audio signal is transformed into binary information with only two levels, 1 and 0. This permits transmission, recording, copying and storage without any loss of quality.’⁸

‘*Multi-lingual subtitling*’

‘Subtitling a film or TV programme in several languages to be shown on the screen or distributed simultaneously.’⁹

‘*Open subtitle*’

‘Subtitle which is an integral part of the film or programme and cannot be removed according to the wishes of viewer.’¹⁰ Often, this is referred to in Europe as a caption to distinguish between closed subtitles.

‘*Screen Reader*’

Software program that reads the contents of the screen aloud to a user. Screen readers are used primarily by individuals who are blind. Screen readers can usually only read text that is printed, not painted, to the screen.¹¹

‘*SAP*’

Secondary audio program. ‘A SAP channel is carried alongside a television signal as an alternative to the standard audio that accompanies the video portion of a television program. Listeners can then choose their secondary audio signal through either a television of stereo VCR equipped to receive SAP or through a special decoder.’¹²

‘*Set-top box*’

‘A device that enables a television set to receive and decode signals transmitted in a form that the television set was not originally designed to receive. [The device is usually connected to the

⁷ *Glossary of subtitling terminology* (www.transedit.st/glossary.htm).

⁸ *Glossary of subtitling terminology* (www.transedit.st/glossary.htm).

⁹ *Glossary of subtitling terminology* (www.transedit.st/glossary.htm).

¹⁰ *Glossary of subtitling terminology* (www.transedit.st/glossary.htm).

¹¹ *Glossary of subtitling terminology* (www.transedit.st/glossary.htm).

¹² Canadian Radio-television and Telecommunications Commission (2000), *National Broadcasting Reading Service Inc. (VoicePrint)*, Public Notice CRTC 2000-59, 5 May, 1.

receiver via a SCART cable carrying all the requisite signals]. An integrated digital television already includes this technology.’¹³

‘*Subtitle*’

‘Text which represents what is being said on the screen whether it is a visible, *open subtitle* or a *closed subtitle* which can be added to the picture if viewers so wish, provided they have a...*decoder* in their television set.’¹⁴ [also referred to in the US as ‘*closed captioning*’]

‘*Teletext*’

‘A system by means of which written information is superimposed on a television signal and broadcast. The signals, concealed in the *blanking lines*, activate a *character generator* in the television set, which creates the characters and mixes them into the television picture when a specified teletext page is selected.’¹⁵

‘*Text reader*’

A device that allows teletext pages to be converted into synthesised speech for use by blind people.

‘*Video programming*’

A US term for ‘audio description.’
‘Programming provided by, or generally considered comparable to programming provided by, a television broadcast station that is distributed and exhibited for residential use. Video programming includes advertisements of more than five minutes in duration but does not include advertisements of five minutes’ duration or less.’¹⁶

‘*Video programming provider*’

‘Any video programming distributor and any other entity that provides video programming that is intended for distribution to residential households including, but not limited to broadcast or nonbroadcast television network and the owners of such programming.’¹⁷

¹³ RNIB (2002), *Get the Picture – Making television accessible to blind and partially sighted people*, Campaign Report, 19.

¹⁴ *Glossary of subtitling terminology* (www.transedit.st/glossary.htm).

¹⁵ *Glossary of subtitling terminology* (www.transedit.st/glossary.htm).

¹⁶ Federal Communications Commission (2001), *Closed captioning Rules*, www.fcc.gov/cgb/dro/ccrules/html.

¹⁷ Federal Communications Commission (2001), *Closed captioning Rules*, www.fcc.gov/cgb/dro/ccrules/html.

‘ViSiCAST’

A three year project, led by the Independent Television Commission in the UK, which is developing 3D virtual human technology to provide British Sign Language translation for profoundly deaf viewers.

Constituent groups: deaf
‘deaf people’

‘(sometimes described with the lower case ‘d’ unless at the beginning of a sentence). ‘deaf people’ can be used as a general term to include the whole range of deaf people. A deaf person may or may not belong to the Deaf Community/Culture.’¹⁸

*‘Deaf people’*¹⁹

(sometimes described with the upper case ‘D’) are those who see themselves as members of a cultural and linguistic group, who use [Irish] Sign Language [ISL] as their first/preferred language. Deaf people share a language and a sense of identity.’²⁰

‘deafened people’

‘became deaf as adults usually after having acquired spoken language, and their hearing loss is total or profound. They derive little or no benefit from a hearing aid, and have to rely on visual aids such as lip-reading, writing and speech to text for communication. They identify mainly with hearing people. Deafened people often feel lost between the hearing community/culture and the deaf community/culture.’²¹

‘Hard of hearing people’

‘can have a mild, moderate or severe hearing loss which may have developed gradually or suddenly. They may have been partially deaf since birth, or became so later in life. A hard of hearing person may have some useful hearing, and will communicate through speech, with or without amplification and lip-reading.’

¹⁸ National Association for Deaf People, Ireland (2000), Deaftech Factsheet: *Information on Deafness*, March.

¹⁹ Using an upper case ‘D’ would be the preferred option of many representative organisations in Ireland. An upper case ‘D’ will be used as appropriate to denote Deaf people who use Irish Sign Language and thus, constitute a linguistic minority. At all other times, a lower case ‘d’ will be used to refer to the community that comprises of Deaf people and those who are hard of hearing.

²⁰ National Association for Deaf People, Ireland (2000), Deaftech Factsheet: *Information on Deafness*, March.

²¹ National Association for Deaf People, Ireland (2000), Deaftech Factsheet: *Information on Deafness*, March.

‘The majority of hard of hearing people have become so with advancing age. Their ability to read is unaffected by their deafness except that in elderly people, many may have a dual impairment (i.e. failing sight and hearing). They often benefit from the use of a hearing aid(s). Many hearing aid users in this group will also benefit from induction loops, etc. The overwhelming majority of deaf people are hard of hearing and will identify mainly with the hearing world.’²²

‘Hearing impaired’

‘may be used to describe a person who is deaf or hard of hearing. However, some people dislike this phrase as they feel it is a term which carries much of the old stigma of handicap.’²³

Constituent groups: blind and partially sighted

‘blind’

Somebody described as blind is not necessarily totally without sight, but their visual acuity is 3/60 or worse (they can see at three metres, or less, what a person with normal vision can see at 60 metres); or 6/60 if their field of vision is very restricted and they do not have full range of sight. For instance, they may have severely reduced side vision.²⁴

‘partially sighted’

Somebody is described as partially sighted if their visual acuity is between 3/60 and 6/60 with a full field of vision, or up to 6/18 (18 is the number of the fourth line down the Snellen eye chart) if their field of vision is very restricted.

‘visually impaired’

The generic term indicating some kind of sight deficiency. This covers blind and partially sighted people.

‘registered’

Being registered as blind or partially sighted gives the opportunity to receive extra support. Many people tend not to register unless their sight is very bad (such that they qualify as

²² National Association for Deaf People, Ireland (2000), Deaftech Factsheet: *Information on Deafness*, March.

²³ National Association for Deaf People, Ireland (2000), Deaftech Factsheet: *Information on Deafness*, March.

²⁴ All representative organisations for the blind and visually impaired were asked for their definition of blind people to balance with those available for the deaf community. In general, the response was that such material was unavailable. Consequently, the four descriptions that appear are courtesy of the Royal National Institute for the Blind (RNIB) in the United Kingdom.

blind). Registration involves seeing a consultant and then completing a certification form.

Related terms

'Articulator'

'...a part of the body used to produce language (speech and sign).'

²⁵

'Irish Sign Language'

'...is the indigenous language of the deaf community in Ireland. It has been handed down for generations. It is a visual, spatial language. It has its own syntax, complex grammatical structure and is a highly inflected language. It makes extensive use of classifiers in its nominal and verbal system. The articulators are the hands, in combination with non-manual features including the eyes, brows, cheeks, lip patterns, titling of the head and some movements of the shoulders and upper torso.'

²⁶

'Linguistic minority'

'...a group of people living in the same country, using a common language whose numbers are smaller than the bulk of the population who are using another language. Often the majority group are using a dominant, economically powerful language which creates the need for the linguistic minority to consciously maintain their language.'

²⁷

²⁵ Mathews, P.A. (1996), *The Irish Deaf Community – Survey report, history of education, language and culture*. Dublin: Institiuid Teangeolaiochta Éireann, 241.

²⁶ Mathews, 243.

²⁷ Mathews, 243.

‘Access to television is a fundamental right. Television is vital in defining the cultural landscape of modern societies and provides a primary source of information, education and entertainment. The audiovisual sector is “...of fundamental importance for democracy, freedom of expression and cultural pluralism...”²⁸

²⁸ European Parliament resolution on the third Commission report on the application of the Television Without Frontiers directive, 04/10/2001, COM (2001) 9.

Introduction

Accessing Television is designed to underpin work currently being carried out at the Broadcasting Commission of Ireland (BCI) to extend access to the broadcast media for the deaf and blind communities.¹ It profiles the key constituent groups while addressing the techniques of subtitling, sign language and audio description which are relevant in this area.

Part One looks at the legislative backdrop against which the development of the access rules is cast. It identifies the key statutory provisions in the Irish context. Subsequently, it considers developments occurring at a European level. Viewed collectively, one will see that the impetus to extend access to the broadcast media for deaf and blind people is influenced predominantly by national trends rather than those unfolding on a broader European basis.

The second part sets out to identify the two main groups that are relevant to this study. Information reviewed shows that there are no official figures for the number of deaf and hard of hearing or blind and partially sighted people in Ireland. To substantiate this, Part Two presents the figures collected and thus, demonstrates the disparity that currently exists. Accounting for the difference in totals obtained, the section then moves on to establish that while particularly pertinent to the two main groups, subtitling and audio description are techniques relevant to society at large and outlines the reasons why this is so.

The situation in other countries vis-à-vis subtitling and audio description is considered in Part Three. Here it will be seen that while emphasis is placed on both techniques, greater commitment is made to subtitling than to audio description. It would appear that audio description is more dependent on new and emerging technology than subtitling which can be provided effectively on analogue and/or digital. Consequently, while both techniques are advancing, the rate of development for audio description is set at a pace considerably less than that set for subtitling.²

¹ Recognising the fact that the deaf community in Ireland includes those who are hard of hearing, a lower case 'd' will be used in this document unless the context of a statement necessitates the use of a higher case 'D' to refer to the deaf community as a linguistic minority.

² Viewed comparatively, sign language receives scant attention. Limited information is, therefore, available on this method of access. The provision of sign language, however, is considered elsewhere; principally in the section on the United Kingdom and to a lesser extent in the section on Ireland.

The United Kingdom (UK) and the United States (US) emerge as leaders in this field. Reflecting this, the UK is considered as a case study in Part Four. Here such elements as legislative provisions, broadcasters' capabilities and technical features are outlined. Information delved through reveals that clear and consistent regulation, on-going consultation with interested parties and reviews are of paramount importance if sufficient progress is to be made in this regard. The following section considers the costs attributed to subtitling in a sample of UK stations. Consideration of such demonstrates that for the stations reviewed, the cost of subtitling constitutes a small percentage of total programme cost.

Part Five introduces the situation in Ireland. Here the principal stations are identified and the level of subtitling, sign language and audio description currently available is addressed. Figures made available on costs incurred are presented thereafter.

* * * * *

In approaching this area, emphasis was placed on dealing with issues relating to access. This approach was broadened substantially as progress was made. Information reviewed throughout this study has shown that in referring to subtitling, sign language and to audio description, one is dealing with issues of access but as importantly, he is dealing with issues relating to social inclusion. Television is an important source of information, debate and entertainment. For some Deaf people, Irish Sign Language (ISL), not English, is their first and/or only language. Consequently, many are excluded from the media at large. Television is the only medium that is somewhat accessible as radio remains inaccessible for so many in that particular community. Television is of equal importance in the blind community. Blind and partially sighted are predominantly excluded from the print media. Reliant on sound rather than visual content, radio and television are the main media accessible to this constituent group.

Programmes broadcast on television form the basis of conversations occurring on a day-to-day basis. Absence from such information isolates the person from such discussions and from direct participation in the lives of his peers. Providing techniques to open up television to all is a way of including people in the general life of society. For all members of the constituent groups, if 'unable to receive television broadcasts in a form that is comprehensible to them, they are largely cut off from this essential aspect of citizenship.'³

³ The British Columbia Public Interest Advocacy Centre (BCPIAC) quoted in Canadian Radio-television and Telecommunications Commission (1995), *Introduction to decisions renewing the licences of privately-owned English-Language television stations*, (Public Notice CRTC 1995-48), 24 March, 9.

Legislative provisions

Introduction

This section identifies the legislative basis for the development of the access rules. In so doing, it considers the legislative provisions that underpin the provision of subtitling, sign language and audio description in the Irish context. Subsequently, it reviews developments occurring at European level. Viewed collectively, one sees that the impetus to extend access to the broadcast media for deaf and blind people is influenced predominantly by national trends above those unfolding on a broader European basis.

National level

Accessing Television is designed specifically to assist the Broadcasting Commission of Ireland (BCI) as it devises, and subsequently implements, rules to increase access to broadcast media for deaf and blind people in Ireland. The Broadcasting Act, 2001 provides the basis for such action. Increasing access for key constituent groups is not the only action expressed in this legislation, however. More specifically, Section 19 of this Act states that the BCI will be directed by the Minister to produce a number of codes for key areas which can be identified as follows:

- General advertising codes;
- Codes on taste and decency;
- Rules that require broadcasters to take steps to promote the understanding and enjoyment of programmes for people with hearing and visual disabilities; and
- Codes and rules for children's advertising.

All codes produced will affect both public and commercial broadcasters in Ireland. Priorities are set by the Act and/or the Minister. Consequently, one finds that statute obliges the BCI to prioritise the development of a code to govern advertising to children.⁴ Work is currently underway in this respect. Now running parallel to this process is one aimed at producing rules to increase access to the broadcast media. This will affect significant numbers of deaf and blind people in Ireland, aimed at

⁴ Relevant sections in this instance are Sections 19.1(c), 19.2, 19.5, 19.7, 19.8, 19.9 and 19.10 of Broadcasting Act, 2001.

increasing the level of choice, and thus information, available to them. In this respect, Section 19 states that

‘19 (11) The Commission shall make rules requiring each broadcaster to take specified steps to promote the understanding and enjoyment by-

- (a) persons who are deaf or hard of hearing, and
- (b) persons who are blind or partially sighted

of programmes transmitted on any broadcasting service provided by him or her.

(12) Rules under *subsection (11)* may, in respect of any specified period beginning on or after the commencement of this subsection, require a broadcaster to ensure that a specified percentage of programmes transmitted on a broadcasting service provided by him or her in that period employs specified means by which the understanding and enjoyment by persons referred to in *paragraphs (a) and (b)* of that subsection of that percentage of programmes may be promoted.

(13) In *subsection (12)* “specified” means specified in, or in accordance with, the rules concerned.’

Emphasis is thereby placed on broadcasters to open up services to include deaf and blind communities. This is the legislative context, therefore, in which the development of the rules is set.

European level

Developments in Ireland are being influenced largely by national, rather than European, level in this instance. No requirements currently exist at European Union (EU) level nor were they contained in the original *Television Without Frontiers* (TWF) Directive. This does not mean, however, that the matter is being ignored. Developments are indeed unfolding and discussions are taking place but decisions made have yet to be formulated into a single set of recommendations and thus, implemented thereafter. Work is being carried out and key issues are being debated at EU level as the following examples will demonstrate. For the purposes of clarity, the overview is divided into two to reflect work occurring at EU level and that occurring within the EU.

EU level

*Television Without Frontiers*⁵

No reference was made to access for deaf and blind people in the original *Television Without Frontiers* Directive of 1989.⁶ The review process, however, has broadened

⁵ Other relevant EU documents include Directive 2002/21/EC of the European Parliament and of the Council, 7 March 2002 (Framework Directive); and Directive 2002/22/EC of the European Parliament and of the Council, 7 March 2002 (Universal Service Document).

⁶ The original version of the TWF Directive, issued in 1989, contained no specific mention of access as it pertains to deaf and blind communities. Representative organisations, however, argue that under Article 3a of the Directive, member States may take measures to “ensure wide access by the public to

out the initial focus as representations are made to include issues relevant to disabled people. The European Parliament's 2003 document, for example, *Report on Television without Frontiers (2003/2033 (INI))*, looks at the question of 'Access'.⁷ Here it states that '...the Commission [is urged] to continue to promote interoperability so that full viewer access to digital television is made available as widely as possible.' The report addresses a number of dimensions of increasing access for the deaf and blind communities in Member States, the principal ones being summarised as follows. The need for standardisation of facilities across EU States is emphasised. The EU's track record in this regard is referred to and consequently, it is asked to act on recommendations already given. Most particularly, in the bid to achieve a standardised approach, the Commission is requested to review annually all Member States to assess their individual progress 'on making digital TV accessible for people with disabilities.'⁸

Reaction to this report has been forthcoming. Collectively, representative organisations in the UK see this as a move forward, where the EU will finally start to improve access for disabled people to the broadcast media.⁹ Developments with regards to provision of technical aspects will be reviewed, assessed and charted. This is seen as placing an onus on broadcasters, regulators and governors in individual States to meet targets and objectives set at European level. Viewed alongside the forthcoming CENELEC meeting, *TV for All*, which will address the technical requirements, the representative organisations believe that these combined developments can lead to greater access for their members and for the benefit of society en masse in the foreseeable future.¹⁰ In short, these organisations believe that many of the recommendations included in their joint submission are to be met.¹¹

Summary of other developments

Other principal developments occurring can be summarised as follows:

- The European Commission Joint Research Centre is promoting, through the "Voice Project", the development and harmonisation of subtitling in European television broadcasting.'¹²
- 'The eEurope 2002 Action Plan, adopted at the European Council of Feira in June 2000, includes the specific objective of ensuring that people with disabilities benefit fully from new technologies and the Internet and the

television coverage of events of major importance for society." Some organisations believe that their concerns fall within this remit.

⁷ On 4 September 2003, the European Parliament voted in favour of this report.

⁸ European Parliament (2003), *Report on Television without Frontiers (2003/2033 (INI))*, Committee on Culture, Youth, Education, the Media and Sport, 25 June.

⁹ RNIB, RNID, EFHOH, EUD, FEPEDA and EDU (2003), *European Parliament votes to improve television access for disabled people*, Press release, 5 September.

¹⁰ CENELEC are to hold a meeting in Barcelona in October 2003. This will build on progress made during its meeting in Seville, June 2002. An interim report was published in June 2003 and the final report is due in November 2003.

¹¹ RNIB, RNID, EFHOH, EUD, FEPEDA and EDU (2003), Submission in response to the EC Public Consultation on the Review of Television Without Frontiers directive.

¹² RNIB, RNID, EFHOH, EUD, FEPEDA and EDU (2003), *Submission in response to the EC Public Consultation on the review of Television Without Frontiers directive*.

specific target of adoption of the Web Accessibility Guidelines for public websites in Member States and European Institutions. Accordingly, the Commission adopted on September 2001 the Communication: “eEurope 2002: Accessibility of Public Web Sites and their Content.”

In addition, it should be noted that Article 31 of Directive 2002/22/EC: ‘The Universal Service Directive’ – ‘explicitly refers to the possibility for Member States to impose certain must-carry rules on undertaking to providing electronic communications networks for the transmission of services specifically designed to enable appropriate access by disabled users.’

Within the EU

Developments in Europe have been unfolding on micro and macro levels. What follows is a brief consideration of developments occurring on the larger scale. Overviews are provided of the two principal groups found in this area: AUDETEL and CENELEC. What follows, therefore, is an outline of their origins, objectives and progress.

European AUDETEL consortium

The European AUDETEL (Audio Described Television) consortium carried out work between April 1992 and December 1995. More specifically, the consortium

undertook a thorough investigation of the technical, artistic, logistic and economic issues associated with the provision of an optional descriptive commentary on television programmes to enhance their enjoyment by visually impaired people. Such a commentary provides a carefully crafted description of actions, locations, body language and facial expressions and is reproduced in the gaps between the normal programme dialogue.¹³

Founded by the ITC in 1991, the objectives of AUDETEL were to examine ‘all the issues associated with beginning regular broadcasts of described programmes in Europe.’¹⁴ Part funded by the European Commission, it spent the early years considering ‘the development of descriptive styles for all types of programming through interactions with many hundreds of visually impaired people’ as well as determining ways of conveying audio description within analogue transmissions.¹⁵ In addition, the elderly, who might be hard of hearing, were consulted to ensure that the descriptions were intelligible to them.

Throughout, the service was carefully monitored ‘to record practical engineering, logistical and editorial experiences’ and a wealth of feedback was generated from those in receipt of the pilot services carried out between July and November 1994. The AUDETEL trial was considered to be ‘an overwhelming success, demonstrating not only the practability of regular broadcasts, but also enormously increasing

¹³ Independent Television Commission (2000a), *ITC Guidance On Standards for Audio Description*, May, 3.

¹⁴ Independent Television Commission: 2000 (a), 5.

¹⁵ Independent Television Commission: 2000 (a), 5.

comprehension and enjoyment among blind and partially sighted viewers.’¹⁶ With the advent of digital services, the analogue pilot study was discontinued as it was considered that digital offered a better means of conveying a higher quality sound channel.

CENELEC (the European Committee for Electrotechnical Standardisation)

One organisation at the heart of developments regarding increased accessibility is CENELEC. From its own literature, it states that CENELEC

was created in 1973 as a result of the merger of two previous European organisations: CENELCOM and CENEL. Nowadays, CENELEC is a non-profit technical organisation set up under Belgian law and composed of the National Electrotechnical Committees of 23 European countries. In addition, 12 National Committees from Central and Eastern Europe are participating in CENELEC’s work with an Affiliate status.¹⁷

More specifically, a summary of its work states that

CENELEC members have been working together in the interests of European harmonization since the 1950s, creating both standards requested by the market and harmonized standards in support of European legislation and which have helped to shape the European Internal Market. CENELEC works with 35,000 technical experts from 22 European countries. Its work directly increases market potential, encourages technological development and guarantees the safety and health of consumers and workers.¹⁸

Information supplied in its 2003 report, *Standardisation Requirements for Access to Digital TV and Interactive Services by Disabled People*, deals predominantly with the technical aspects of increasing accessibility. In so doing, it shows the results of collaborative work occurring at EU level.¹⁹ The following points were made with regards to the rationale for this course of action, the main points are summarised here.

The report states that the number of EU residents in need of these services is substantial and this is set to increase. Drawing on the findings of Professor Adrian Davis, Institute of Hearing Research (IHR), UK, it suggests that

81,536,000 adults will have a hearing loss in Europe as a whole by 2005. By 2015, the figure will be 90,588,000.²⁰ This

¹⁶ Independent Television Commission: 2000(a), 5.

¹⁷ www.cenelec.org/Cenelec/About+CENELEC/CENELEC.htm.

¹⁸ www.cenelec.org/Cenelec/About+CENELEC/CENELEC.htm.

¹⁹ There is no onus on the EU to accept recommendations made by CENELEC but as Europe’s electrotechnical standards making body, such guidance carries considerable weight.

²⁰ The figure of 81,536,000 denotes people aged 18 and over with bilateral hearing impairment at 25 dB Hearing Level and above (the figure for severe and profoundly deaf is 6.5 million) both in EU member States and other European countries (as defined by the UN/WHO).

means that more than one in seven adults in Europe will have hearing problems.²¹

It is estimated that some 7.4 million will have intractable sight loss.²² These figures are also used by representative organisations in the UK.²³ Increases, rather than decreases, are envisaged meaning that providing greater access to the broadcast media will benefit growing numbers of people over years to come. CENELEC also stresses that these services should not be seen as relevant to members of the two prime groups exclusively but as relevant to society at large.

In the development of new services, the role that digital television can play in the creation, development and extension of services is seen as fundamental. It is also recognised that the introduction of digital television offers manufacturers and broadcasters an opportunity to introduce new products and services and for the consumer to consider how to make best use of them. Digital TV equipment must be user friendly if success is to be realised. If it is too difficult to use, less people will avail of it. With the developments that occur, the need for standardisation is paramount.

CENELEC, in conjunction with CEN and ETSI, held a conference comprising of broadcasters, members of representative organisations, manufacturers, policy makers, consumer groups and other interested persons in June 2002.²⁴ The principal outcome of this meeting was the establishment of a 'virtual group' on the internet which acts as a forum for exchanges of information and ideas. In this Conference, attention was once again paid to digital television and the principal role that it will play in opening up access to relevant groups. In addition, reference was made to the need for user-friendly technology that will encourage people to participate rather than isolate them. Recommendations for 'Basis for User & Standardisation requirements' include:

- 'Simplify receiver controls – especially for sensory impaired;
- Labelling – clear and have logical positioning;
- Remote controls: button size and shape;
- Common use of symbols;
- Understandable terminology;
- Simple connectivity between devices;
- Intuitive on-screen menus and EPGs.

The work of CENELEC is on-going. The 2002 meeting and the work of the 'virtual group', for example, is to be followed up by another gathering that will be held in Barcelona in October 2003.

Concluding remarks

In this section, developments occurring at National and European level were reviewed. Legislative provisions were identified and the process of devising the code

²¹ RNIB, RNID, EFHOH, EUD, FEPEDA and EDU: 2003, 1.

²² RNIB, RNID, EFHOH, EUD, FEPEDA and EDU: 2003, 1.

²³ RNIB, RNID, EFHOH, EUD, FEPEDA and EDU: 2003, 1.

²⁴ CENELEC, TV for All Conference, Seville, 13-14 June 2002.

for increased access was seen in its statutory context. Developments unfolding at European level were then considered. It was seen that a similar legal basis was currently absent in this regard as no formal plan or set of recommendations had been adopted and/or implemented. Nevertheless, it was seen that debate is on-going with the publication of the 2003 report. Significant work has been carried out as shown by the review of AUDETEL and CENELEC. At present, however, while substantial work is being done, there is no formal directive to implement findings in this regard. One sees, therefore, that the rationale to devise rules to increase access for deaf and blind people in Ireland has its basis in Irish law rather than European convention.

Setting the scene

Introduction

Total figures for the number of (a) deaf and hard of hearing and (b) blind and partially sighted people resident in Ireland were sought. The aim was to obtain a clear picture of the two main constituent groups relevant to this area of work. Acquiring these figures, however, was not an easy task. It was hampered by many unexpected difficulties encountered in information received from Statutory organisations, representative organisations and among the deaf and blind communities. The following piece, therefore, explains briefly the problems encountered and the selection of figures/estimates located. Additional information is provided as appropriate to show deaf and blind communities in a broader context. On conclusion, the relevance of subtitling and audio description to these communities and beyond is considered.

Initial findings and organisations contacted

The search revealed that total figures for deaf and blind people are currently not collected in the Census by the Central Statistics Office (CSO).²⁵ Approaches to the Department of Health also showed that it did not gather such statistics, relying instead on representative organisations to provide data as required. Representations to the Equality Authority, the Health Boards, the Health Research Board (HRB) and the Revenue Commissioners received similar responses. Viewed collectively, one sees that complete official figures available at State level do not exist. Partial figures, however, could be located. The CSO, for example, provided information gathered as part of its Quarterly National Household Survey (QNHS) while the HRB made available statistics it was gathering as part of its project to establish a national data base on disability.²⁶

Contact with representative agencies mirrored this. Some organisations – for example, the National Disability Authority and Blindcraft – do not keep such figures. Figures available from other groups were inconclusive, representing in the main those registered with them exclusively. Such figures can only provide part albeit not the full picture. In addition, there is a lack of consistency in the manner in which information

²⁵ Information on disability in an Irish context will be made available but not until March 2004.

²⁶ At the time of writing, the project was only 40-50% complete.

is processed – for example, The Irish Deaf Society do not have figures available by gender but do have them broken down by county. Conversely, the National Council for the Blind has figures cross-tabulated by gender but not by county. The absence of similar approaches can impede successful comparisons.

Reliability of figures located

Figures obtained, irrespective of source, cannot be accepted as definitive. A number of reasons account for this. They can be summarised as follows:

- No official search has been carried out;
- Registration with many of the organisations is voluntary;
- Young children may not be registered, either they are pre-diagnosis and/or their parents have not yet accepted fully their child's condition;
- Older people may not be registered because they consider failing eyesight/hearing as symptomatic of the aging process or do not register due to a sense of pride;
- Often only those seeking medical attention through the Health Boards, education through facilities, tax relief through the Revenue Commissioners and/or contact with representative groups are counted – leaving those who do not access key points unaccounted for;
- No systematic approach was taken to data collection in this respect. The criteria used for classification may be narrow or broad – thus, excluding or including accordingly. It may be by a process of self classification or by formal medical assessment.

The following review sets out the figures received and the problems encountered. The organisations appear alphabetically rather than being grouped by disability as some organisations, for example the HRB, provide information on both hard of hearing and blind.

Central Statistics Office (CSO)

Information from the CSO was patchy. No question has been asked specifically on deaf and/or blindness in any Census albeit a question being asked in the Census 1991 on sign language. Information from the QNHS was provided, however.

Quarterly National Household Survey (QNHS)

Questions were asked in the QNHS, 2002 concerning disability²⁷. Although referring mainly to disability in the labour force, other concerns were addressed too. Much of the information presented refers to different disabilities presented collectively. Where possible, information referring to deaf and blind was extrapolated as appropriate.

Table 2.1 outlines results regarding 'Persons aged 15 to 64, that have a longstanding health problem or disability, classified by type of longstanding health problem or

²⁷ The questions on disability were included in the Quarterly National Household Survey (QNHS) in the three months from March to May 2002. The sample size was 40,000 representing 1% of total population.

disability’²⁸ Looking at figures for ‘hearing difficulty’ and ‘seeing difficulty’ exclusively, the following table can be presented.²⁹ It must be noted that it is unclear if those recorded in the research are officially registered as hard of hearing or blind.

Table 2.1
Persons aged 15 to 64, that have a longstanding health problem or disability, classified by type of longstanding health problem or disability (abridged)

‘000

	Hearing difficulty	Seeing Difficulty
State	5.6	4.7
<i>Region</i>		
Border	0.6	0.6
Midlands	0.3	* ³⁰
West	0.6	0.6
Dublin	2.0	1.3
Mid-East	0.4	0.4
Mid-West	0.7	0.3
South-East	0.4	0.7
South-West	0.5	0.7
<i>Gender</i>		
Male	3.1	2.7
Female	2.5	2.0
<i>Age group</i>		
15-24 years	1.1	0.7
25-34 years	0.8	0.7
35-44 years	1.2	0.9
45-54 years	1.4	1.1
55-64 years	1.1	1.3
<i>Marital status</i>		
Single	2.5	2.2
Married	2.6	2.1
Separated	0.3	*
Widowed	*	*
<i>Economic status</i>		
In employment	2.6	1.8
Unemployed	0.5	*
Not economically active	2.5	2.8

²⁸ These are total figures – i.e. they include those in employment and those unemployed. The figures were presented in Table 5 of the QNHS. The original table has been altered for the sole purposes of the present study.

²⁹ References to all other illnesses have been excluded.

³⁰ *Occurrence too small for estimation.

Table 2.2 provides information on ‘Persons aged 15 to 64, that have a longstanding health problem or disability, classified by how long they have had the health condition.’ Again, hearing and sight have been singled out for specific consideration.³¹

Table 2.2
Persons aged 15 to 64, that have a longstanding health problem or disability, classified by how long they have had the health condition (abridged)

Health Problem Or disability	‘000									
	Less than 6 mths	6 mths to less than a year	1-2 years	2-3 years	3-5 years	5-10 years	10 years or more	Since birth	Don’t know/ Not stated	Total
Hearing difficulty	* ³²	*	0.3	*	*	0.5	1.8	2.2	*	5.6
Seeing difficulty	*	*	0.3	0.3	0.5	0.4	1.5	1.4	*	4.7

Figures may be interesting in the context of employment. They can provide only indicators, however, vis-à-vis the total number of deaf and/or blind people in Ireland today.

Department of Social Welfare

Limited statistics were available from this Department. It could state, however, that the number of people in receipt of the ‘Blind Person’s Pension’ in 2001 was 2025.³³

Health Research Board (HRB)

Information received from the HRB was derived from data collected for the National Physical and Sensory Disability Database (NPSDD) between January and December 2002 (12,777 records) and identifies people with hearing and visual impairments registered on this database during that period.³⁴ The research is on-going and consequently, the data set should not be accepted as complete.³⁵

³¹ The figures were presented in Table 7 of the QNHS. The original table has been altered for the sole purposes of the present study.

³² *Occurrence too small for estimation.

³³ Eligibility is determined by a means test and a medical certificate from a Department recognised ophthalmologist.

³⁴ The NPSDD seeks to register individuals with physical or sensory disabilities who meet the following criteria: (a) have a persistent physical or sensory disability arising from disease, disorder or trauma; (b) in the case of dual disability, where the predominant disability is physical or sensory; (c)

Table 2.3(a)
Figures from National Physical Sensory Disability Database
0-44 years

	Under 16			16-24 years			25-44 years		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Type of Disability	155	174	329	55	67	122	98	80	178
Visual	119	136	255	72	74	146	170	153	323
Hearing Loss/Deafness and Visual	22	17	39	2	8	10	13	12	25
Total registered with hearing loss/deafness and/or visual during 2002	296	327	623	129	149	278	281	245	526
Total registered on NPSDD during 2002	1484	2287	3771	553	638	1191	1375	1371	2746
2001 Date: Type of disability was not collected									
Total registered on NPSDD during 2001	317	540	857	148	154	302	248	256	504

Table 2.3(b)
Figures from National Physical Sensory Disability Database
44+ years and totals

	45-64 years			65 years and over			Total		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Type of Disability	116	134	250	7	3	10	431	458	889
Visual	236	241	477	7	6	13	604	610	1214
Hearing Loss/Deafness and Visual	17	15	32	3	0	3	57	52	109
Total registered with hearing loss/deafness and/or visual during 2002	369	390	759	17	9	26	1092	1120	2212
Total registered on NPSDD during 2002	2487	2419	4906	91	72	163	5990	6787	12777
2001 Date: Type of disability was not collected									
Total registered on NPSDD during 2001	377	379	756	32	42	74	1122	1371	2493

are less than 66 years of age; (d) are receiving, or require a specialised health or personal social service which is related to their disability; and (e) have consented to being included on the database. Participation in the NPSDD is voluntary and the database identifies people with disabilities who are currently availing of, or require, specialised health and personal social services and so does not constitute the population of people with physical and sensory disabilities in this country.

³⁵ Due to the size of the table received from the NPSDD, it is presented here in two parts.

In addition, the HRB referred to the *Health Survey for England* (2003).³⁶ The survey reported the following findings:

Table 2.4
Hearing and sight disability by % of population (UK)

Gender	<i>Percentage</i>
<i>Males</i>	<i>2% have moderate to serious level of sight disability 6% have moderate to serious level of hearing disability</i>
<i>Females</i>	<i>3% have moderate to serious level of sight disability 4% have moderate to serious level of hearing disability</i>

Irish Deaf Society (IDS)

Total:

The IDS estimates that the total number of Deaf people in Ireland is 3,500.³⁷ In modern terms, it accepts that the figure could be nearer to 4,000. This figure refers to Deaf people defined as sign language users regardless of level of hearing loss.

Urban/rural divide:

Patrick A. Matthews provided a breakdown by area in his book, *The Irish Deaf Community*.³⁸ Results can be presented as follows:

³⁶ Bajekal, M. and A. Prescott (2003), *Health Survey for England*, London: The Stationary Office.

³⁷ This figure is based on an estimate from the 1991 Census which asked about ability to use sign language. Consequently, this figure identifies the number of people able to use sign language regardless of hearing loss. One can argue, therefore, that this is an unreliable figure for three main reasons. Firstly, it must be pointed out that not all deaf people can sign. Secondly, members of the hearing community have learned sign language and thus, would be included in this figure. And thirdly, the ability to sign is generally accepted as characteristic of the young where those over 50 would not have learned this skill in any significant numbers.

³⁸ Matthews, P.A. (1996), *The Deaf Community - Volume 1*, Dublin: Institiuid Teangeolaiochta Eireann, 41.

Table 2.5
Population of Deaf Adults in Ireland³⁹

Provinces	Estimates No. of Deaf Adults (less 20% still at school)	No. of respondents	% of respondents
Leinster	1,444	248	16.6
Munster	808	72	8.9
Connacht	338	22	6.5
Ulster (part of)	185	2	1.0
Total: Republic of Ireland	2,819	344	12.2
Northern Ireland (part of Ulster)	1,262	7	0.6
Total: Republic and Northern Ireland	4,081	351	8.6

For Matthews, the Deaf Community in Ireland is largely concentrated in the main urban centres with smaller communities scattered throughout the country.⁴⁰ Reasons for such concentration are two fold – firstly, for increased employment possibilities, and secondly, for the number of social activities available. More specifically, he says that

The Irish Deaf Community is unusual to the extent that it does not have a geographical nucleus. Deaf people are scattered throughout the ‘hearing’ community...This type of community, while fragmented in terms of daily contact, nevertheless is closely bound through the friendship networks formed by its members. It is not unusual for deaf people to travel long distances for annual or special events, such as dinner dances, sports events, quiz nights, etc.⁴¹

Gender:

A breakdown of these figures according to gender is not available.

Irish Hard of Hearing Association (IHHA)

No official figures are available. Nevertheless, the following suggestions were made.

1991 Census:

Pat McKenna argues against the reliability of the figures from the 1991 Census, stating that the use of sign language usually indicates profound deafness and its use is more prevalent among those in the younger age categories. In general, he believes that

³⁹ This table appears as Table 4.1. in Matthews study. It is presented here with no change to the presentation of the original contents.

⁴⁰ Matthews, 9.

⁴¹ Matthews, 8.

figures based on a scale of deafness may be unreliable as position on the scale is often achieved by self-classification rather than determined by medical expertise.

Use of UK statistics:

In the absence of official figures for Ireland, McKenna uses figures available in the United Kingdom as a guide, extracting information as appropriate. From these UK figures, the proportion of deaf people is believed to be one in seven (worked out on being deaf in both ears).

Unlike the UK, other countries argue that one in five people have hearing impairments (taking deafness in one ear as an indicator). Comparative analyses reveal great consistency across countries regarding these proportions.

National Association of Deaf People (NADP)

The NADP states that c.17% of the population of Ireland has some form of hearing loss.⁴² This ranges from a mild hearing loss to a profound loss. A table supplied by the NADP suggests that:

Table 2.6
Total number of deaf people in Ireland (NADP)

Description of Hearing Loss (BSA Categories)⁴³	dBHL⁴⁴ – Better Ear Average	% of Total Adult Population (Approx.)	% of Total Adult Population (Approx.)
Mild Hearing Loss	25-40	11.33%	399,201
Moderate Hearing Loss	41-70	4.99%	175,818
Severe Hearing Loss	71-95	0.54%	19,026
Profound	96+	0.14%	4,933
Total		17%	598,978

Age:

According to the NADP, at least three quarters of the adults with hearing loss are over 60 years old. In the 61-70 year age group at least a third has some degree of hearing loss and at least 10% has a loss which is moderate or worse. In the 71-80 year age group over half has some degree of hearing loss and at least 20% has a loss which is moderate or worse. In other words, the vast majority of people with hearing difficulties are elderly hard-of-hearing people. To clarify this situation further, the NADP supplied the following table:

⁴² The NADP states that most of the figures given are statistical estimates based on samples and so are only approximate.

⁴³ The BSA categories of hearing loss are those agreed by the British Society of Audiology and the British Association of Otolaryngologists.

⁴⁴ 'dBHL' refers to Decibels Hearing Loss, the scale for measuring hearing loss.

Table 2.7
Total number of deaf people by age (%)⁴⁵

Age Group	% With Hearing Loss
17-30 years	1.8%
31-40 years	2.8%
41-50 years	8.2%
51-60 years	18.9%
61-70 years	36.8%
71-80 years	60.2%

Gender:

The NADP suggests that the prevalence of mild hearing loss is higher among men. For moderate and severe degrees of hearing loss, the percentage of men affected is roughly the same as the percentage of women.

Occupation:

The NADP contends that the prevalence of hearing loss is significantly higher among people in manual occupational groups than in non-manual groups.

Children:

The NADP indicates that the estimate for the number of children born with some degree of deafness is approximately 3 in every thousand births, of which about a third (one in a thousand births) has a severe or profound hearing loss. By the age of 16 years, the prevalence of hearing difficulty has risen to at least 6 per thousand.

National Council for the Blind in Ireland (NCBI)

The NCBI supplied information regarding the total number of registered vision impaired people in Ireland. This is presented in the following table:

Table 2.8
Total number of blind people in Ireland (NCBI)

Vision capacity⁴⁶	Figures
Partial sight	4802
Almost blind	1691
Total blind	671
<i>Overall total</i>	7164 ⁴⁷

⁴⁵ No information is provided in the Factsheet, nor can be obtained from the NADP, regarding what the total figure was for these calculations. It is surmised, therefore, that as Table 1.6 was based on the total population of Ireland, the results represented in Table 1.7 are drawn from the same figures.

⁴⁶ To qualify for registration, the client must be certified as legally blind (i.e. best corrected vision must be equal to or less than 6/60 in the better eye or field vision must be limited to the extent that widest diameter of vision subtends an angle not greater than 20 degrees) by an ophthalmologist.

⁴⁷ This is the number of registered vision impaired in Ireland. Registration with the NCBI is voluntary and it is estimated that the number registered is approximately half the number eligible for registration.

Urban/Rural:

Figures are not currently available to reflect the urban/rural divide.

Gender:

Figures provided in Table 2.8 have been cross-tabulated by gender. These results are as follows:

Table 2.9
Total number of blind people in Ireland by gender (NCBI)

Male	3102
Female	4061
<i>Overall total:</i>	7163 [sic]

The story so far

No official figures or agreed upon totals exist in the Irish context. The total number of deaf people, for example, has been suggested to be 4,000. It has also been represented as c.17% of the population. Due to such disparity, figures provided by State agencies, Government Departments and/or representative organisations cannot, therefore, be accepted without question. Ratios have been provided, however. Taking the European approach, one can conclude that one in five people have a hearing impairment (taking deafness in one ear as an indicator). It is estimated that one in fifty people will have some form of issue with his/her sight.⁴⁸

Figures presented by the cross section of organisations constitute a very small section of the overall population of Ireland. What relevance then have these figures to the project now underway at the Broadcasting Commission of Ireland (BCI)? It could be argued that based on figures reviewed, growing emphasis on providing increased levels of subtitling, sign language and audio description for television is based on comparatively small need. Two arguments can be considered here. Primarily, one can argue that the inconclusive nature of figures reviewed means that those with hearing difficulties or visual impairment may exceed greatly estimates received. One must remember that figures presented are often a record of those registered with a particular group and not a clear indication of the number of people who have hearing difficulties or visual impairment. In addition, it can be argued that the number of people that can benefit from increased subtitling, sign language and audio description is far greater than has been indicated by the numbers considered above. The availability of such features is of far greater importance than one might have previously supposed. So who can benefit from increased subtitling and audio description?⁴⁹ The following sections address that question.

⁴⁸ The RNIB in the UK estimate that sight problems affect 1% of the population which provides a ratio of one in fifty people. Irish estimates, provided by the National Council for the Blind in Ireland (NCBI), would suggest one in sixty.

⁴⁹ It is hereby accepted that increasing the level of sign language available on television will largely benefit the deaf community rather than society at large. Consideration of such, therefore, is omitted at this point.

Who benefits from subtitling?

The provision of subtitles is geared towards making television more accessible to the deaf and hard of hearing. This includes people who were born deaf, those who have lost their hearing – all or part of – through an accident and those who find that their hearing is deteriorating as the aging process sets in. Subtitles are of benefit to more people than this might suggest, however. In addition to the accepted groups, for example, ‘children starting to read...benefit from subtitling.’⁵⁰ Furthermore, subtitles

enable better comprehension of TV programmes for hearing people who have learning difficulties or who are watching a programme in a second language in which they are not fluent, because they are able to read, as well as listen to, what is being said. Hearing people also find subtitles convenient in their daily lives, for example, when there is high background noise in domestic environment.⁵¹

The potential benefit of subtitles to social groups is, therefore, great. Their availability addresses different needs identifiable among the viewing public.

Who benefits from audio description?

Principally, ‘audio description’ benefits those who are visually impaired and this accounts for one in fifty people. Members of this community range from the majority which retains some sight to the minority that has a total loss of vision. It is argued, however, that the applicability of this service is not confined to the blind community *per se* but has wider appeal. In particular, it is of use to the elderly who may, due to hearing impairment, find ordinary commentaries insufficient. In addition, it is believed that ‘Potentially the largest audience to benefit from audio description is simply those sighted people who do not always wish to direct their visual attention at the television screen.’⁵² It is also stated that audio description is applicable to ‘viewers who have a sub-optimal understanding of a programme due to cultural effects, language difficulties, cognitive impairment or due to joining the programme after the scene has been set.’⁵³ Audio description is useful beyond the broadcast media as it allows recordings of popular television programmes on cassette to be made available. Taking all such factors into account, representative organisations argue that ‘By increasing assistive services for disabled people on television, European broadcasters will be also providing an improved service for **all** viewers.’⁵⁴

Concluding remarks

The benefits of increased subtitling, sign language and audio description are great. Not only do they affect traditionally recognised communities of deaf and blind people but benefit large pockets within a given society. Looking at the key constituent groups, however, the following can be said.

⁵⁰ RNIB, RNID, EFHOH, EUD, FEPEDA and EDU (2003), *Submission in response to the EC Public Consultation on the Review of Television Without Frontiers Directive*, 3.

⁵¹ RNIB et al, 3-4.

⁵² Independent Television Commission: 2000(a), 7.

⁵³ RNIB et al, 4.

⁵⁴ RNIB et al, 4; their emphasis.

Where many are excluded from access to other media because they cannot read the newspapers – due to vision impairment or use of ISL as a first language - and/or hear the radio, the role played by television assumes great significance. In this context, and in general, television has emerged as the main provider of information in the modern world. It informs, educates and entertains. Increasing access to this medium is about including people in daily life. It is about providing them with the means to be fully fledged television viewers rather than dipping in and out as technology permits.

Provisions elsewhere for the deaf

Introduction

To view Ireland's position in a broader context, the situation in a select number of countries was considered. These were Australia, Canada, New Zealand, Sweden and the United States. The choice was based on acquiring information from English speaking jurisdictions and one non-English speaking State. Although, not part of the search proper, some observations vis-à-vis the situation in France are also included. Focusing on a sample of countries has been done strictly for the purposes of this study. Limiting consideration to specific countries does not imply, however, that other States do not have similar provisions or services meeting the same level of quality.⁵⁵

With regards to the main countries in this review, set questions were asked in each instance. These focused on the following areas:

1. Official guidelines pertaining to the provision of subtitles and the role of the State/regulator in their implementation;
2. Identification of who pays for the provision of subtitling;
3. Identification of who regulates the limit/quota for subtitling;
4. The type of content referred to and a determination of whether or not limits/quotas apply to sports and/or advertising.

The level of information received differed according to country. This is not the only difference to take note of. Each State constitutes a unique setting. In consequence, differences regarding population levels, stage of technological advancement, resources available, commitment to provisions, data collected, approaches taken and principles applied occur accordingly. Taking this into account, the results of this preliminary search can be summarised as follows.

Australia

Do you have official guidelines in respect of subtitling? Are there any legal provisions or are such requirements determined solely by the regulator?

⁵⁵ To a greater or lesser extent, a number of other countries provide subtitling either due to statutory obligation or voluntary inclination. These include German Lander, Italy, Holland and more recently, Spain. Further information can be obtained from the European Broadcasting Union (EBU) and the report on the 2000 Conference held in Antalya.

Provisions for subtitling are spread over a number of documents. Most prominently, they are found in each of the codes of practice for commercial television and for subscription television.

Clause 38 of Schedule 4 of the Broadcasting Services Act, 1992 is most relevant in this instance. It outlines the regulations that must determine standards to be observed by both commercial and public service broadcasters. In the provision of subtitles, licensees and national broadcasters are required to meet specified targets, including programmes transmitted during prime time viewing.⁵⁶ This clause requires that from when they first broadcast in digital mode, national broadcasters and commercial television licensees should provide in both digital and analogue modes a captioning service for television programs transmitted during prime viewing hours (6pm to 10.30pm).

A cross-section of programmes falls within those to be accompanied by captions, including news and current affairs.⁵⁷ Clause 38 also refers to exemptions from regulations set out. More specifically, these are

‘(4B) Standards under sub clause (1) must not require the provision of a captioning service for:

- (a) a television program, or a part of a television program, that is wholly in a language other than English; or
- (b) a television program, or a part of a television program, the audio component of which consists only of music that has no human vocal content that is recognisable as being in the English language; or
- (c) so much of the audio component of a television program as consists of incidental or background music.’

Who pays for the provision of subtitling?

The broadcaster is responsible for costs.

Who regulates the limit/quota for subtitling?

Clause 38 requires that ‘as far as is practicable commercial television licensees and national broadcasters should provide a captioning service for television programs transmitted...’ during the times specified. It is accepted that this is a requirement to provide the service except where exceptional circumstances prevent and such are assessed on a case by case basis. No specific quota seems to apply albeit the setting of targets is referred to in section 2 of Clause 38.

What type of content does it apply to? Does the requirement affect sports and/or advertisements?

Clause 38 requires that from when they first broadcast in digital mode, national broadcasters and commercial television licensees should provide in both digital and

⁵⁶ This is stated as being between the hours of 6 and 10.30 pm.

⁵⁷ ‘In this clause: *program* does not include advertising or sponsorship matter (whether or not of a commercial kind).’

analogue modes a captioning service for television programmes transmitted during prime viewing hours (6 to 10.30 pm) and television news programmes and television current affairs programmes transmitted outside prime viewing hours. Advertising and sponsorship are not classified as 'programmes' and consequently, do not fall under the terms of Clause 38.

Canada

Do you have official guidelines in respect of subtitling? Are there any legal provisions or are such requirements determined solely by the regulator?

Section 3(1)(p) of the *Broadcasting Act, 1999* states that "programming accessible by disabled persons should be provided within the Canadian broadcasting system as resources become available for the purpose."

The Canadian Radio-television and Telecommunications Commission (CRTC) regulates the provision of subtitling in the Canadian context. Reflecting the linguistic divide in that country, provisions are made for both English-language and French-language broadcasting.⁵⁸ Information reviewed applies to analogue and digital.

English-language

With regards to English-Language, it was stated in 1999 that under its policy on closed captioning,

Television stations earning more than \$10 million in annual advertising revenues were required by 1 September 1998, to caption all local news, including live segments. The policy also requires that all such licensees close caption at least 90% of all programming during the broadcast day by the end of individual terms. Medium and smaller television stations are respectively expected, or encouraged, to meet the same standards.⁵⁹

In outlining the requirements to provide subtitling, the Commission changed the emphasis according to the income of the broadcasting group. One sees therefore that the CRTC 'requires' licensees of all stations earning more than \$10 million in advertising revenues and network payments to caption.⁶⁰ It 'expects' licensees of all stations earning between \$5 and \$10 million in annual advertising revenues and network payments to caption. And finally, the CRTC states that it 'encourages' licensees of all stations earning less than \$5 million in annual advertising revenues and network payments to caption. Differing emphases reflect the different positions in the market where it might be difficult for the smaller stations to meet targets due to financial restraints. Consequently, 'the Commission...imposed less stringent

⁵⁸ Official figures for the linguistic composition of Canada are: English (59.3%); French (23.2%); and Other (17.5%). 82% of the population of Quebec speak French.

⁵⁹ Canadian Radio-television and Telecommunications Commission (1999), *Building on Success – A Policy Framework for Canadian Television*, 11 June, 19.

⁶⁰ This includes such major stations as CBC, CTV and Global.

expectations' according to size and turnover.⁶¹ With regards to the largest groups, it was emphasized that

With regard to their adherence to these requirements, the Commission reminds licensees that, under sections 12 and 13 of the [Broadcasting Act, 1999], such requirements may be made the subject of a mandatory order and, ultimately, an order of the Federal Court or of any superior court of a province. Such an order is enforceable in the same manner as an order of the court.⁶²

These varying emphases were stated in 1995. In 2003, they still persist where larger stations are required to provide these services while the small to medium stations are encouraged to do so.⁶³

Each target, however, was set at 90% and applies to 'all local news programming, including live segments, using either real-time captioning or another technology capable of producing high quality captioning for live programming.'⁶⁴ Progress made since the introduction of these provisions in 1988 up to 1995, was considered very positive with the Commission being satisfied that the vast majority of licensees 'had met and exceeded the requirements set out for the provision of service to the deaf and hard of hearing in the last license renewal decisions...'⁶⁵ It was also noted that since the introduction of requirements for subtitling, the cost of providing such a service had 'decreased significantly'. It was envisaged that such a decline was expected to continue as more captioning suppliers entered the market.⁶⁶ Taking this factor into account, the Commission believed that it was therefore not unrealistic to expect all licensees to meet the targets set. Specifying 90% rather than 100% allowed for a margin of error where technical difficulties might arise or captions might be delivered late to the station.

French-Language:

While the CRTC believes that French-language broadcasters should have similar requirements to the English-language broadcasters vis-à-vis providing closed captioning, it realizes that there are inherent differences to be observed. More specifically, 'Challenges for captioning in French include a small market base and the fact that captioning technology was initially developed for the English-language market.'⁶⁷ Nevertheless, the Commission has noted

That English- and French-language television stations historically have not had the same requirements due to the

⁶¹ Canadian Radio-television and Telecommunications Commission (1995a), *Introduction to decisions renewing the licences of privately-owned English-Language television stations*, (Public Notice CRTC 1995-48), 24 March, 10.

⁶² Canadian Radio-television and Telecommunications Commission: 1995(a), 10.

⁶³ Canadian Radio-television and Telecommunications Commission: 1999, 19.

⁶⁴ Canadian Radio-television and Telecommunications Commission (2003), *Broadcasting Services for the Hearing and Visually Impaired*, p.2.

⁶⁵ Subtitling was first introduced in 1981. Canadian Radio-television and Telecommunications Commission: 1995(a), 9.

⁶⁶ Canadian Radio-television and Telecommunications Commission: 1995(a), 9.

⁶⁷ Canadian Radio-television and Telecommunications Commission: 1999, 19.

high cost of providing closed captioning for French-language programming. However, the Commission considers that the time has now come for French-language broadcasters to provide more closed captioning. It is confident that market demand will reduce the costs of providing the service.⁶⁸

The CRTC has engaged with individual French-language broadcasters to work towards the provision of captioning on a par with English-language broadcasters. Consequently, one sees that ‘Since 2001, the largest French-language private television network TVA, must caption 100% of all news by September 2004 and 90% of all programming by 2007...’⁶⁹ It is interesting to note that in 2001, TVA stated in the ‘Summary of Eligible benefits’ attached to the application to transfer effective control of TVA to Quebecor Media, that 1.4% of its budget was spent on ‘Closed captioning for the hearing impaired’. This works out at roughly \$500,000.⁷⁰

Ethnic and third-language television services

The CRTC refers to the provision of closed captioning for other languages used in broadcasting in the State.⁷¹ Here it states that these are generally required

- ‘to achieve the 90% of all English-language programming; and
- be encouraged to caption as much third-language programming as possible.’⁷²

Who pays for the provision of subtitling?

At present, no public funds are specifically available for the purpose of providing subtitles in Canada. Consequently, broadcasters are ultimately responsible for the costs. Indeed many make closed captioning a contractual obligation of producers. Certain public funding organisations (for example, Telefilm, Canadian Television Fund) require programmes to be closed captioned before they will receive funding. Furthermore, some broadcasters have been successful in selling sponsorship for their closed captioning to help defray the costs. An example of this is the CanWest Global Communications Corporation.⁷³

Who regulates the limit/quota for subtitling?

The CRTC. All conditions of licence are monitored by the CRTC through its logging systems. Non-compliance would be followed up, most likely at the time of renewal of

⁶⁸ Canadian Radio-television and Telecommunications Commission: 1999(a), 19.

⁶⁹ Canadian Radio-television and Telecommunications Commission: 1999(a), 19. Decision CRTC 2001-384.

⁷⁰ Canadian Radio-television and Telecommunications Commission (2001b), *Transfer of effective control of TVA to Quebecor Media*, Decision CRTC 2001-384, 26, 8.

⁷¹ Other languages constitute 17.5% of the total population and include: Chinese, German, Polish, Spanish, Portuguese, Punjabi, Ukrainian, Arabic, Dutch, Tagalog, Greek, Vietnamese, Cree and Inuktitut.

⁷² Canadian Radio-television and Telecommunications Commission: 1999, 19.

⁷³ ‘CanWest Global Communications Corporation is a leading diversified Canadian media company with an international presence. Through its subsidiaries Global Communications Limited, CanWest Television Inc. and Global Television Network Quebec (limited Partnership)...it currently owns or controls a total of sixteen television stations across Canada...’ It is generally referred to as ‘Global’. Canadian Radio-television and Telecommunications Commission (2001e), *Licence renewals for the television stations controlled by Global*, Decision CRTC 2001-458, 2 August, 2. CTV has also been successful in selling sponsorship for its closed captioning.

the licence, or in the case of a complaint. The CRTC does not impose fines but it has a number of mechanisms at its disposal for dealing with non-compliance. To date, no problems have occurred at this level in the provision of subtitling or audio description to warrant such a reaction.

What type of content does it apply to? Does the requirement affect sports and/or advertisements?

Ninety percent of all programming that a station broadcasts, including news. Closed captioning requirements include live feeds.⁷⁴ Sports are included albeit with 10% flexibility which enables broadcasters to decide what they wish to caption and what they might choose to omit.

The CRTC's primary intention is to ensure that programmes are captioned. It does not specifically require that advertising be captioned. Many advertisers, however, are choosing to caption and many broadcasters are asking that they do so.

New Zealand

Do you have official guidelines in respect of subtitling? Are there any legal provisions or are such requirements determined solely by the regulator?

There is no regulation or legal provision for subtitling in New Zealand. NZ-On-Air, however, does fund and promote subtitling.

The captioning service in New Zealand is on analogue.⁷⁵ Last year, the first phase of transition to digital production in the newsroom at TVNZ was completed. It is envisaged, however, that it may be approximately 15 years before the transmission of Teletext goes digital. Consequently, it is surmised by TVNZ that various components of the business will move to digital production, transmission before the whole networks are operating on a digital platform.

Who pays for the provision of subtitling?

NZ-On-Air, a Crown Agency, is responsible for promoting and fostering the development of New Zealand's culture on the airwaves.⁷⁶ In the context of its work, it funds subtitling through the medium of Teletext on the three main free-to-air television channels, TV ONE, TV2 (the TVNZ channels) and TV3 (owned by CanWest).⁷⁷ At present, NZ-On-Air provides \$NZ 1.5 million for which it receives 100+ hours of Teletext captioning per week.⁷⁸ This means that virtually all captioning has been paid for out of TVNZ's funding from NZ-On-Air (government money).

⁷⁴ Canadian Radio-television and Telecommunications Commission (2001e), 2.

⁷⁵ Information displayed on the webpage <http://www.beeppworld.de/members16/teletext/special.htm> states that 'Teletext continues to play an integral role on the broadcast strategy of TVNZ, and will be used as a springboard for the introduction of Digital Text services as the world moves to iTV (Interactive Television) through Digital Broadcast (whether terrestrial or satellite).'

⁷⁶ For example, by funding locally-made television programs, public radio networks and access radio, and to promote New Zealand music by funding music videos and radio shows. NZ-On-Air was originally set up to distribute the broadcasting fee prior to the fee being scrapped and replaced with tax dollars.

⁷⁷ TVNZ receives a finite amount of funding from NZ-On-Air which enables it to produce over 100 hours of television per week.

⁷⁸ On 3 November, www.xe.com stated that the NZ dollar converted into 0.527628 of a Euro. Based on this, \$NZ1.5 million would be equivalent to €791,442.

TVNZ also generates a small amount of revenue from caption sales which is also contributed to its funding pot.

The captioning of local programming is carried out by a team located at TVNZ. While TVNZ does not contribute cash to the provision of captioning, it does discount the transmission costs.⁷⁹ Interestingly, it also provides captioning for programmes screened by its competitor, TV3.

Who regulates the limit/quota for subtitling?

There are no quotas and consequently, no legislation that specifies a need for such. The amount of subtitling produced appears to be influenced by NZ-On-Air.

What type of content does it apply to? Does the requirement affect sports and/or advertisements?

Of the amount paid, and the number of hours generated, results in something captioned during prime time on the free-to-air network channels. There is an increasing amount of off-peak captioning in, for example, a number of running soaps and some children's programmes. Many films from overseas, particularly those from jurisdictions which are regulated, come into New Zealand with subtitling imbedded. While priding itself on being able to provide roughly 100 hours of TV across three channels on a weekly basis, it is acknowledged that particular difficulties are encountered with certain genres of television programmes. TVNZ, for example, believes that it cannot offer good live news, current affairs or sports coverage due to the shortcomings of technology to deal with live events and thus, coverage.

Sweden

Do you have official guidelines in respect of subtitling? Are there any legal provisions or are such requirements determined solely by the regulator?

Broadcasting requirements are limited to two public service, and one commercial, companies: Swedish Television (SVT), Swedish Educational Broadcasting (UR) and the commercial TV4. At present, provision of subtitling refers to analogue broadcasting. In the terms of these companies' licences, it is stated that they must take account of the needs of disabled groups and other audience segments with special needs and interests. Section 14 of SVT's licence, for example, states that it shall increase its efforts to make programmes accessible to disabled people. In practice this means that at least 50% of the broadcasted time for original Swedish programmes should be subtitled. This extends over a four year period.⁸⁰ One goal for this licence period is to be able to provide a service by which subtitles are read aloud.⁸¹

Conversely, the commercial broadcaster, TV4, does not have the same level of obligation as SVT vis-à-vis subtitling. Section 5 of its licence states that it is obliged to make broad entertainment programmes and Swedish television drama accessible to disabled people to meet at least the targets set in 1996. It was at that point that TV4 set its targets regarding how much of the programme broadcast would be subtitled.

⁷⁹ NZ-On-Air meets 100% of the costs.

⁸⁰ The broadcasting licence is awarded for a 4 year period after which the broadcasting companies renegotiate the terms of the licence with the government.

⁸¹ This technique is referred to as 'audio subtitling'. For further information, see the next section 'Provisions elsewhere for the blind.'

Consequently, one sees that in this instance, it is TV4, and not the government/regulator, that set the target for the volume of subtitled programmes which it was to meet.

Who pays for the provision of subtitling?

The broadcasting companies.

Who regulates the limit/quota for subtitling?

Licences are issued by the government. It is the government, therefore, that determines the terms of those licences. Broadcasters are obliged to provide an annual review of their performance for examination by the regulator and in turn, by the government.

What type of content does it apply to? Does the requirement affect sports and/or advertisements?

SVT are obliged to subtitle 50% of the broadcasted time for original Swedish programmes. After it meets that requirement, it is free to decide what type of content to subtitle thereafter. TV4 are obliged to make broad entertainment programmes and Swedish television drama accessible. After that, they are free to subtitle any other type of content. Sweden does not consider an advertisement to be a programme.

US

In comparison to the other countries reviewed, the US has considerable material available on this subject. Information considered is grouped under the set headings with 'additional information' included at the end.

Do you have official guidelines in respect of subtitling? Are there any legal provisions or are such requirements determined solely by the regulator?

The Federal Communications Commission (FCC) regulates the companies providing television services within the US. FCC rules require these companies (broadcast television stations, cable television companies and satellite television services and other multi programming video providers) to have closed captioning in the video programming they distribute.

Captioning rules in the US refer to both analogue and digital. It achieved this by amending the decoder circuit Act in July 2000.⁸² This amended the regulations for the FCC's rules for the technical standards for closed captioning in analogue receivers to extend to DTV receivers. The Television Decoder Circuitry Act, 1990 required that television receivers contain circuitry to decode and display closed captioning. Viewed with the requirement for pass through of closed captioning imposed on all distributors of video programming (or all broadcasters, cable companies and satellite television services) means that as the transition to digital occurs, persons who use closed captioning will have access to the same visual information as everyone else.

Who pays for the provision of subtitling?

The cost of closed captioning is paid by the industry as it is considered to be part of the cost of distributing the video programming. It is, therefore, included as costs

⁸² This was to be achieved by 1 July 2002.

within production and distribution. It is stated, however, that ‘No video programming provider shall be required to expend any money to caption any video programming if such expenditure would exceed 2% of the gross revenues received from that channel during the previous calendar year.’⁸³ In addition, ‘No video programming provider shall be required to expend any money to caption any channel of video programming producing annual gross revenues of less than \$3,000,000 during the previous calendar year other than the obligation to pass through video programming already captioned when received...’⁸⁴

Who regulates the limit/quota for subtitling?

Consideration of such is grouped into two sections: (a) new programming; and (b) pre-rule programming. The findings can be presented as follows.

(a) New programming: All English language programming, which was first shown on or after 1 January, 1998, must be captioned over an eight-year period, by 2006. The FCC has set benchmarks to meet this deadline: ‘These benchmarks measure the amount of programming that must be captioned each calendar quarter (every 3 months) and are as follows:

- 2000: 450 hours of programming per channel per quarter
- 2002: 900 hours of programming per channel per quarter
- 2004: 1350 hours of programming per channel per quarter
- 2006: 100% of all programming, with some exemptions [see below].’⁸⁵

(b) Pre-rule programming: Programming in this category refers to output prior to 1 January 1998. It is envisaged that 75% of this programming must be captioned by 2008 under the following schedule:

- 2003: 30% hours of programming per channel per quarter
- 2008: 75% hours of programming per channel per quarter.’⁸⁶

Certain exemptions are allowed. One finds, therefore, that captioning is not required for:

- ‘Programs which are shown between 2 a.m. and 6 a.m. local time;
- Locally produced and distributed non-news programming with no repeat value (e.g., parades and school sports);
- Commercials that are no more than five minutes long;
- Instructional programming that is locally produced by public television stations for use in grades K-12 and post secondary schools (only covers programming narrowly distributed to individual educational institutions);

⁸³ Federal Communications Commission (2001), *Closed Captioning Rules* (www.fcc.gov/cgb/dro/ccrules.html).

⁸⁴ Federal Communications Commission (2001), *Closed Captioning Rules* (www.fcc.gov/cgb/dro/ccrules.html).

⁸⁵ Federal Communications Commission (n.dat), *Closed Captioning* (www.fcc.gov/cgb/consumerfacts/closedcaption.html).

⁸⁶ Federal Communications Commission (n.dat), *Closed Captioning* (www.fcc.gov/cgb/consumerfacts/closedcaption.html).

- Programs in languages other than English and Spanish;
- Programs shown on new networks for the first four years of the network's operations;
- Public service announcements under 10 minutes, unless they are federally-funded or produced; and
- Video programming providers or distributors may ask the FCC for an exemption for specific programming if supplying captions for that programming would result in an undue burden for the provider or distributor.⁸⁷

Compliance is calculated on a per channel, calendar quarter basis.⁸⁸

What type of content does it apply to? Does the requirement affect sports and/or advertisements?

No specifics were offered in this respect.

Additional information

Throughout this investigation, information arose that while relevant, did not fall under the categories specified. It is contained hereunder.

Accessing subtitles:

Congress passed a law in 1996 that requires video programmed distributors (cable operators, broadcasters, satellite distributors) to phase in closed captioning of their television programs. Viewers may select to watch closed captions through their remote controls or on-screen displays. The new law does not require captioning of home videos or video games.⁸⁹

Spanish language provision:

Provisions are also being made for captioning in the Spanish language. It is hoped that 100% of new programming will occur in 2010; for pre-1998, 75% of programming per channel per quarter by 2012.⁹⁰

Subtitles and the news:

Particular attention was drawn to the subject of subtitling the news. Here it was said that

Real-time captioning typically uses stenographers to convert the entire audio portion of a live program to captions. Electronic newsroom captioning technique (ENCT) creates

⁸⁷ Federal Communications Commission (n.dat), *Closed Captioning* (www.fcc.gov/cgb/consumerfacts/closedcaption.html). 'In addition, a video programming provider or distributor may ask the FCC for an exemption for specific programming if supplying captions for that programming would result in an undue burden for the provider or distributor.'

⁸⁸ Federal Communications Commission (2001), *Closed Captioning Rules* (www.fcc.gov/cgb/dro/ccrules.html).

⁸⁹ Federal Communications Commission (n.dat), *Closed Captioning* (www.fcc.gov/cgb/consumerfacts/closedcaption.html).

⁹⁰ Federal Communications Commission (n.dat), *Closed Captioning* (www.fcc.gov/cgb/consumerfacts/closedcaption.html).

captions from a news script computer or teleprompter used for live newscasts. Because only material that is scripted can be captioned with this technique, breaking news, sports and weather updates, and live field reports are typically not captioned when ENCT is used.⁹¹

As of January 1, 2000, the FCC rules disallowed the four major national broadcast networks (ABC, CBS, Fox, and NBC), among others, ‘to count live news programming using ENCT toward their captioning requirements.’⁹² Moreover,

Rather, these networks and affiliates must provide real-time captioning for live news programming in order for it to count toward meeting the FCC’s captioning schedules. Other programming distributors and providers, however, are permitted to use ENCT for live programming to meet the captioning mandates.⁹³

Procedures for exemptions based on undue burden:

Procedures are included in order to determine exemptions considered to be based on undue burden. For example: ‘A petition for an exemption must be supported by sufficient evidence to demonstrate that compliance with the requirements to closed caption video programming would cause an undue burden.’⁹⁴ The term ‘undue burden’ means significant difficulty or expense. Factors to be considered when determining whether the requirements for closed captioning impose an undue burden include:

- i. the nature and cost of the closed captions for the programming;
- ii. the impact on the operation of the provider or program owner;
- iii. the financial resources of the provider or program owner; and
- iv. the type of operations of the provider or program owner.⁹⁵

France

Information received from France, refers specifically to DTT.⁹⁶ Requirements for subtitling emanate from Article 28.5 of the Broadcasting Act, 1986 (as amended). At present, there is a difference in the obligations placed on commercial broadcasting and those placed on public broadcasting. The obligation for providing for deaf and hard of hearing is to reach 10% by year 9 for either subtitling or sign language. The starting

⁹¹ Federal Communications Commission (n.dat), *Closed Captioning* (www.fcc.gov/cgb/consumerfacts/closedcaption.html).

⁹² Federal Communications Commission (n.dat), *Closed Captioning* (www.fcc.gov/cgb/consumerfacts/closedcaption.html).

⁹³ Federal Communications Commission (n.dat), *Closed Captioning* (www.fcc.gov/cgb/consumerfacts/closedcaption.html). It continues on regarding ‘Emergency Programming’, ‘Digital Captioning’ and how to lodge a complaint for failure to provide closed captioning or access to emergency programming.

⁹⁴ Federal Communications Commission (2001), *Closed Captioning Rules* (www.fcc.gov/cgb/dro/ccrules.html).

⁹⁵ Federal Communications Commission (2001), *Closed Captioning Rules* (www.fcc.gov/cgb/dro/ccrules.html).

⁹⁶ www.csa.fr/actualite/dossiers/dossiers_detail.php?id=12701&chap=2324.

point is 2%, rising by 1% each year to reach 10% by year 9. The CSA can impose a requirement that this quota be met in prime time and also adapted for children's, sports, music and news channels. This applies to the commercial channels exclusively. Public broadcasting channels have higher obligations.

Concluding remarks

The position of these States regarding the provision of subtitling has been considered.⁹⁷ Providing access, it was seen, is stipulated in the licences issued, and/or the legislation carried, in the jurisdictions regarded. Viewed comparatively, common ground is found in the fact that in all of these countries, the level of subtitling is set to increase over years to come. This is where the similarity ends, however. Envisaged increases in subtitling are set at significantly different levels. This refers to broadcasting in a country's principal language. Inside specific countries, provision of subtitles for programmes in languages other than the main language is also stipulated. Such broadcasters are required to reach similar targets but over a longer time period. Smaller market base, using captioning technology suited mainly for English and a higher cost of producing subtitles due to a smaller number working in that language all account for this disparity. Viewed collectively, this information provides a context within which Ireland's present position and subsequent progress can be viewed.

⁹⁷ Information on the provision of sign language is limited. The majority obtained came from organisations based in Britain. Consequently, it is considered in the section on developments in the United Kingdom and to a lesser extent, in the section on Ireland.

Provisions elsewhere for the blind

Introduction

The same countries were asked to provide information on their position vis-à-vis audio description. With the exceptions of the US and Canada, available information was scant. Consequently, it was not possible to follow a structured format as was possible when reviewing provisions for subtitling. Instead, brief summaries were compiled from information received from each country.

The lack of availability of information on audio description was often indicative of emphasis placed on this method of access in individual States. In the majority of cases, one sees that the introduction and subsequent progress of audio description lags significantly behind subtitling. While possible on analogue, it is generally believed that the emergence of digital television will make the availability and development of audio description increasingly successful and thus, available to more.

As the technique of audio description is not instantly recognisable to many, the first parts of this section provide an introduction. More specifically, they identify this technique which provides access to television predominantly, but not exclusively, for the blind community while outlining why such is deemed necessary.

Introducing audio description

As this is a comparatively new area of development, it follows that certain observations might be made regarding why audio description is deemed necessary and thus, why it should be promoted. It has been noted that audio description benefits primarily those who are blind or visually impaired. Its benefits are not confined to this group. Other pockets of society can also avail of audio description according to need.

What follows is a brief consideration of why audio description is often considered necessary and the content to which it might apply. In making these comments, reference will be made specifically to the perceived principal beneficiaries, to the blind and visually impaired.

What is audio description?

Audio description is generally understood to mean an ancillary component associated with a television service which delivers a verbal description of the visual scene as an aid to understanding and enjoyment particularly, but not exclusively, for viewers who have visual impairments. The description content is voice only, in mono, and is typically confined to gaps in the normal programme narrative. An example can be seen in the following piece from the UK programme, *The Bill*:

A car pulls up. Plainclothes officers Roache and Carver from CID get out. Behind them two other vehicles bringing two forensics men and a police photographer.⁹⁸

Why is audio description considered necessary?

In his report, *Improved TV Access for Blind Viewers in the Digital Era*, John Simpson addressed the topic of information deprivation which besets many of those who are visually impaired.⁹⁹ More specifically, he states that this deprivation is a result of:

- ‘The broadcast of vision only information, such as sports and lottery results, advertisers contact details and price information, talent identification and text based captioning of foreign language material;
- Reliance on on-screen action which is not supported with dialogue or other audible cues;
- Coverage of sport, news and other events that is supported by comment rather than direct description of the action.’¹⁰⁰

Exclusion from television content is not an issue of access exclusively. Instead Simpson stresses that ‘people who are blind or experience severe vision impairment are handicapped in their participation in community life.’¹⁰¹ The availability and subsequent promotion of audio description is one way of fostering increased access to television and thus, greater assimilation into daily life.

Level of audio description required?

Having a visual impairment does not imply uniformity of need. Similarly to all communities, those among the blind and visually impaired are divided along the lines of ability and age. In this respect, the AUDETEL consortium discovered that elderly people, for example, often needed longer descriptions to help them understand what was happening.¹⁰² Conversely, it was found that younger people, ‘particularly aged

⁹⁸ Independent Television Commission (2000a), *ITC Guidance On Standards for Audio Description*, May, p.16.

⁹⁹ Simpson, J. (2001), *Improved TV Access for Blind viewers in the Digital Era*, paper presented at the Australian Broadcasting Authority’s Conference, Canberra, 3-4 May, p.1.

¹⁰⁰ Simpson, J.

¹⁰¹ Simpson, J.

¹⁰² The AUDETEL project is considered to be one of the most noteworthy forms of analogue television audio description trial carried out within Europe. It was undertaken by the Independent Television Commission in the UK and was supported by EC funding. The UK trials, 1994-5, using the locally mixed format, were relatively successful but there remained some concerns about the speech quality unless two or more VBI lines were used.

between 15 and 20 are more independent and say they do not want to be treated differently from the rest of society.’¹⁰³

Which programmes?

Research was carried out by the AUDETEL consortium to determine which programmes should be highlighted for provision of ‘audio description’. The findings of this work have been summarised as follows:

Surveys carried out by the AUDETEL consortium showed that drama (including soaps and comedy) and movies benefit most from the provision of description, followed by wildlife programmes and then documentaries. News is regarded to have sufficient spoken content to be easily followed, as are game shows and chat shows. Many visually impaired people made specific mention of sport commentaries, which they generally regarded to be totally unhelpful because these commentaries are intended to augment the visual action.¹⁰⁴

Consequently, one sees that sport presents particular problems. Most prominently, as the most exciting sports coverage is of live events, it is considered difficult and sometimes, impractical to supplement this with additional detailed description. Instead, the ‘only practical solution is to provide a separate description similar to that currently made available through the medium of radio.’¹⁰⁵

* * * * *

Audio description is, therefore, a technique for providing access for blind and partially sighted people to television predominantly.¹⁰⁶ Given its importance as a means of both access and social inclusion, what developments have been occurring to introduce and thus, develop audio description in the sample countries?

Australia

Although the various television codes have made provision for closed captioning of programs for people who are deaf and hard of hearing, there are currently no parallel provisions stipulated for the blind and visually impaired. This is also true of the Broadcasting Services Act.

Developments are unfolding elsewhere in Australia, however. Certain live theatre productions with audio description are available at the Sydney Opera House. In addition, Radio 3RPH, Melbourne, regularly provides via radio a verbal description of such events as the Davis Cup where someone – usually a well known sports personality – describes the game over the radio whilst watching the play on a television set in the studio. The technology exists. It has yet to be extended significantly to the realm of television, however.

¹⁰³ Independent Television Commission: 2000(a), 7.

¹⁰⁴ Independent Television Commission: 2000(a), 7.

¹⁰⁵ Independent Television Commission: 2000(a), 5.

¹⁰⁶ It is also used in some cinemas and theatres.

That is the view of the regulator. Conversely, Simpson states that audio description is indeed being provided in Australia albeit on a limited scale. ‘In Australia’, according to Simpson, ‘valuable work has been done to enhance the value of television to the blind viewer by adding ball by ball description to televised sports coverage; description of the scene and on-screen action in TV drama; and detailed description of special events such as street parades.’¹⁰⁷

Canada

The Canadian Radio-television and Telecommunications Commission (CRTC) encourages licensees to implement requirements designed to address the needs of the visually impaired. Providing audio descriptive services is not emphasised to the same degree as the provision of subtitling, however. So while ‘Licensees are strongly encouraged to adapt their programming to include audio description wherever it is appropriate and to take necessary steps to ensure that their customer service responds to the needs of the visually impaired’, the Commission believes that it is ‘premature to impose specific requirements on licensees at this time.’¹⁰⁸

2003 utterances on provisions for the blind and partially sighted made a distinction between ‘descriptive audio’ and ‘described video.’ More specifically, it stated that

Descriptive Audio

‘Starting in 2001/2002 CTV, Global and TVA [French-language] are expected to provide audio description wherever it is appropriate.’¹⁰⁹

‘Described video’

The CRTC has ‘encouraged broadcasters and the National Broadcast Reading Service (VoicePrint) to continue to cooperate to gradually implement described video.’¹¹⁰

It is envisaged that ‘At least 50% of the described video programming aired each week will be original, with the remainder consisting of program repeats.’¹¹¹ This programming must also be Canadian. ‘The licensee may, however, count toward fulfilment of this condition a maximum of one hour per week of described video programming that is directed to children and broadcast during an appropriate children’s viewing time.’¹¹²

Reference was made to the National Broadcast Reading Service [NBRS] (VoicePrint).¹¹³ Here it was said that as of 12 March 2001, the following distribution systems were obliged to deliver VoicePrint to their English-language subscribers:

¹⁰⁷ Simpson, 1.

¹⁰⁸ Canadian Radio-television and Telecommunications Commission (1999), *Building on Success – A policy framework for Canadian Television*, 11 June, 19.

¹⁰⁹ Canadian Radio-television and Telecommunications Commission: 1999, 19.

¹¹⁰ Canadian Radio-television and Telecommunications Commission: 1999, 19.

¹¹¹ Canadian Radio-television and Telecommunications Commission (2001e), *Licence renewals for the television stations controlled by Global*, Decision CRTC 2001-458, 2 August, 2.

¹¹² Canadian Radio-television and Telecommunications Commission: 2001(e), 2.

¹¹³ ‘VoicePrint ‘is an English-language audio network that provides programming of particular benefit to Canadians who are blind, visually impaired or print handicapped. [In 2000, it was] distributed on a voluntary basis by distribution undertakings across Canada.’

- ‘cable companies with more than 2000 subscribers;
- multipoint distribution systems (MDS), such as Look TV, Sky Cable and Image Wireless;
- Direct-to-home (DTH) satellite providers such as Bell ExpressVU and Star Choice.’¹¹⁴

Some concerns have been voiced by the French-language broadcasters regarding the feasibility of introducing descriptive video. Most of the concerns voiced have centred on financial and/or technical aspects surrounding such implementation. TVA, for example, ‘submitted that implementation of DVS would be more feasible in a digital environment and that this transition to digital mode could begin in 2004 and be completed by 2008.’¹¹⁵ The NBRS argued, however, that ‘...with the help of examples, that descriptive video programming is a reality, that it is increasingly available in Canada, and that its cost is not prohibitive, taking into account TVA’s revenues.’ Recognising certain limitations, the Commission expects the larger stations to take the lead regarding the establishment of descriptive video. More specifically, ‘With regard to CFTM-TV’s market, the Commission expects TVA to provide, during peak viewing hours, DVS in accordance with the following timetable:

Years 1 and 2 – 2 hours/week
 Years 3 and 4 – 3 hours/week
 Years 5 and following years: 4 hours/week.’¹¹⁶

These are the targets set. Furthermore, the Commission specifies that the number of hours allocated to DVS must not consist of more than 50% of repeats.

New Zealand

At present, there is no such facility as ‘audio description’. In addition, no plans to facilitate it are currently being considered by the New Zealand Government. It is envisaged that with the introduction of DTT broadcasting, the potential for all sorts of enhancements and interactive options will emerge – including audio description.

Sweden

At present, the terms of licences held do not place any demand on broadcasters to provide audio description or an alternative method. This does not mean that the blind and partially sighted are not catered for. It means that developments unfolding are not orchestrated from the top as is the case with subtitling.

The three public service broadcasters - SVT, UR and SR – have a common responsibility to make programmes accessible for disabled persons which they divide amongst themselves. This has meant, for example, that those who also broadcast radio (SR and UR) have had the main responsibility for making programmes for the blind.

¹¹⁴ Canadian Radio-television and Telecommunications Commission: 1999, 19.

¹¹⁵ Canadian Radio-television and Telecommunications Commission (2001c), *Licence renewals for the French-language television programming undertaking CFTM Montreal*, Decision 2001-385, 5 July, 7.

¹¹⁶ Canadian Radio-television and Telecommunications Commission: 2001(c), 7.

The Government has not ignored the area of audio description. It has asked that broadcasters, and in particular, SVT – pursue the goal of providing ‘audio subtitling’. At present, implementing measures that would lead to ‘audio description’, which is considered to be a broader concept than ‘audio subtitling’, are not underway.¹¹⁷ Programmes that are audio subtitled are generally of Swedish origin rather than foreign.¹¹⁸ These points are from the perspective of the regulator but developments may indeed be unfolding within individual broadcasting companies.

US

The origins of Audio Description are attributed to the US and more particularly to the work of Margaret and Cody Pfanstiehl which began in 1981. Founding the Audio Description Service, their work initially focussed on promoting theatre descriptions across America but the techniques used have been refined, modified and adapted to provide for such services on television. Consequently, the US is considered to be the leader in this field.

Public television in the US through WGBH in Boston and other organisations has been audio describing television for a number of years and hence, there is quite a collection of described video material available to blind and partially sighted people in the US. Nevertheless, it is reckoned that

In North America, the availability of Audio Description has been limited as virtually all description is pre-scripted and timed so that it fits well into the natural dialogue or commentary breaks in the production. For this reason, it is a costly adjunct to television production and is only offered with a few hours programming each week.¹¹⁹

Cost is not the only factor working against its availability. Governmental attitude and technology are also factors to take into account – each will be considered here in brief.

Provision is made for closed captioning and video description (audio description) technologies in the Communications Act, 47.¹²⁰ The perceived difference between these two has been described as follows:

Closed captioning displays the audio portion of television signals as words displayed on the screen and can be activated at a viewer’s discretion. Video descriptions provide aural descriptions of a television program’s key visual elements (such as the movement of a person in a scene) that are inserted

¹¹⁷ The Swedish regulator states that its understanding of audio subtitling is that ‘instead of having to read the text from the screen, public service broadcasters also provide an audio service meaning that the subtitles are read aloud. This is not the same as audio description, a service that...also includes describing the scene, movements, etc.’

¹¹⁸ It should be noted that, despite its name, ‘audio subtitling’ is not counted within the quota for subtitling provided for the deaf and hard of hearing.

¹¹⁹ Simpson, 2.

¹²⁰ S.713 of the Communications Act, 47 USC S. 613.

during pauses in the program dialogue. Video descriptions change program content because they require the creation of a new script to convey program details, whereas closed captions present a verbatim transcription of the program's spoken words.¹²¹

The difference in technique is also reflected in Governmental attitude as Congress treated the two quite differently when it passed the Telecommunications Act.¹²² It required the FCC to 'prescribe closed captioning regulations and established compliance deadlines.'¹²³ Conversely, 'the sole subsections dealing with video description – merely defined "video description" and required the FCC to prepare a report to Congress.'¹²⁴ One sees, therefore, that closed captioning received more attention than video description. In addition, Congress did not authorize the FCC to adopt regulations implementing video descriptions as was the situation vis-à-vis closed captioning. Rules introduced by the FCC in 2002 would be challenged; this will be returned to shortly.

It was not only Governmental attitude that affected the efficient and widespread delivery of video description, the level of technology available also played a part. The technology may exist but for many years it was stunted somewhat. The advent and subsequent development of digital technology and thus, of Digital Terrestrial Television (DTT) is seen as paramount to the advance and availability of audio description.¹²⁵ More specifically,

Among the advantages claimed for digital television the relative merits of High Definition Television and the potential to broadcast multiple programme streams of standard definition often vie for supremacy. In the US context, the emphasis is clearly on the potential for High Definition transmission.¹²⁶

Prior to the launch of DTT, the President's Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters completed its report. Among its recommendations was that broadcasters should be encouraged to take advantage of emerging technology to provide maximum services for people with disabilities. In particular,

The framing of this recommendation followed enactment of Section 305 of Telecommunications Act 1996 that among other things directed the Federal Communications Commission (FCC) to conduct an inquiry into the provision of Video Description. While Video Description has been

¹²¹ United States Court of Appeals (2002), Motion Picture Association of America, Inc., et al., (Petitioners) v. Federal Communications Commission (Respondents), *On Petitions for Review of Orders of the Federal Communications Commission* (No. 01-1149), 8 November, 2.

¹²² This amended S.713 of the Communications Act, 47.

¹²³ United States Court of Appeals, 2.

¹²⁴ United States Court of Appeals, 2.

¹²⁵ DTT broadcasting began in the US in early 1999.

¹²⁶ Simpson, 6.

available on a limited basis for more than ten years its availability has been limited in part because of restricted opportunities for its inclusion in the transmission of analog [sic] television. It is argued in the US that the availability of additional audio streams within the DTTB transmission provides the opportunity for substantial expansion of the service.¹²⁷

Access to video descriptions is generally made through the secondary audio programming (SAP) channel on a stereo television set or VCR. This is not always possible, however. The passing through of the SAP audio track may not always occur at the local end. A cable head end or television broadcast station, for example, may not have the appropriate SAP encoder/decoder equipment. There may be additional technological difficulties which pass through if a television delivery system includes analogue and digital components. Cost will also remain a factor.

A number of experiments and/or trials took place following the introduction of DTT. In April 1999, for example, DVS broadcast via satellite its first programming with a second stereo audio service containing the descriptive narration.¹²⁸ By July 2000, the FCC had adopted rules to extend the availability of video description to the major US networks. These rules provided that:

- ‘Broadcasters affiliated with the ABC, CBS, Fox and NBC networks in the top 25 television markets are required to provide a minimum of 50 hours per calendar quarter (roughly four hours per week) of described prime-time and children’s programming;
- Multichannel video program distributors, (MVPD) such as cable and satellite serves [sic], with 50,000 or more subscribers are required to provide video description;
- Any broadcast station of MVPD, regardless of size, is required to “pass through” from a program provider if the station or service has the technical capacity to do so;
- Any broadcast station or MVPD that provides local emergency information as part of regular programming is required to make the critical elements of this available in audible form. Where Pull_Throughs or Supers are used these are to be flagged with an audible tone.’¹²⁹

These rules were to apply to analogue transmission in the first instance but the FCC expected that they would be extended to digital service, to other markets and to the greater proportion of programming over the next few years. The industry was obligated to pay for the provision of these services.¹³⁰

¹²⁷ Simpson, 6.

¹²⁸ Simpson, 6.

¹²⁹ Simpson, 7.

¹³⁰ The principle of providing these techniques is in accordance with the US civil rights law for people with disabilities, the Americans with Disability Act (ADA). This Act states that the cost of accommodation to disability is not borne specifically by the person with the disability but is spread across the costs of production/construction, or society as a whole.

These rules took effect in April 2002 but by November 2002, a federal court struck them down.¹³¹ It was deemed by the courts that the FCC had been over stepping their congressional authority. Currently, a 'Video Description Restoration Bill' is being put up to authorize the FCC to make such a ruling. As a result of the rules being struck down, broadcasters and multichannel video programming distributors (MVPDs) are currently not required to insert video description in their programming. Although not obliged to do so in present circumstances, some broadcasters and distributors continue to provide video description. One should also note, that representations by national disability advocates have been made to Congress to request for the statutory re-instatement of the rules applying to video description.

Concluding remarks

When these countries' position on audio description is compared to subtitling, many differences emerge. Principally, Government emphasis on audio description is not of similar proportions. It may be mentioned but not to the same degree of intensity and commitment that characterises the approach taken to subtitling. Its development, and moves towards greater availability, seems more dependent on Digital Terrestrial Television (DTT) than subtitling which can be offered as effectively on both analogue and DTT. The advent of digital technology and DTT, therefore, seem imperative to the development of 'audio description' as a service that will be accessible and affordable to the many rather than the few. This is considered to be a more feasible approach, providing a more efficient and effective service than is possible on analogue. Nevertheless, the presence of audio description is acknowledged by many States and the availability of this technology to enhance the quality of television viewing for blind and visually impaired is set to increase steadily rather than shrink back. Its growth rate, however, is set at a pace that is destined to lag significantly behind that set for subtitling.

¹³¹ United States Court of Appeals, (No. 01-1149), 8 November.

The United Kingdom: a case study

Introduction

In comparison to other polities, the United Kingdom (UK) and the United States (US) are leading the way with regards to providing technological methods to enhance accessibility for deaf and blind people to broadcast media. This section looks briefly at aspects of the British experience to gain a deeper insight into what is involved in both the provision and promotion of subtitling, signing and audio description. More specifically, it looks at the following topics:

- Legislative basis: Broadcasting Acts, 1990 and 1996;
- Quotas;
- Initial responses from broadcasters;
- Consultation and revision;
- Satellite and cable;
- Outstanding difficulties;
- Communications Act, 2003;

In addition, attention is paid to subtitling and audio descriptive provisions for children. Throughout one will see that developments were gradual. The approach taken was a combination of action and reaction, in line with the legislative provisions, the capabilities of broadcasters, the needs of the key groups and changes unfolding in technology.

Legislative basis: Broadcasting Acts, 1990 and 1996

Developments in the UK regarding subtitling, signing and audio description are underpinned by legislation. This section looks briefly at the main points of the Acts passed during the 1990s. Consideration of the most recent piece of legislation - the Communications Act, 2003 – is presented separately.

Broadcasting Act, 1990

The Broadcasting Act, 1990 introduced quotas for subtitling. These applied to Channel 3 (ITV) exclusively. The BBC was covered by its own Charter and while Channel 4 was not specifically addressed in the legislation, through an agreement with the Channel 4 Board, similar requirements were placed in the licence conditions by

the ITC. What follows is a brief summary of what was contained in the Act and how the stations were affected.

Channel 3 (ITV)

The 1990 Act stipulated that as part of the terms of its licence, Channel 3 would be obliged to provide a minimum amount of subtitling for the deaf and hard of hearing. The development was to be gradual but it was required that by 1998, at least 50% of the channel's output per week would be subtitled.¹³² Prior to 1990, the former regulator, the Independent Broadcasting Authority (IBA), impressed upon the Teletext licensee, Oracle, the need to provide subtitling on Channels 3 and 4. In the late 1980s, this amounted to c.15-20 hours per week.

Channel 4

Although no specific targets were set for Channel 4, it did agree to work towards reaching a target of 50%. This was subsequently reflected in the conditions of its licence.

Channel 5

As part of the terms of its licence requirement, Channel 5 was also obliged to implement proposals in relation to subtitling. More specifically, from 'the start of the service in 1997, 23% of programmes were to be subtitled.'¹³³ Power to alter and to review the legislative targets for Channels 3 and 5 was vested in the Independent Television Commission (ITC).

*Broadcasting Act, 1996*¹³⁴

The remit of the ITC was extended significantly under the terms of the Broadcasting Act, 1996. More specifically, it required

the ITC to draw up a code promoting the understanding and enjoyment of programmes by persons who are deaf or hard of hearing and blind or partially-sighted. The code applies to all digital programme services and the commercial guaranteed-place simulcast broadcasts...Under the 1996 Act, the ITC has the power to impose sanctions, including fines, on licensees who do not comply with the code.¹³⁵

Changes stipulated did not affect the BBC as it was still covered by its own Charter. In addition to the above, the Act referred to quotas and to the ITC's responsibility to set interim targets.

Quotas

With regards to quotas, the Act stated that 'specific minimum amounts of certain programming in digital services [were] to be subtitled, to be accompanied by audio

¹³² Independent Television Commission (n.dat (a)), *Access for deaf and partially sighted people - Provision for People with Hearing or Sight Disabilities*, n.pag.

¹³³ Independent Television Commission (n.dat (a)), n.pag.

¹³⁴ The Television Broadcasting Services (Digital Conversion) Act, 1996 also includes a specific provision to mandate the broadcast of subtitles, audio description and sign language enhancements.

¹³⁵ Independent Television Commission (n.dat (a)), n.pag.

description or translated into or presented in sign language...’¹³⁶ Figures presented in Table 5.1 show the minimum amounts that were to be reached by the tenth anniversary of the start of the DTT service. Within the 1996 Act the targets for Channels 3, 4 and 5, both analogue and DTT remained the same. They have subsequently been revised upwards as is shown in Table 5.2.

Table 5.1
Quotas to be reached by the 10th Anniversary of DTT Licence

Type	Percentage of programming¹³⁷
Subtitling	80%
Audio Description	10%
Signing	5%

The Secretary of State could amend these targets by Order. The ITC, however, was given the power to set interim targets as appropriate.

With regards to subtitling, it was acknowledged that this could be ‘met by closed subtitling, as for example, on teletext, or by open subtitling, appearing on-screen such as with foreign films.’¹³⁸ With the advent of DTT. Changes in the displayed format are now possible to include font size and type. The font, known as Tiresias, was especially designed to be read from an electronic screen. The font type and size was determined by ITC research in conjunction with the Royal National Institute for Deaf people (RNID) and other experts. In addition, the use of subtitles ‘accompanying acquired programmes has been allowed, provided they adhere to certain minimum standards.’¹³⁹ Table 5.2 outlines the targets set for analogue and for digital.

¹³⁶ Independent Television Commission (n.dat (a)), n.pag.

¹³⁷ The legislation defines “programmes” as excluding advertisements. There are currently no rules providing for subtitled advertisements in the UK. Provision of such a service is on a voluntary basis. A rough estimate suggests, however, that some 50% of advertisements carry subtitles. Comparable estimates for Ireland are not available nor are any rules requiring such a provision in place.

¹³⁸ Independent Television Commission (n.dat (a)), n.pag.

¹³⁹ Independent Television Commission (n.dat (a)), n.pag.

Table 5.2
ITC Targets for subtitling, signing and audio description (AD) on ITV, Channel 4 and Channel 5 (analogue and digital) and on the other channels carried on digital terrestrial television (DTT)¹⁴⁰

Year	ITV/C4	C5		DTT	
	Subtitling	Subtitling	Subtitling	Signing	AD
2001	66%	43%	15%	1%	2%
2002	72%	50%	23%	2%	4%
2003	76%	55%	31%	2%	4%
2004	80%	60%	39%	3%	6%
2005	82%	65%	48%	3%	6%
2006	84%	70%	56%	4%	8%
2007	86%	75%	64%	4%	8%
2008	88%	80%	72%	5%	10%
2009	89%		80%	5%	10%
2010	90%				

The ITC also provided these figures broken down on a regional and national basis.¹⁴¹ These are presented in Tables 5.3 and 5.4.

Table 5.3
Minimum average number of hours per week of programmes to be subtitled
Pre 1999 figures set by the ITC¹⁴²

	1993	1994	1995	1996	1997	1998
Regional Licensees	33 (23%)	39 (27%)	46 (32%)	54 (38%)	64 (45%)	74 (52%)
National Licensees	5 (20%)	6 (24%)	7 (29%)	8 (33%)	9 (37%)	10 (41%)
Total	(23%)	45 (27%)	53 (32%)	62 (37%)	73 (43%)	84 (50%)

¹⁴⁰ Independent Television Commission (n.dat (b)), *Access for deaf and partially sighted people - Access for deaf or heard of hearing and blind or partially sighted*, 2.

¹⁴¹ It is interesting to note that as a result of the 2003 Communications Act, the subtitling targets for DTT in the fifth year of licence may be increased to 60% and reach 80% in the tenth year.

¹⁴² Independent Television Commission (1997) Press release: '87/97: Channel 3 to subtitle 80 per cent of programme by 2004', 27 October, p.3.

Table 5.4
Minimum average number of hours per week of programmes to be subtitled
Requirements from 1999¹⁴³

	1999	2000	2001	2002	2003	2004
Regional licensees	81 (56%)	88 (61%)	98 (68%)	108 (75%)	114 (79%)	120 (83%)
National licensee	11 (46%)	12 (50%)	13 (54%)	13 (54%)	14 (58%)	14 (58%)
Total	92 (55%)	100 (60%)	111 (66%)	121 (72%)	128 (76%)	134 (80%)

Changes occurring

What changes occurred at this preliminary stage? By 2000, Channel 3 had subtitled 68% of its output, Channel 4 had achieved 69% and Channel 5 had succeeded in having 37% of its programming subtitled.¹⁴⁴ It should be noted that subsequent revisions by the ITC and agreed by government have extended the targets for Channels 3 and 4 to 90% which are to be reached in 2010.

Initial responses from broadcasters

Concerns were expressed in the initial stages by the ITV Association and some individual Channel 3 licensees vis-à-vis the feasibility of reaching the 80% target.¹⁴⁵ One of the points highlighted was the need to match services provided with increased resources. The ITC acknowledged this, stating that ‘the timetable needs to be extended to allow for additional subtitlers to be recruited and trained, and for new procedures to be established to facilitate the increase in subtitling and to take account of cost increases.’¹⁴⁶ While not changing the target of 80%, the ITC did agree to extend the timetable by 24 months – ‘The result is that the 80 per cent requirement across all programmes must now be reached in 2004.’¹⁴⁷

The unique position of GMTV was acknowledged at this point. More specifically, it was stated that

...a lower requirement has been set for GMTV than for regional licensees to take account of the fact that most of GMTV’s output is live. Nevertheless, it represents a significant increase. Thus the specific requirements for programmes to be subtitled in 2004 are: Regional Channel 3 licensees – 83 per cent; GMTV – 58 per cent.¹⁴⁸

¹⁴³ Independent Television Commission: 1997, 3.

¹⁴⁴ Independent Television Commission (n.dat (a)), n.pag.

¹⁴⁵ Independent Television Commission: 1997.

¹⁴⁶ Independent Television Commission: 1997.

¹⁴⁷ Independent Television Commission: 1997.

¹⁴⁸ Independent Television Commission: 1997.

Consultation and revision

The Department for Culture, Media and Sport (DCMS) sought to review requirements set out in the Broadcasting Act of 1996 and the Statutory Order for the provision of subtitling, signing and audio-description services on DTT in 2000. In order to do so, it engaged in a consultative process with relevant organisations and representative bodies. More particularly,

The DCMS consultation paper was sent directly to 39 organisations including the ITC, broadcasters, those who provide subtitling, signing and audio-description services and consumer groups representing people with sensory impairments.¹⁴⁹

The following piece is comparatively lengthy. Nevertheless, it considers information from this consultative process which may be directly relevant to the situation now facing Ireland.

Areas for review

Three main areas were pinpointed for review. These were as follows:

- ‘Whether there should be targets for all broadcasters including cable and satellite and how these might operate;
- the possibility of different targets for different broadcasters. This might mean new channels being exempt from targets or having lower targets at first, or perhaps basing targets on the audience share of channels; and
- the availability of skilled subtitlers, signers and audio describers.’¹⁵⁰

Conclusions reached

Conclusions made in this respect were as follows:

- ‘The target for the provision of subtitling on DTT services should be raised from 50% of programming by the tenth anniversary of the start of the service to 80% by the tenth anniversary.
- The targets for sign language and audio description services should remain unchanged but will be kept under review as part of the two yearly reviews for the switchover to digital.
- The requirements on DTT should be extended to digital cable and satellite services when legislation permits. The regulator should have the power to exempt certain categories of channels (for example, new/niche channels until they have built up audience share/revenue).’¹⁵¹

Issues were raised throughout the consultative process. These were grouped according to method and are summarised hereunder.

¹⁴⁹ Department for Culture, Media and Sport, UK (2000), *Review of the Statutory Requirements for the provision of subtitling, sign language and audio description services* (Broadcasting Policy Division), 3.

¹⁵⁰ DCMS: 2000, 3.

¹⁵¹ DCMS: 2000, 4.

Subtitling

The attainability of quotas was brought into question by many of the interested parties. On the one hand, there were several analogue terrestrial broadcasters (who simulcast their services on DTT), consumer groups and the ITC who felt that further increases were possible. The consumer groups, for example, thought that targets should match those of the BBC, rising by 10% per annum to reach 100% by the tenth anniversary. The broadcasters and ITC, however, did not concur, believing that that figure was unrealistic. On the other hand, there were those arguing against any significant increase. DTT broadcasters and the multiplex operators 'were opposed to any increase given the costs involved, particularly for small channels with limited resources, and the current low audience for DTT.'¹⁵² Taking views expressed into account, the DCMS concluded that

The ITC will hold a review in 2001 to see if any increases beyond 80% is achievable by Channel 3 and Channel 4. We are not proposing that the target should be raised to match the BBC's target as there are doubts about the feasibility of 100% provision and a danger that the financial costs to the smaller DTT channels might result in them leaving the DTT platform.¹⁵³

The result was that Channels 3 and 4 were to reach 90% in 2010. Channel 5's targets were to be reviewed.

Sign language

No one group sought an increase in the target set for the provision of sign language. Concerns were expressed, however, that the target identified might be frozen or subsequently reduced. Such concerns were not unfounded as some broadcasters had requested a reduction in this figure 'until reliable closed signing was available.'¹⁵⁴ This request was due largely to the fact that many viewers had complained about the intrusive nature of signing when present on the screen which could not be turned off. With technical advances, it was believed that sign language would become optional and that the target could, therefore, be achieved by the tenth anniversary. Nevertheless, there were some broadcasters who questioned the viability and the need for sign language provision, arguing that the number of people to which it applied was comparatively low.¹⁵⁵ Views expressed were taken into account. The DCMS concluded, therefore, that

In view of the unresolved technical difficulties in the development of a reliable closed signing system, and the resultant problems caused by open signing, we propose that the target for sign language provision should be changed, but should be kept under review.¹⁵⁶

¹⁵² DCMS: 2000, 5. The cost of subtitling in this regard ranged from £500 to £1,000 (St.) per hour depending on the type of programming.

¹⁵³ DCMS: 2000, 5.

¹⁵⁴ DCMS: 2000, 6.

¹⁵⁵ DCMS: 2000, 6. They fixed the number of people using sign language as a first language at between 50,000 and 70,000.

¹⁵⁶ DCMS: 2000, 6.

Discussion took place. It was concluded that the 10th year target should remain at 5%.

Audio description

Many argued that there should be no alteration of the target set. The primary reason presented hinged on ‘the lack of a module to enable sight impaired viewers to receive and the high cost to broadcasters for its provision.’¹⁵⁷ Dissent was obvious between the broadcasters and the Royal National Institute for the Blind (RNIB). More specifically,

Some broadcasters felt that the ITC interim target should be frozen until the RNIB had arranged for the production and distribution of the modules, as at present they were spending considerable amounts of money on providing a service few could benefit from. The RNIB, however, believed that the overall target should be higher – at least 50% of output by the tenth year – and the interim targets increased accordingly.¹⁵⁸

In light of the ‘unresolved production and distribution difficulties with the audio description modules’, the DCMS concluded that the target should not be changed and would remain at 10% for the 10th year of licence. Instead it suggested that it should be kept under review.¹⁵⁹

Conclusions

Taking account of factors expressed and the technical problems regarding the provision of a sign language option and audio description, the DCMS stated that targets should remain at their current levels. Reviewing such levels, however, should be carried out at two yearly intervals leading up to the switchover to digital.

Different targets for different broadcasters

The consultation paper issued by the DCMS asked if targets should be applicable to all channels or simply apply to the established channels with a large audience share or over a certain income threshold? Inevitably, this enquiry met with dissent. Firstly, it was argued that requirements applying only to the established channels would limit the choice for sensory impaired people. Some consumer groups believed

that while channels should not be exempt from targets on the grounds of content, it was advisable to prioritise certain channels, e.g. the most popular ones. One [consumer group] suggested that any application for exemptions should be based on strict hardship criteria.¹⁶⁰

The ITC believed that the regulator should be given the discretion to exempt channels with small audience share or very low revenue on a case by case basis. This, it believed, could ensure a balance between practability and benefit for such services.¹⁶¹

¹⁵⁷ DCMS: 2000, 6.

¹⁵⁸ DCMS: 2000, 6.

¹⁵⁹ DCMS: 2000, 6.

¹⁶⁰ DCMS: 2000, 7.

¹⁶¹ DCMS: 2000, 7.

The DCMS took all these points into consideration. It concluded, therefore, that

There are clearly some real issues involved in applying blanket obligations to all channels and it is important to strike the right balance between practicability and benefit. We therefore propose that the regulator should have power to exempt certain categories of channels (on all platforms) on a case by case basis, e.g. new/niche channels until they have consistently built up audience share/revenue. The regulator would, following consultation, determine the criteria for possible exemptions.¹⁶²

Measuring targets

Weekly quotas averaged over a year were seen as preferable to measuring them on a weekly basis. The ITC argued that ‘this would provide scheduling flexibility without undermining the basic purpose of the requirements.’¹⁶³

Satellite and cable

Under the Broadcasting Act, 1996, there are no legal requirements made of broadcasters on the two platforms of satellite and cable.¹⁶⁴ Nevertheless, they are encouraged to provide access similar to other UK based broadcasters.¹⁶⁵ Many of the satellite and cable channels do provide such access on a voluntary basis without receiving any form of public subsidy.¹⁶⁶ In this respect, one can consider BSkyB as an example.

In 1994, BSkyB implemented a decision to introduce subtitling on a voluntary basis with the aim of increasing access for deaf and blind people. This affects all the services offered. With regards to Sky News, Tony Ball, Chief Executive, has committed Sky to subtitling at 80% live News by the end of December 2003. The situation with regards to its other services can be outlined as follows:

¹⁶² DCMS: 2000, 8.

¹⁶³ DCMS: 2000, 8.

¹⁶⁴ This is set to change under the terms of the *Communications Act, 2003*.

¹⁶⁵ Department for Culture, Media and Sport, UK (2001), *Television Access for people with Sensory Impairments*, August, 5.

¹⁶⁶ Satellite and Cable Broadcasters’ Group [SCBG], UK (2002), *Submission to the Joint Committee on the Draft Communications Bill*, June, 3.

Table 5.5
Subtitling figures for BSkyB, 2003

Service	Percentage of programming
Sky One	60
Movies Premier	50
Movies Max	25
Cinema	20
Sports 1 ¹⁶⁷	25
Sports 2	20
Sports 3	24
Sky Box Office	100

The situation of transmitting abroad was referred to by the Satellite and Broadcasters' Group.¹⁶⁸ More specifically, it stated that 'We can only assume that the Government intends that no international channels – i.e. those broadcasting from the UK but aimed mostly at overseas audiences – are to be included in the requirements.'¹⁶⁹

In the consultative process that occurred in 2000, the DCMS asked if statutory requirements should be extended to require cable and satellite broadcasters to provide subtitling, signing and audio description on their channels. Consumer groups, terrestrial broadcasters and indeed the ITC argued in favour of extending these requirements to ensure 'a level playing field for all broadcasters.'¹⁷⁰ The DCMS also believed that minimum statutory requirements should be imposed. The satellite and cable broadcasters, however, were not in favour of such a move 'on the grounds that they operated in a completely different commercial environment and were unable to command the size of audience or advertising revenues of the established broadcasters.'¹⁷¹ Nevertheless, the DCMS concluded that

Many of these broadcasters are now well-established and increasing audience share at the expense of the terrestrial channels. We therefore propose that the targets for subtitling, signing and audio description on digital cable and satellite channels change when legislation permits.¹⁷²

Changes are afoot. The new Communications Act, 2003 extends current requirements (that apply only to digital terrestrial) to other platforms. It will be the responsibility of OFCOM to draw up a code regarding provision of these services when it comes into

¹⁶⁷ BSkyB subtitle approximate 60 hours of live sport per week. At present, it subtitles Sports News for 2 hours a day in order to comply with the requirements on Freeview, although it is also shown on the BSkyB platform as well. This is set to increase to 26 hours per week in November 2003. The same pre-recorded hours also applies to Sky Travel.

¹⁶⁸ The SCGB 'comprises the major satellite and cable broadcasters licensed in the UK by the ITC, and currently represents more than 100 channels. It acts as a forum for members to discuss issues of a legislative, regulatory and public affairs nature.'

¹⁶⁹ Satellite and Cable Broadcasters' Group, 4.

¹⁷⁰ DCMS: 2000, 7.

¹⁷¹ DCMS: 2000, 7.

¹⁷² DCMS: 2000, 7.

force at the end of 2003. In addition, some audio description is currently carried on satellite, on a number of the Sky channels but not the satellite services of BBC, ITV, C4 and C5.

Outstanding difficulties

Despite advances made in technology, legislation and regulation, difficulties still remain outstanding. These centre around (a) provision; and (b) receiving. Problems encountered are summarised hereunder.

Provision for all forms

Sign language

Problems have arisen in how to provide these services, particularly for sign language and for audio description. ViSiCAST, for example, was a three year project led by the ITC. Its primary aim was to develop 3D virtual human technology to provide British Sign Language (BSL) translation for profoundly deaf viewers.¹⁷³ If successful, ViSiCAST could have provided non-human character sign language. Difficulties have mitigated against possibilities for success. Although laudable, it was found that the translation function was difficult to perform, that it was too difficult to surmount such obstacles as syntax and problems arose regarding how to work the non-human character to make the sign language and gestures readily accessible to the viewer. These difficulties occurred mainly in translating from subtitles into BSL which was to be the second aim of the initial ITC project. The provision of signing, using an avatar and Virtual Reality, was quite successful and is to be adopted by post offices in communication with deaf people. With regards to television, problems occurred with certain parties in the deaf community not accepting a “cartoon character”.

Subtitling

In general, subtitling is well established. Using Guidelines offered from the ITC, a high quality service is provided which is valued by some 8 million people on a weekly basis.

Audio Description

This is generally regarded to be of high quality as set by the Guidelines. It currently stands at 4% and consequently, this figure needs to be revised upwards to be of benefit to more people.

Receiving

With regards to subtitling, for example, one finds that the service provided is often uneven, sometimes unreliable. It is reported that large gaps appear in level elements in regional news which are not subtitled. Acknowledging that the lack of subtitling during live inserts of regional problems arises from the high cost of having proficient subtitlers on site for just a few minutes per day, the problems are now being addressed by remote subtitlers working with an audio link. Programmes advertised as being subtitled do not always present themselves as such, causing disappointment to the viewer. This lack of “advertised” subtitles not appearing is due to newspapers and

¹⁷³ Independent Television Commission (n.dat (c)), *New Digital Media Developments – Automated Deaf Signing* (ITC Technology Research), n.pag.

listing magazines wrongly inserting information passed to them by the broadcasters via a listings company sometimes up to three weeks in advance.

Particular problems have arisen with regards to receiving audio description. DTT was launched in 1999 but through lack of any legislative requirement (as opposed to subtitling) the set boxes did not contain audio description receiving software. A group comprising of the Digital Network and the RNIB developed a module, the size of a computer card, which could fit into the Common Interface slot of DTT receivers and Set Top Boxes (STBs). Difficulties arose in funding for the production, distribution and installation of the module and consequently, 'neither the broadcasting industry nor the Government has taken steps to ensure the module can be delivered into the market place.'¹⁷⁴ It is stated that

At present, the future of audio description on digital television looks uncertain. This may result in set top-boxes with Common Interface slots no longer being available. This comes at the same time as the launch of the Pace Digital Television Adapter. The Pace box is available for £99.99 and provides access to around 12 free digital terrestrial channels without having to pay a monthly subscription. However, this box does not have a Common Interface slot and therefore would not be compatible with the module even if it were to be produced. RNIB is calling for all future digital receivers to have the capacity to receive audio description built-in.¹⁷⁵

It is acknowledged, however, that there is little incentive for broadcasters to act. It is estimated that only 45 households are capable of receiving such a service using special equipment. In addition, few people with sight problems are aware of audio description because of the low level of availability and in the absence of the appropriate equipment. Consequently, 'there is no incentive for manufacturers to mass produce the equipment that can receive the current four per cent of digital terrestrial programmes audio described.'¹⁷⁶ Of late, there have been government initiatives to resolve. Much faith is now being put in integrated chipsets being laced with receivers or modifying existing decoders by means of software down loads.

It is held that when the appropriate equipment is produced it should be user-friendly providing easy access, not a whole list of instructions to complicate the process. With reference to equipment for the deaf, the RNID and European Federation of the Hard of Hearing (EFHOH) have requested that the following be made available:

- 'one touch access to closed subtitling and sign language interpretation services on remote controls;
- standard symbol for subtitling and sign language on EPGs and broadcasts, for example;
- standard teletext number across Europe for analogue television;

¹⁷⁴ RNIB (2002), *Get the Picture – Making television accessible to blind and partially sighted people*, Campaign Report 19, 16.

¹⁷⁵ RNIB, 16. Currently, only the Nokia set top box is fitted with a Common Interface slot.

¹⁷⁶ RNIB, p.28

- user choice to enable consumers to alter the format of subtitling services.’¹⁷⁷

It must be readily available and it must be affordable.¹⁷⁸ It must also be promoted among relevant circles so that take-up is assured.

Communications Act, 2003

Sections 303 to 308 deal with ‘Television services for the deaf and visually impaired’. Although the Act has received Royal assent, it will not come into force fully until late 2003. Changes underway as a result of this new legislation are summarised below.

Responsibility for code

Assuming the responsibilities of the ITC, OFCOM is now listed as holding responsibility to draw up, review and revise the code of practice dealing with deaf and visually impaired. More specifically, Section 303 states that

- ‘(a) the extent to which the services to which this section applies should promote the understanding and enjoyment by-
- (i) persons who are deaf or hard of hearing,
 - (ii) persons who are blind or partially-sighted, and
 - (iii) persons with a dual sensory impairment’
- of the programmes to be included in such services; and
- (b) the means by which such understanding and enjoyment should be promoted.’¹⁷⁹

Although the codes and guidelines are to be revised to account for the requirement on cable and satellite channels to carry assistive services other elements relating the quality, etc. are to remain unchanged in the interim. In all aspects relating to the code, of OFCOM is required to consult with interested parties.

Modifying targets

The power to modify targets set is referred to in Section 306. Here it is stated that the Secretary of State may modify targets established ‘so as to do one or both of the following’:

- (a) ‘increase the percentage so specified in relation to services of that description;
- (b) substitute a different anniversary for the anniversary by which that obligation must be fulfilled in the case of such services.’

Provision is also made that additional obligations may be set out once the original obligations specified in the code have been fulfilled. Where change is sought, the Secretary of State is obliged to consult with OFCOM.

¹⁷⁷ RNID, UK and EFHOH (2002b), *Submission to the European Commission on Subtitling and Sign Language for the Report on the Application of the ‘Television Without Frontiers Directive’*, 29 July, 7.

¹⁷⁸ RNID, UK, EFHOH and FEPEDA (2002a), *RNID, EFHOH and FEPEDA response to information society digital switchover consultation on the needs of deaf and hard of hearing people*, 1 July, 1. RNID, UK and EFHOH: 2002(b), 7.

¹⁷⁹ It should be noted that according to Section 303.13, a “programme” does not include an advertisement.

Promotion of digital services

The 2003 Act does not limit itself to identifying who the code applies to. It also states that the code will include a provision that it is the responsibility of those providing the service to promote it among relevant constituent groups.¹⁸⁰ OFCOM is also charged with promoting Media Literacy which includes awareness of “available systems”.

Calculating averages for DTT and cable and satellite channels (excluding Channels 3, 4 and 5)

The 2003 Act states that from the fifth and tenth anniversaries, the obligations stated in the Act must be fulfilled by reference to averages computed over each of the following:

- (a) ‘the twelve month period beginning with the anniversary in question; and
- (b) every twelve month period ending one week after the end of the previous period for which an average fell to be computed.’¹⁸¹

Subtitling

It is stated that by the fifth anniversary, at least 60% should be subtitled. This does not affect those programmes which have been deemed to be excluded. From the tenth anniversary, the following points will apply:

- Channel 3 and Channel 4: at least 90% of programmes that are not excluded should be accompanied by subtitles;¹⁸²
- That at least 80% of every other service to which this section applies as consists of programmes that are not excluded should be accompanied by subtitling.¹⁸³

Audio description

Section 303.5(c) refers to provisions for the blind and partially sighted. Here it is stated that at least 10% of every service to which the section applies should be accompanied by audio description.¹⁸⁴

Sign language

Provision for sign language is contained in Section 303.5(d). 5% of programmes, it is stated, should be ‘presented in, or translated into, sign language.’¹⁸⁵

Excluded programmes

Under the terms of the 2003 Act, OFCOM is obligated to provide in the code descriptions of the programmes it considers to be ‘excluded programmes’.¹⁸⁶ In doing so, it must take into account the following:

¹⁸⁰ Section 303.2.

¹⁸¹ Section 303.3.

¹⁸² Section 303.5(a).

¹⁸³ Section 303.5(b).

¹⁸⁴ Section 303.5(c).

¹⁸⁵ Section 303.5(d).

¹⁸⁶ Section 303.7.

- (a) ‘the extent of the benefit which would be conferred by the provision of assistance for disabled people in relation to the programmes;
- (b) the size of the intended audience for the programmes;
- (c) the number of persons who would be likely to benefit from the assistance and the extent of the likely benefit in each case;
- (d) the extent to which members of the intended audience for the programmes are resident in places outside the United Kingdom;
- (e) the technical difficulty of providing assistance; and
- (f) the cost, in the context of the matters mentioned in paragraphs (a) to (e), of providing assistance.’¹⁸⁷

Further requirements are placed on persons providing services. Here it is stated that they may be obligated to meet interim target at key junctures. These interim targets, it continues on to say, ‘are the targets with respect to the provision of assistance for disabled people which OFCOM considers it appropriate to impose as targets on the way to meeting the targets imposed...’¹⁸⁸

Requirements for other stations and/or licensees

Section 303.12 refers to other independent stations not mentioned above. More specifically, it refers to

- (a) ‘S4C Digital or any other television programme service provided by the Welsh Authority for broadcasting in digital form so as to be available for reception by members of the public;
- (b) any licensed public service channel;
- (c) a digital television programme service but not an electronic programme guide;
- (d) a television licensable content service but not an electronic programme guide;
- (e) a restricted television service.’

Provision to consult

The 2003 Act provides that in reviewing and revising the code, OFCOM must consult with relevant parties. These would include representatives from the deaf and blind communities and broadcasters. In addition, the code produced must be accessible to all, particularly to the key constituent groups whose needs it is designed to meet.¹⁸⁹

Subtitling provision for children

The matter of providing subtitling for children has been dealt with separately by the ITC. In a report prepared for the ITC by Susan Gregory and Jane Sancho-Aldridge (1998), the differences between the subtitling needs of adults and children were introduced. What follows is a brief summary of the conclusions reached in that report.

Subtitling for children will be different because children are less mature than adults and thus, have different needs. Of more significance, however, is the fact that deaf adults who use subtitles have mostly become deaf in adult life and, therefore, are

¹⁸⁷ Section 303.8.

¹⁸⁸ Section 303.10 and 303.11.

¹⁸⁹ Section 304.

reading a language on screen that they already know. Most deaf children have been deaf from birth and are reading a language they are still learning and may never have heard.¹⁹⁰

As a group, deaf children are of mixed abilities. This refers to their ability to communicate and to their reading age. Influenced by a number of factors, ability to read cannot be measured as accurately as for hearing children. This has implications for subtitling as it cannot be assumed that all children have reached the same level at a particular age. And yet is subtitling for children confined in importance to being able to follow a television programme? Gregory and Sancho-Aldridge would argue that it has far greater implications:

Deafness can limit children's access to the wider society. Thus, access to television is of immense importance for this group not only because of the information it can provide, but also because of its significance in conveying cultural ideas and values. If deaf children can watch (with subtitles) the same programmes as their hearing peers they will be able to join in conversations about them, a common and favourite pastime of children, and very much a part of the socialisation process.¹⁹¹

Once again, attention is drawn to the fact that providing subtitles is as much about inclusion as it is about access to information. Parents also noted the wider implications of subtitling for their children, believing that growing familiarity also enhanced the child's ability to read.

Carrying out a number of tests and interviews, Gregory and Sancho-Aldridge made a number of observations. Essentially, they discovered that those children who gained the most information from the programmes were those who were able to use the subtitles proficiently. The youngest group, 5-7, gained little from the subtitles but continued use improved their ability to use them.¹⁹² On the basis of information reviewed, Gregory and Sancho-Aldridge presented a number of recommendations which included:

- 'That consideration should be given to providing simpler subtitles for children below the age of 11 years because this would offer greater access to programmes for the majority of this group. These should maintain the match between voice and subtitle as far as possible.
- That reading age, as well as chronological age, is important in the use of subtitles and should be considered in any further research in this area.
- That the subtitle service, and the teletext number 888 that calls it up, should be better promoted and publicised to raise awareness and encourage usage.
- That training in how to read subtitles should be offered to children. This could be done by means of a video which explained subtitled formats, such as, the positioning on screen, scrolling versus block, the use of different colours to

¹⁹⁰ Gregory, S. and J. Sancho-Aldridge (1998), *Dial 888: Subtitling for Deaf Children*, a report prepared for the Independent Television Commission, .3.

¹⁹¹ Gregory and Sancho-Aldridge, 3.

¹⁹² Gregory and Sancho-Aldridge, 7.

denote different speakers, etc. The video could also be used to explain the limitations of subtitling and why, often, it is not practical to subtitle verbatim.

- For the future there may be an argument for subtitling at a minimum of two levels for children's programmes and possibly some adult programmes – a 777 to go with the 888.¹⁹³

Providing subtitles from an early age would include smaller children from the outset in the information received by hearing children. It would help in their socialisation and in enhancing their literacy, something which is crucial to deaf education. From the broadcasters point of view, it would also include greater numbers and thus, increase audience share. As many children's programmes are often repeated through the years, it would also prove a cost effective measure with such programming being included in overall weekly quotas. As a result of this research, the ITC revised its subtitling guidelines.

Audio description for children

Similarly to the deaf community, those children who have visual impairments are of mixed abilities. While many children in this community are intelligent television viewers with discernible tastes, it must also be acknowledged that

Blindness in children is often accompanied by other physical and learning difficulties and for some of these children audio description may remain inaccessible. Visually impaired children are more likely to have delayed language than other children. There is evidence that speech and music are processed by different centres of the brain and children with damaged speech centres may nevertheless be able to process verse and melody.¹⁹⁴

Some children, therefore, require extensive description. Others prefer short and precise descriptions, to match their abilities.¹⁹⁵ Regarding content, more similarity than difference was discovered as the following quote demonstrates:

The viewing habits of young people do not appear to differ greatly from those of an adult audience. Soap opera is popular with many of them because the characters quickly become familiar, their voices recognisable and there are very few extended visual sequences. The fact that the subject matter is not specifically aimed at children does not seem important.¹⁹⁶

¹⁹³ Gregory and Sancho-Aldridge, 38.

¹⁹⁴ Independent Television Commission (2000a), *ITC Guidance On Standards for Audio Description*, May, 28.

¹⁹⁵ In AUDETEL focus group sessions, many older children asserted their independence by expressing a wish that descriptions should be kept to an absolute minimum. The ITC's *ITC Guidance On Standards for Audio Description*, 7, implied that this was more about inclusion than about providing access to information. Here it was said that those children, particularly in the 15-20 year age category, did not want to be treated differently from the rest of society. Hence why they wanted to keep the level of detail received from audio description to a minimum.

¹⁹⁶ Independent Television Commission: 2000(a), 29.

Audio description remains important for blind and partially sighted children. Most prominently, it allows them to participate fully with their peer group and to feel included rather than excluded from the societal experience.

Concluding remarks

This section reviewed the experience in the UK to gain information on the approach taken to the provision and development of subtitling, sign language and audio description. Certain observations were made in this regard. Legislative provisions established a firm basis on which subsequent developments can be rooted. This set targets and identified the body with primary responsibility for overseeing the implementation of statutory provisions. That was the theory. In more realistic terms, the importance of clear regulation, supervision and consultation on an on-going basis backed up by substantial research programmes became obvious.

The situation regarding provisions for children was addressed. This showed that their needs were sometimes quite different when compared to those of adults. It is concluded, therefore, that this is an area in need of special, and separate, consideration. As such, the ITC advises that broadcasters should have special concern for their intended audiences.

Compared to the other countries already considered, the UK is also placing more emphasis on subtitling than on the other two techniques. In addition, one sees similar importance attached to the advance of technology and the key role that it is playing in the provision and advance of such services. Despite being more advanced than other countries, information reviewed showed that the situation in the UK remains in flux, it has not yet reached the overall targets set. Interim targets, however, are being met as the provision of subtitling, sign language and audio description is phased in gradually. It is important to note, therefore, that technological development may be important but so too is subsequent promotion among key groups and consultation with relevant parties.

Costs (subtitling)

Introduction

Up to this point, the rationale for providing services for the deaf and the regulations guiding such provision have been considered. There is a need at this juncture, however, to consider the costs incurred by broadcasters in the provision of subtitling. From the broadcasters' perspective, it is important to look at context, the economy of scale and the provision of subtitling as a percentage of total programme cost.

In addressing such concerns, requests were made to a sample of television companies in the United Kingdom (UK) to determine the overall costs of subtitling as a percentage of programme costs. Information presented is exactly as received from the relevant bodies. Responses to this enquiry are provided hereunder.

BBC

The BBC estimates that subtitling constitutes a very small part of the overall programme cost. The type of programme produced will affect the amount spent but this is estimated to hover around the 1% mark on average. In addition, it is estimated that the BBC spends less than 1% of its total income on subtitling.

Current subtitling totals were collected. These are presented in Table 6.1:

Table 6.1
Subtitling Estimates for BBC: 2003

Station	Percentage of programmes subtitled
BBC One and BBC Two	80
BBC Three ¹⁹⁷	56
BBC Four ¹⁹⁸	56
CBeebies ¹⁹⁹	74
CBBC ²⁰⁰	69
BBC News 24	24-51

The percentage of programmes currently subtitled in-house stands at 97%. Such work is carried out by BBC Access Services, a commercial enterprise, which also provides subtitling for other broadcasters.

Channel Five, UK

Channel Five currently subtitles approximately 55% of the schedule. This translates into c.92 hours in an average week. Its own stated objective is to increase this amount on an annual basis, reaching a threshold of 80% of programmes by 2008.

All subtitling work is currently tendered out. Consequently, the cost is not included as part of the programme's overall cost. Separate budgets for programme and subtitling exist.

Ulster Television (UTV)

UTV provided the following information. Here it stated that

- Subtitling as % of total programme cost - 2.75%
- Subtitling as % of total expenditure - 0.25%
- How much of programming is currently subtitled - 100%²⁰¹
- Subtitling - 2% produced in-house/ 98% tendered out/acquired

Concluding remarks

From information reviewed, one sees that cost incurred for provision of subtitling by these stations is comparatively small. One must take into account, however, that costs can be kept at an acceptable level due to the economies of scale and level of resources operating within television networks such as ITV and the BBC. With the exception of the BBC, subtitling of programmes tends to be tendered out rather than produced on

¹⁹⁷ BBC Three replaced BBC Choice in 2003.

¹⁹⁸ BBC Four replaced BBC Knowledge in March 2002.

¹⁹⁹ CBeebies is for pre-school children.

²⁰⁰ CBBC is for children in the 6-13 age bracket.

²⁰¹ This figure is said to refer to programmes made and transmitted by UTV. UTV only provide subtitling for local programmes. The IFTC provides subtitles for the programmes UTV take down from the ITV Network.

an in-house basis. This increases competition between those seeking the tender and affects costs charged accordingly.

Ireland – the situation so far

Introduction

Having examined the situation regarding the provision of subtitling, sign language and audio description in a selection of other jurisdictions, attention now turns to Ireland. In this section, the situation in Ireland will be identified. To do so, a similar approach is taken to the one that characterised preceding sections. Each of the principal stations was asked questions according to a set format.²⁰² These focused on the following areas:

General:

- Official guidelines/self-imposed pertaining to the provision of subtitles;
- The existence of a quota for subtitling and/or audio description;
- Identification of who regulates the limit/quota for subtitling on an in-house basis;
- The type of content referred to and a determination of whether or not limits/quotas apply to sports and/or advertising.

Cost:

- Subtitling as a percentage of the total programme cost;
- Subtitling as a percentage of total expenditure;
- How much programming is currently subtitled;
- Subtitling – percentage produced in-house and/or percentage tendered out.

Information received was considerably piecemeal. In addition, TG4 was alone in supplying information on the subject of cost. One should note that details presented are exactly as received from the relevant organisations.

Television landscape

At present, there are three public service television stations and one commercial station. These are RTE 1, Network 2, Teilifís Gaeilge 4 (TG4) and TV3 respectively.

²⁰² Comments made refer to services provided on analogue. Digital Terrestrial Television (DTT) is currently not available in Ireland.

Provision for deaf and hard of hearing

In general, three principal methods are provided for increasing access for deaf people to Irish television. These are subtitling by teletext, signing and open captioning. The level of accessible television is considered to be limited, however.²⁰³ Resources and availability of key services differ significantly according to station as the following will demonstrate.

RTÉ

Being the largest and most established, RTÉ is considered to be the leader in the provision of services for the deaf and hard of hearing. Introducing subtitled programmes in 1991, it is said to have reached 15% across both channels by the beginning of 2001. Figures presented in Table 7.1 are from 2003:

Table 7.1
Subtitled hours for RTE One and Network 2
(January to September 2003)²⁰⁴

All Time	RTE One	Network 2	Total
All Production	4,859	4,838	9,697
Subtitled Hours	1,735	677	2,412
<i>% of Subtitled Hours</i>	<i>35%</i>	<i>14%</i>	<i>25%</i>
Peak: 18.00–23.30	RTE One	Network 2	Total
All Production	1,380	1,280	2,660
Subtitled Hours	963	496	1,459
<i>% of Subtitled hours</i>	<i>70%</i>	<i>39%</i>	<i>55%</i>

Note:

Numbers are rounded to the nearest hour.

Questions asked in other jurisdictions were put to RTÉ. The responses given were as follows.

Do you have official guidelines in respect of subtitling?

RTÉ has official guidelines for the provision of subtitling. Most prominently, it refers to the style and pace of presentation of such captions. Subtitles are accessed through teletext '888'. Subtitling is carried out on an in-house basis, tendered out and acquired (for example, *Casualty*, *Doctors*, films, etc.). Efforts are made to subtitle live programmes (for example, the News) and Seasonal and/or Special Events (for example, *Rose of Tralee*, *Up for the Match*, *Election programmes*, etc.).

²⁰³ Irish Deaf Society (2003), *Submission to BCI Access Code through Consultative Forum*, September, 3.

²⁰⁴ Source – RTÉ CCS.

Who pays for the provision of subtitling?

RTÉ pays for the provision of subtitling on its stations.

Who regulates the limit/quota for subtitling?

The quota set for subtitling is regulated by Television Individual Business Division (TV IBD).²⁰⁵ It takes a number of factors into account. These can be outlined as follows:

- Staffing and availability of tapes;
- Availability of acquired subtitles;
- Ratings of programme;
- Peak viewing hours;
- Technology;
- Finance.

What type of content does it apply to? Does the requirement affect sports and/or advertisements?

Subtitling requirements apply to all programme content with the exclusion of acquired programmes for pre-school children, entertainment programmes devoted primarily to music (excluding the Eurovision contest) and fast paced sporting events. Advertisements are not subtitled. At present, live sports are not presented although this area is being examined.²⁰⁶ In addition, RTÉ has promised to look at subtitling sporting analysis after or between live events.

TG4

TG4 began broadcasting in 1996 and estimates suggest that it commanded 2.8% of the national television audience by 2002. Broadcasting for 17 hours per day, it is available in c.90% of homes in addition to being available on BSkyB digital satellite platforms since the middle of 2002.²⁰⁷ Broadcasting in Irish, it produces a substantial amount of subtitling for its audience. Carrying subtitles in this instance, however, is designed primarily to provide English translations above providing increased access for the deaf community.

Further information was supplied by TG4. Replies to the set questions are contained hereunder.

Do you have official guidelines in respect of subtitling?

In conjunction with TMI, the principal provider of subtitles to the station, TG4 has devised an official guidebook. This outlines the approach that should be taken to subtitling a programme for TG4.

²⁰⁵ TV IBD is an individual business division within RTÉ corporate. The others are 'News and Current Affairs IBD' and 'Radio IBD.'

²⁰⁶ A test was carried out on an All Ireland Hurling Final and it was discovered that it was too fast and that the action spoke for itself.

²⁰⁷ The Census 2002 indicated that 10% of the population, some 340,000 people, uses Irish on a daily basis.

Who pays for the provision of subtitling?

TG4 and RTE pay for the provision of subtitles on this channel. TG4 pays for subtitling with money provided by the Exchequer. While most of its Irish language programming is produced on commission by independent companies, a significant portion, 365 hours per annum, is supplied to TG4 and paid for by RTE. Such RTE-sourced programming adheres to TG4 programming policies as appropriate.

Who regulates the limit/quota for subtitling?

TG4 does not have any official guidelines in relation to set quotas and limits. One individual is currently responsible for administering all aspects pertaining to subtitles in TG4.²⁰⁸

What type of content does it apply to? Does the requirement affect sports and/or advertisements?

TG4 broadcasts subtitles for Irish language and non-English language programmes that have substantial content. All TG4 subtitles are offered on screen during broadcast with the following exception. Teletext subtitles are offered for programmes in the time period 6-7 pm. As an additional service, subtitles are provided on teletext in Irish for the first run of TG4's soap opera, *Ros na Rún*, and for the majority of its *Le Film* (non-English language cinema releases).

There are exceptions made, however. These apply to two principal groups. Firstly, exceptions are made for 'live' or 'as live' transmission which includes sports programmes and children's programmes. And secondly, it does not provide subtitles for programmes which have little to no language content; for example, music programmes.

TV3

Beginning broadcasting in 1998, TV3 is a commercial broadcaster that is principally dependent on advertising revenue. Answers to questions asked can be outlined as follows.

Do you have official guidelines in respect of subtitling?

There are no official guidelines as the main programmes broadcast with subtitles are taken from Granada. Due to origin, these programmes are subtitled according to the ITC codes (i.e. *Coronation Street*, *Emmerdale* and *Heartbeat*).

Who pays for the provision of subtitling?

These programmes do not have imbedded subtitles. Consequently, TV3 must pay for inclusion of such.

Who regulates the limit/quota for subtitling?

Subtitling is overseen by the programming department in cooperation with operations.

What type of content does it apply to? Does the requirement affect sports and/or advertisements?

In general, subtitling is confined to programmes that arrive with subtitles available for transmission. No sport is subtitled on TV3. While there are no regulations requiring

²⁰⁸ At present, this post is held by Máire Aoibhinn Ní Ógáin.

advertisers to subtitle their messages, TV3 states that if an advertiser were to provide subtitling in a compatible format, it would be happy to broadcast such commercial messages.

Sign language

RTE:

The level of sign language is small. The output for RTE 1 is largely confined to 'News for the Deaf' and 'Hands On'. Collectively, these represent a total of 47 minutes per week. 'Hands On' is shown only 12 times a year. In its absence, therefore, output is limited to the news which reduces the overall total of minutes broadcast to c.27 minutes per week.

TG4:

TG4 has no provision for sign language.

TV3:

TV3 has no provision for sign language.

Provision for the blind and partially sighted

None of the stations surveyed provides facilities to increase access for the blind and partially sighted. Due to the technology currently available, this service cannot be offered satisfactorily for analogue transmission. The bandwidth is insufficient on the analogue service but the advent of widespread digital services will herald the possibility for audio descriptive services to be provided. This applies to all stations considered.

Costs

The national stations in Ireland were asked for information regarding the cost of subtitling provision. TG4 was the only one, however, to provide the material requested. Its responses to the questions set are outlined below.

TG4

TG4 stated that its subtitling policy is a function of, and dependent on, the amount of Irish language programming produced/broadcast. The amount of programmes produced depends entirely on the level of current funding provided for TG4 by the Exchequer each year.²⁰⁹ On receiving such information, TG4 estimates the amount of hours requiring subtitles and a budget is laid down accordingly.

Subtitling as percentage of total programme cost

Programme cost per hour varies greatly according to genre. This can range from €1,000 to €200,000. The cost of subtitling per hour does not vary to the same extent. A rough estimate provided by TG4 would suggest that subtitling constitutes roughly 1% of total programme cost.

²⁰⁹ It is not informed of its funding until six weeks prior to the start of that financial year when, in mid November, the Government publishes its annual Estimates for Public Spending for the following year.

Subtitling as percentage of total expenditure

TG4 estimates that subtitling constitutes c.0.75% of total expenditure.²¹⁰

How much of programming is currently subtitled

94% of peak time Irish language programmes that are funded by TG4 are currently subtitled.

Subtitling – in-house or tendered out?

All of TG4's subtitling requirements are outsourced and publicly tendered. Contracts are normally awarded for a three term period. The present term runs from January 2003 to January 2006. Subtitling is provided by three separate services.²¹¹

Concluding remarks

The current situation vis-à-vis provisions to make television accessible for the deaf and visually impaired in Ireland was identified. Adhering to the questions asked of other jurisdictions, one discovered that Ireland lags significantly behind the sample of countries considered. Viewed comparatively, a number of points emerge. Progress towards provision of services was evolutionary in Ireland rather than on a statutory footing as was the case in Australia, Canada and the US, for example. Subtitling was provided on all Irish stations considered but the level available differed significantly. It is evident that it is increasing but what must be debated is the level of satisfaction with the rate and type of increase sought. Consequently, the need for targets and time periods in which to achieve those aims have been highlighted as necessary by representative organisations. Another point that should be noted is the suggestion that providing subtitles constitutes roughly 1% of programme cost for TG4. This may seem directly comparable to figures received from stations in the UK where higher targets are set and strived for regarding the provision of subtitles. It should be noted, however, that TG4 does not caption all live broadcasts and the majority of programmes transmitted are pre-recorded. This allows to keep costs down accordingly.

Compared to the experience in the sample countries, the station broadcasting material in a language other than English was possibly the most prolific provider of subtitles. TG4's main purpose in doing so, however, was to provide access for those not fluent in Irish above those who were deaf and hard of hearing. Other countries made allowances for non-English broadcasters, allowing them to move at a slower pace than English language broadcasters albeit directing their efforts towards similar targets.

The availability of sign language on the main terrestrial stations was limited. Although RTE was the only one to provide this language, the level achieved is considerably less than that achieved in other countries in the sample.

Due to technical difficulties, audio description was not provided by any of the stations surveyed. In consequence, one sees that there are currently no plans to introduce access for blind and partially sighted people to television in Ireland. In general, the view of broadcasters is that audio description could be incorporated but only in a

²¹⁰ The percentages provided for total programme costs and total expenditure do not include the programme or subtitle costs associated with RTE's provision of programmes to TG4.

²¹¹ TMI, Europus and Máire Nic Niallais.

digital environment due to the constraints imposed by bandwidth on analogue transmission.

* * * * *

Viewed collectively, one sees that progress has indeed been made. The foundations have been laid for future developments to be built upon. It is now time to consider how the provision of these services might be increased and the time frame within which such advances might be achieved.

Concluding remarks

Pulling threads together

Accessing Television considered issues relevant to the development of a set of rules designed to extend access for deaf and blind people in Ireland. Beginning with an overview of legislative provisions, Part One considered the statutory basis upon which these rules will be developed. Subsequently, developments unfolding at EU level were identified and thus, considered. It was seen that while significant work and discussion was occurring at European level, the impetus to produce these rules came from Irish statute more than European convention.

Through information reviewed in Part Two, one saw that there are no official figures available to determine the overall number of deaf and blind people currently resident in Ireland. Figures obtained from statutory bodies and representative organisations, however, were presented and the disparity between totals offered was highlighted accordingly. Ratios provided stated that one in five people had some form of hearing impairment (taking deafness in one ear as an indicator) while it was estimated that one in fifty people has some form of issue with his/her sight. Taking these ratios as an indication of the numbers involved, the section moved on to consider who else in society might benefit from the provision of increased levels of subtitling and audio description. Here it was seen that both techniques can increase access for a significant number of people outside the key constituent groups. One was led to conclude, therefore, that increasing levels of subtitling and audio description can benefit a wider range of citizens rather than specific pockets of a given society.

Part Three looked at the experience of other countries vis-à-vis subtitling and audio description. In all countries considered, provision for subtitling was in place. In addition, it was seen that levels were set to increase over time. It was seen, however, that the levels set and the pace to be adhered to were significantly different. So too were arrangements for subtitling in other main or secondary languages. Those broadcasting in languages other than the principal one were obliged to provide subtitles to reach the same targets but time allotted was greater. This was to take account of the extra cost involved and the smaller number of qualified people to carry out this work. Viewed collectively, it was seen that the use of interim targets, irrespective of language, indicated that change would be gradual and consultation with relevant groups on-going.

The situation regarding audio description was considered thereafter. Here one saw that the presence and successful operation of audio description was not common to all. Some States had introduced this while others had yet to act to any significant degree. Compared to subtitling provision, several differences emerged. Government commitment to this technique was less than that shown to subtitling. Where Governments set targets and supervised the introduction of subtitling, they tended to 'encourage' the introduction of audio description. When introduced, the targets set were far smaller than those set for subtitling. In addition, the pace set for the achievement of such targets was significantly slower. Technology was also seen as a major factor in this regard. Some States believe that the advent of digital technology will provide a means to transmit a higher quality of audio description and distribute it to more than would be possible on analogue. Consequently, the introduction and subsequent promotion of audio description is linked in some States with the development of digital technology and the analogue switch off. Public participation in devising the provision of such services can heighten expectation. One must remember, therefore, that technical limitations and financial constraints can impede progress. Irrespective of the different levels of technology available and the commitment for introduction made, Governments surveyed were in agreement that greater provision should be made to ensure more access for blind and visually impaired people to television.

The United Kingdom (UK) was presented as a case study as it emerges as one of the leading countries in the provision of subtitling, sign language and audio description on television. Many aspects of providing this triptych of services were, therefore, outlined in Part Four. Legislative provisions, interim targets, broadcasters' capabilities and responses were considered. Provision of subtitling and audio description for children was also addressed and the need for separate consideration of these particular topics was highlighted. Throughout this section, the importance of clear regulation, supervision and consultation on an on-going basis supported by substantial research programmes became obvious. It was also noted that although the UK has made significant progress in the provision of subtitling, sign language and audio description, it has yet to meet all targets set. Progress is, therefore, on-going.

Indications on the costs of providing subtitling to the broadcasters were considered thereafter. It was seen that from the sample of television stations surveyed, costs incurred remain relatively small when viewed as part of the overall programme cost.

The current situation in Ireland was outlined in Part Five. Here the principal national broadcasters were identified and the position of each vis-à-vis subtitling provision was considered. It was seen that although the foundations had been laid for progress to occur, Ireland lagged significantly behind the sample of countries considered in this study. In addition, it was seen that there is currently no provision for audio description while the use of sign language is limited to RTÉ.

Approaches

From the information reviewed, it is possible to draw out a number of common trends. A sample can be provided as follows:

- Within certain jurisdictions, there may be differential treatment of broadcasters taking into account such factors as resources, remit – public and/or private - percentage of live broadcasts versus pre-recorded programming and relative starting point;
- Different treatment of languages within one jurisdiction: Where there is more than one recognised language, the targets set are often the same but the time period allocated in which targets are to be met differs significantly;
- Use of identified criteria – for example, revenue generated by advertising – can determine the level of provision that services are expected/encouraged to carry;
- In some cases, certain time periods – for example, peak time viewing – and genres of programmes – for example, news and children’s programmes – are elevated as meriting priority;
- Incremental movement: that while a target is identified, steps towards its achievement are set out over time and as a result, development is gradual rather than immediate.

These are points that hold true across much of the case study material considered. Identifying approaches in this fashion provides a basis upon which further discussion can occur.

A few last words...

Providing subtitles, sign language and audio description at realistic levels is not about meeting the needs of society at large. It is about including deaf and blind people fully in the day-to-day life of a given society. The role and significance of television in the modern world has been stressed throughout this report as a source of information, entertainment and education. For those excluded from other media through visual impairment or linguistic differences, television assumes even greater importance. More specifically,

Television has become an essential tool in the debate and free exchange of ideas that nourish a democratic society. It is also an important source of entertainment. When hearing and visually impaired people are unable to receive television broadcasts in a form that is comprehensible to them, they are largely excluded from this important, “everyday” communication tool.²¹²

There are indeed other points to take into consideration. Providing access to television is also about providing access to the democratic process. Television and radio are vital components of the political landscape in the western world. People rely on these media to help them decide preferences at election time and for referenda.²¹³ In its 2001 report, the Independent Television Commission stated that ‘Television, especially news programmes, was named as people’s main source of political

²¹² Canadian Radio-television and Telecommunications Commission (2003), *Broadcasting Services for the Hearing and Visually Impaired*, 2.

²¹³ RTE (2002), *Programme Maker’s Guidelines*, 73.

information...'²¹⁴ Without vital information on political events, actors and developments, those in the deaf and blind communities may not be as well informed as the rest of society. This can exclude them from influencing the political process. The ability to access relevant information vis-à-vis candidates and political decisions can thus be compromised.

Providing access to television is about meeting people's expectations. Paying the same television licence fee leads many who are deaf or visually impaired to expect similar services available to those in the hearing and seeing communities. And yet, it is not only about accessing information that is available to others but also information that is particular to their communities, that reflects their traditions and interests. Consequently, one sees that increased awareness of the needs of the deaf and the blind regarding television might also raise the awareness of broadcasters vis-à-vis the needs and interests of these key constituent groups.

²¹⁴ Independent Television Commission (2001), *Television Viewers register little interest in election campaign coverage, says ITC Research*, 1 Oct.

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