



High-Level Meeting for Members of Parliament of ARIPO Member States

**Creativity and Access to Knowledge: A Social and Economic
Impetus for Africa**

**How African Countries Can Take Advantage of the Marrakesh
Treaty**

**Keitseng Nkah Monyatsi
Copyright Administrator
Gaborone, Botswana**

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Presentation Outline

- Introduction
- Benefits that can be derived from the Marrakesh Treaty
- Importance of knowing the Magnitude of the Challenge
- How Can African Countries Take Advantage of the Marrakesh Treaty
- Conclusion

Introduction

- ▶ All countries of the world are faced with a challenge of having people with various disabilities in their populations including those who are blind, visually impaired and print disabled. The question of how they should cater for them to ensure inclusion and participation in various sectors of the economy is a challenge that calls for attention and continuous review;
- ▶ In view of the Universal Declaration of Human Rights and the United Nations Convention on the Rights of Persons with Disabilities, member states of the World Intellectual Property Organisation adopted the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

Main challenges faced by people who are blind, visually impaired and print disabled in Africa include;

- ▶ Delayed access to information due to the need to acquire authorisation to convert works into accessible format copies. These delays lead to:
 - ▶ Inability to equally compete with peers, especially academically for those enrolled in schools and other educational institutions;
 - ▶ Difficulty in referencing;
 - ▶ Missed opportunities.
- ▶ Generally, the cost of accessible format copies is higher than ordinary copies of the same published works. In some cases it can be ten times more e.g. Braille;
 - ▶ In the case of students, book allowances is always the same for all students despite possibilities of paying more for accessible format copies.

Introduction...

Procurement of books by Libraries – delay in accessible format copies reaching the market leads to in libraries serving the blind and visually impaired purchasing books that are not current.

- ▶ Modern technologies allow for works to be converted speedily and at affordable costs, but the need for authorisation prohibits or delays entities serving beneficiary persons from converting and availing personal copies to them.
- ▶ Durability of books in Braille since Braille is sensitive;
- ▶ Commercial availability;
 - ▶ Local content is generally not immediately available in accessible formats;
 - ▶ Accessible format copies of books can be purchased from distributors such as Amazon, but sometimes that does not fully address the issue of simultaneous access, and the price can also be a challenge.
- ▶ Geographical spread of beneficiary persons makes it difficult for them to be reached in their places of origin and at the same time as their peers;
- ▶ Inadequate resources to reach and serve all persons who are blind, visually impaired or print disabled.

Benefits that can be derived from the Treaty

- Eliminating the need for authorisation will reduce the waiting period between publication of a work and converting works into accessible formats thus reducing the time gap of accessing works by beneficiary persons and their peers;
- The Treaty does not limit conversion to a specific type of technology, therefore it provides an opportunity to convert works into accessible format copies, and allows for consideration of an individual's needs and ability to access works, e.g. not all persons who are blind or visually impaired can read Braille.
- The Treaty includes persons who are print disabled, that is, those who, due to their disabilities could not use technologies such as Braille;
- The Treaty allows an authorised entity, beneficiary persons or an individual acting on their behalf to use the limitations to copyright protection to convert works into accessible format for use by the beneficiary persons.

Benefits....

- ▶ Some service providers have technologies that enable conversion of works into accessible formats, therefore beneficiary persons, authorised entities and individuals acting on their behalf can purchase ordinary copies and have them converted into formats needed by beneficiary persons locally;
- ▶ Avails opportunities for entities that serve beneficiary persons to exchange works in accessible formats. These exchanges can be within a country or between countries, as long as both countries are party to the Treaty.

Magnitude of the Challenge....The Case of Botswana

Potential beneficiaries from the Treaty as per the Population and Housing Census 2011:

Disability	Count	Percentage of People with Disabilities
Sight/Visual Impairment	28, 721	48.6%
Impairment of Arm(s)	4, 468	7.6 %
Inability to use whole body	1,759	3%

- Total of 33, 948 people (which is 1.7% of the entire population and 57.4% of people living with disabilities) is in the category of potential beneficiary persons.

Source: Population and Housing Census 2011, Analytical Report, Statistics Botswana

Magnitude of the Challenge....

- Distribution of potential beneficiaries according to age group:

Type of Disability	Children 0-14yrs	Youth 15-39yrs	Adults 40-64yrs	Elderly 65+yrs
Sight	6.2	25.8	27.1	40.9
Arms	14.6	32.5	30.3	22.6
Inability to use the whole body	21.0	24.4	21.5	30.1

- Majority are in the 15-64 years - they are at the prime ages to participate in social and economic activities (studying and working);

Magnitude...

Potential beneficiary persons in other African countries;

- ▶ Namibia (2011)
 - ▶ Blindness – 10, 855 =11% of the persons with disabilities
 - ▶ Visual Impairment – 17, 084=17.4%
 - ▶ Physical Impairment (upper limbs) – 10, 789=11%

- ▶ South Africa (2011)
 - ▶ Difficulty seeing – 11.1%
 - ▶ Difficulty with self care – 3,4

- ▶ Ghana (2010)
 - ▶ Visual/Sight impairment – 40.1% of persons with disability.
 - ▶ Physical challenges – 25.4%

- ▶ *Main challenge was to get categorised statistics and that categorisation varies from one country to the other.*

Magnitude of the Challenge....

- ▶ Botswana first enumerated people with disabilities during the 1991 Population and Housing Census, followed by one in 2001. Both censuses revealed that;
 - ▶ People with disabilities were underrepresented in the education system;
 - ▶ Generally they are not engaged in meaningful economic activities;
 - ▶ They were disproportionately affected by poverty and conditions of squalor;
- ▶ During the 2011 Census detail was added to the enumeration of people living with disabilities.
- ▶ The findings of the censuses led Botswana's response to the following key policy decisions:
 - ▶ Revision of the National Education Policy(1994);
 - ▶ Establishment of a Library for People who are Disabled (1996);
 - ▶ Establishment of the Office of People with Disabilities under the Office of the President (2010);
 - ▶ Revision of the National Policy on Disability (still awaits approval);
 - ▶ Adoption of an Affirmative Action on Disability (2013);
 - ▶ Disability Pitso;
 - ▶ Disability Allowance for those who are entirely dependant on others for their day-to-day upkeep (2015).

Magnitude...Relevant conclusions of the Botswana Census on Analysis of Disability

- ▶ The most common type of disability reported during the 2011 Census was visual impairment;
 - ▶ Ghana arrived at the same conclusion (2010)
 - ▶ In its 2011 Population and Housing Census, Namibia (Blindness and Visual Impairment together became second after Physical Impairment of lower and upper limbs)
- ▶ Disability is more common in rural areas than in urban areas;
 - ▶ Namibia also came to the same conclusion in 2011
- ▶ Government effort to educate children with visual and hearing impairment is commendable. **However the nature and quality of education and training needs to be investigated in order to improve access to higher and tertiary education as well as skills training. Research has consistently shown that they generally receive lower levels of education than the non-disabled;**
- ▶ In Botswana those who have ever attended school drop out early into their primary years, and never go back to school. Those who persevere in school receive poor quality education or training.

Source: Statistics Botswana

How African Countries can Take Advantage of the Treaty....Lessons from Botswana

- ▶ National legislative frameworks - including accession/ratification and domestication of the Treaty;
- ▶ The magnitude of the challenge faced needs to be measured and understood:
 - ▶ Gather statistics on the types of persons with disability who can benefit from the Treaty;
 - ▶ Identify and address bottlenecks that hinder access, equal social and economic participation for each category of disability;
 - ▶ Planning and implementation should be with participation and engagement of people and organisations that serve persons who are blind, visually impaired or print disabled;
 - ▶ Avail resources to enable access.
- ▶ Take deliberate policy and strategic decisions to support access;
 - ▶ Issues of disabilities cut across various sectors, therefore there is need to consider all sectors and government institutions that are involved to ensure role clarity, revision of necessary policy and legal instruments and ensure participation in providing access to beneficiary persons;
 - ▶ Strengthen existing institutions and establish specialised other necessary institutions;
 - ▶ Develop necessary human resources to support national policies;
 - ▶ The subject of people living with disabilities should form part of the agenda of regional economic blocks and other regional groupings so that regional policy positions can be adopted, implemented and monitored.

How African Countries can Take Advantage of the Treaty

- ▶ Cultivate and encourage cross border collaboration between African countries especially those that share official languages:
 - ▶ Promote information exchange between institutions representing beneficiary persons;
 - ▶ Partnership in investing resources that can be used to convert works into accessible format copies and promote cross border exchange of such works;
 - ▶ Inter loans between institutions that serve beneficiary persons should be encouraged e.g. Botswana Library for People with Disabilities inter-loans with the South African Literature for the Blind.

- ▶ ...A Social and Economic Impetus for Africa: Access alone cannot fully address the low levels of participation in social and economic activities by beneficiary persons, therefore, strategies should go beyond mere access to information;
 - ▶ Take deliberate policy decisions and avail necessary resources for awareness raising, implementation etc
 - ▶ All stakeholder engagement is crucial to cover all areas that affect access to information, social and economic participation by beneficiary persons;
 - ▶ Public private partnerships is important;
 - ▶ Private sector (book publishing in particular) should endeavour to make works commercially available at affordable costs;
 - ▶ Timeous access to information will promote academic and skills development needed for employment;
 - ▶ Private sector should be an active participant in employing beneficiary persons.

Conclusion

- ▶ For African countries to take advantage of the Marrakesh Treaty, they should accede to/ratify the Treaty and domesticate it;
- ▶ In order to understand the national status of beneficiary persons, and objectively inform policy decisions, there is need to gather statistics to answer all questions that arise in relation to the numbers of beneficiary persons, their school attendance, training and quality of education, engagement in the economic activities and the quality thereof etc;
- ▶ Deliberate policy decisions have to be made and resources availed in pursuit of promoting access to information;
- ▶ African countries should join efforts at all levels of their economies in order to ensure equal access which will open opportunities for social and economic participation by beneficiary persons;
- ▶ If the intention is to have beneficiary persons meaningfully participate in social and economic activities, African countries must look beyond mere access to published works therefore all stakeholder participation becomes one of the key strategies to use.

Keitseng Nkah Monyatsi
Companies and Intellectual Property Authority
P. O. Box 102
Gaborone, Botswana

Tel: (+267) 3736700 / 3711821

Fax: (+267) 3188130

Email: kmonyatsi@cipa.co.bw

