

50th EPRA meeting
Athens, 23-25 October 2019
**Working Group III: Update on
Accessibility of TV and on-demand audiovisual media services**
Summary of the session and debate
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Introduction

The discussions in this working group focused on the current status of regulation, policies and technological innovations, all of which aim towards increasing the amount of audiovisual content that is accessible for people with disabilities. In this context, the relevant accessibility tools concerned subtitles, sign language and audio description.

Session chair Oliver Gerber opened the session by stating that still too many barriers exist that prevent people with disabilities from participating in a society on an equal and self-determined basis and that the same would apply to audiovisual services. However, in the meantime there is a big step forward regarding regulatory and technological progress. An extensive background paper was provided by Deirdre Kevin (Commsol) in advance of the working group, in which considerable detail of regulation and policies in a range of countries is outlined. There were two presentations, both of which are available on the EPRA website: [one from Deirdre Kevin](#) which summarises the trends in regulation regarding this issue; and the [second from Martin Spycher](#) (SRG SSR, the Swiss Public Service Broadcaster), which outlines a range of technological developments intended to increase the amount of accessible content and reduce costs for operators. The group was well attended and, alongside regulators, participants included public service broadcasters and a media expert who provided her personal perspective as a user of such accessibility services.

Legal Context

From the outset it was stressed that increasing accessibility of audiovisual media services is a human rights issue as enshrined in the United Nations Convention on the Rights of People with Disabilities (CRPD). This Convention obliges member states to ensure the integration of people with disabilities into society. It also addresses the right of this people to the freedom of expression and opinion, and to access to information. In addition, the convention addresses the right of people with disabilities to participation in cultural life. For these purposes, the convention specifically calls on member states to increase the accessibility of audiovisual services.

Regarding the revision of the Audiovisual Media Services Directive, there now exist stronger obligations under Article 7. Member States must **ensure without delay** that audiovisual media services are **continuously and progressively** made more accessible. This article also contains

a.o. a requirement regarding the development of action plans, and the requirement for media service providers to report regularly to the national regulatory authorities (NRAs) regarding their progress in this field.

Presentations

There is a great divergence among European countries regarding where they are in terms of regulating services and reaching higher levels of accessibility. Some have reached the point where they are beginning to place obligations on pay VOD services, while others are just developing strategies to introduce obligations on broadcasters. For more detail, it is recommended to look at either the background paper or the first presentation online to see the divergences with regard to the regulation including: the treatment of different types of broadcasters, online services and content; the extent to which reporting, research and monitoring is carried out; and the role of NRAs. The working group consisted of representatives from NRAs who are at all stages of developing policy in this area – from those who already meet the requirements of the new Article 7 to those who so far have no regulation in this area. In some cases, the task of persuading both government and industry of the necessity of such regulation continues to be difficult. Hence, there was a very useful exchange of experiences between participants.

The second presentation, from the perspective of a public service broadcaster provided insight into the research being carried out on technological solutions to increase accessibility. Several of these projects are part of a Horizon 2020 project funded by the EU – Content4all. For the main Swiss psb, there is a need to provide more accessible content, but this is in a context where there are more platforms, less advertising revenues and a budget from the licence fees, which has been capped by the Swiss government. Their approach combines the following: to develop new ideas; to optimise existing tools; and to develop partnerships with other industry actors, researchers and universities. Martin Spycher stressed the importance of understanding the concerns of the target audience before you design any new accessibility technology. This is determined by his enterprise in a laboratory situation with usability tests and during home visits in the everyday environment of the target group. Further SRG SSR has regular exchanges and an agreement of what services SRG SSR provides, with the associations of people with disabilities.

Among the tools being developed and the ideas being explored are the use of avatars for the provision of signing on programming. Avatars can be designed to replicate the actions of professional sign language experts – who therefore can work remotely – with considerable cost savings. In the long-run there may be an option of speech to text, text to sign language. The required services are just not yet available in the required quality. Technologies such as object identification and image recognition can be used to produce audio-description. So far, it is still necessary to always use human intervention to perfect the automated work. However

the overall impact is to increase efficiency, to reduce costs and therefore to have the opportunity to produce more accessible content.

Key take-aways from the discussion

- A very important ingredient for success is the promotion and facilitation of **consultation between stakeholders**. This is relevant from the outset in developing policy and regulation in order to raise awareness and promote dialogue. It is also necessary on an ongoing basis in order for users to continuously provide feedback and communicate their needs. The new AVMS requires that there be a national contact point for users of disability services, but many countries go beyond this by requiring that media service providers regularly consult with users.
- The revised AVMS requires that Member States must **ensure without delay** that audiovisual media services are **continuously and progressively** made more accessible. This will require a rapid introduction of regulatory obligations, the development of policies and the development of action plans. This will involve an important role for NRAs, including the need to assess implementation and require from audiovisual service providers a regular process of reporting on their progress.
- Regarding **issues of cost**, it was illustrated in the group how various approaches to establishing obligations introduced differentiations between types of services and types of content. On-demand audiovisual services are now also being obliged to provide accessible content. There is a growing tendency to look at market power of operators in terms of audience and/or turnover. Exemptions from, and reductions of, obligations are introduced to ensure that services are not over-burdened by costs.
- It was also noted in the group that there is a need to **change attitudes**. Rather than considering the provision of accessibility services as a cost or a burden, the industry needs to realise that NOT providing this represents a potential loss. Traditional media audiences are aging. At the same time, significant income is lost where consumers with disabilities do not purchase services that are not accessible.¹
- At the same time, there are numerous examples of where national systems try to **maximise the accessible content** that is available by introducing requirements, incentives and specific grants in the context of public funding for content production. This approach represents a **cultural shift**: making accessibility part of the normal course of business in audiovisual content production.
- Exploring **technological solutions** and benefitting from developments in artificial intelligence AI has shown that it is possible to increase efficiency and reduce costs. Related to this is the need to speak to/ and listen to users, particularly with regard to the development of technological solutions, an approach used by the Swiss public broadcaster. It is also crucial to develop partnerships across the industry, along the

¹ See for example data from the Purple Pound project in the UK: <https://wearepurple.org.uk/the-purple-pound-infographic/>

value chain, and with research institutes in order to maximise the benefits and share costs.

- A participant pointed out that not every European country has the **technological IP- and Cable-infrastructure to provide the necessary bandwidths** for new technological solutions. According to Martin Spycher's view, the bundled services that in the future should be used for new accessibility solutions would require less bandwidth capacity than is generally expected and should also work out in remote areas.
- The changes in attitude and the cultural shifts noted above are also related to the concept of a **“social model of disability”** which was shared in the group: **A person is not disabled, but rather experiences disability in circumstances where society has not made efforts to include them.** As the participant, who herself needs to use accessibility services, emphasised, at a time when global audiovisual production companies are investing millions in high-quality series, the argument that the cost of services for the sensory impaired is a too high burden is highly questionable.

The figure below provides a map of the key elements in developing and implementing policies to increase the availability of accessible audiovisual content as discussed in working group III.

