

# MEASURES CONCERNING ACCESS OF VISUALLY AND HEARING-IMPAIRED PEOPLE TO TELEVISION PROGRAMMES

## PORTUGAL

1. **Subtitling for deaf and hearing-impaired viewers**
2. **Audio Description**
3. **Sign Language**

1. As a preliminary observation, we would like to recall that, with the adoption of a new television law and of a new framework for public service broadcasting, substantial modifications were introduced in the previous year in our national legal system concerning television broadcasting. Nevertheless, the legal provisions in force have to be completed by the goals defined through self-regulation procedures.

2. Under the terms of Article 7 of the portuguese television law (Law 32/2003, published in 22 August 2003), «the State, public service concession holders and other television operators shall collaborate in the pursuit of values of human dignity, the rule of law, democratic society and national cohesion, and in the promotion of the Portuguese language and culture, taking into consideration the special needs of specific groups of viewers».

However, and apart from this self-entitled principle of cooperation, specific binding measures concerning access of people with disabilities to television programmes are only found in chapter IV of this law, dedicated to public service broadcasting.

In fact, a general obligation concerning the promotion of the possibility of access to television programmes by deaf or hard of hearing people <sup>(1)</sup> is foreseen among the «general duties» imposed on «operators holding the public television service concession» <sup>(2)</sup>. This

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<sup>(1)</sup> Television Law, Article 47(2), al.f).

<sup>(2)</sup> Although public service broadcasting remains entrusted to RTP, it is now expressly admitted that also private operators may, under certain conditions, contribute to fulfill some of its specific missions.

obligation is also emphasized, even with a broader scope <sup>(3)</sup>, in the new General and Special Public Service Television Concession Contracts, both signed in September 2003 between the Portuguese State and PSB' RTP.

3. Additionally, a reference should be made to a Protocol signed in August 2003 between RTP and the two main terrestrial tv portuguese private channels («SIC» and «TVI») and homologated by the Government, establishing an exchange of cooperation at different levels, including the support to people with hearing disabilities. Under the terms of such protocol:

- (a) private operators SIC and TVI commit themselves to broadcast a minimum of 2&1/2 h per week of news and current affairs, educational, cultural or recreative programmes, with recourse to sign language, in a timetable set between 8 a.m. and 0.00 p.m.;
- (b) private operators SIC and TVI also commit themselves to broadcast fiction programmes or documentaries with subtitles through the use of teletext, with a minimum length of 5 hours a week (it shall be noted that, in some cases, recourse to subtitles does take into account the special needs of people with hearing disabilities, e.g., by means of include a transcription of sound effects);
- (c) PSB' RTP should double the minimum performances imposed to private operators.

The last report concerning the application of this Protocol points out to a positive evaluation on the accomplishment of the measures quoted, in the benefit of the specific peoples involved. In particular, private operators have made significant improvements, when recalling its initial standards in this area.

4. Concerning audio description, and despite the absence of legal provisions dealing with this topic, a reference should be made to a pioneer experience that took place recently, involving the cooperation between television and radio public service broadcasters RTP and

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<sup>(3)</sup> «Operators referred to in previous paragraph shall *inter alia* (...) promote the possibility of access to programmes for the deaf or hard of hearing people or with other type of disability foreseen in Law, particularly in a way that assures that such possibility, including informative content, will not be inferior to the performances accomplished by the ensemble of general private operators»: Clause 5th(2), al.f) of the General Public Service Television Concession Contract, and Clause 7th of the Special Public Service Television Concession Contract.

RDP. Two very popular Portuguese ancient movies were broadcasted on television, with subtitles adapted to the special needs of people with hearing disabilities, while simultaneously an audio description of such films (e.g., describing action, body language and facial expressions of the actors involved) was also made available on the radio. This experience was extremely well received and it is very likely that similar initiatives will follow.

5. At this stage, it is rather difficult to predict the nature and the extent of measures concerning access to tv programmes by people with disabilities that are likely to be adopted and/or developed in the context of the digital switchover.