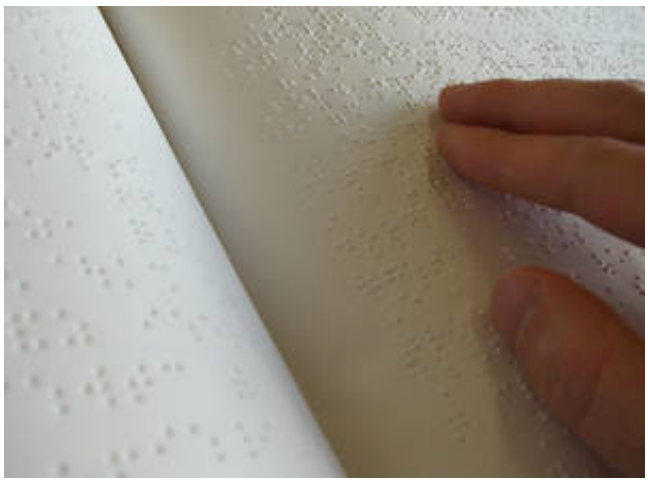
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# A few EU governments are blocking blind people's access to knowledge

## Blog post by MEP Julia Reda



Among everything I've experienced in politics so far, the squabble over the Marrakesh treaty stands out as a particular letdown. A few European governments – including Germany and the UK – are currently playing a leading role in denying people with visual impairments urgently needed access to knowledge and culture for no defensible reason. Today, the European Parliament is calling on these governments to end their obstructionism in an unusually strongly-worded resolution.

### The Marrakesh Treaty ensures access to knowledge for millions

According to the Convention on the Rights of Persons with Disabilities, people with disabilities have a fundamental right to equal access to information and culture. However, in the EU only five percent of all booksare published in a format accessible to people who are blind or have visual impairments, such as with large print, braille print or as an audiobook.

In many countries, copyright exceptions may allow converting books to such formats in certain circumstances even without the approval of the rightsholder – but that these exceptions are not

internationally harmonised especially complicates international exchange.

The Marrakesh Treaty is meant to change that. However, since this international agreement was finalised in June 2013, ratification has remained pending for almost three years now.

For the treaty to come into effect, 20 of the 79 signees have to ratify it. So far, only 13 countries have done so: India, El Salvador, the United Arab Emirates, Uruguay, Mali, Paraguay, Singapore, Argentina, Mexico, Mongolia, South Korea, Australia and Brasil. The EU is still outstanding.

## The EU plays a key role in two ways

1. On the one hand, ratification by the EU is important to speed up the entry into force of the treaty. In Europe alone, 30 million people with visual impairments would enjoy greater educational opportunities and participation in society.
2. In addition, only once the EU is on board, the treaty can have its full effect: The scarcity of books is much worse in developing countries, where as little as 1% of the available literature may exist in accessible formats. Because a lot of accessible books exist in the EU in languages spoken far beyond its borders (especially English, Spanish and French), ratification by the EU is absolutely imperative to improve the global participation of people with visual impairments. Anyone e.g. studying today requires access to English reading material. The right to education of people who are blind is severly curtailed as long as territorial copyright means they are denied access to accessible literature from abroad.

## Lobbies bitterly fought the common good

Over the five years of negotiation that led to the agreement, NGOs – chief among them KEI, who initiated the treaty – had to face relentless resistance by publishers and patent holders. Their lobbies attempted to block the treaty outright – in the end, they succeeded in watering it down considerably.

Letters from lobby organisations demonstrate how fiercly rightsholders fought even the smallest of concessions to safeguard human rights. For example, according to the Intellectual Property Owners Association:

- The treaty would constitute an “unbalanced privilege” granted to people with disabilities if rightsholders were not strengthened at the same time. In fact, rightsholders can already today rely on a number of international treaties for the protection of their interests — the Marrakesh treaty is the only one that strengthens the rights of a certain group of users.
- They feared a precedent may be set: This agreement to protect the rights of marginalised groups

> could be followed by further ones, perhaps to facilitate the affordable access to patented life-saving drugs. Indeed, the efforts for patent reform by James Love und Manon Ress of KEI have already saved the lives of thousands of people. The industry calls these efforts to safeguard human rights and set public-welfare limits to capitalist exploitation a “threat” to their profits.

Due to massive lobbying, deaf people were stricken as potential beneficiaries of the provisions of the Marrakesh treaty.

Many countries, including EU member states, had to be literally dragged to the negotiating table. In his closing statement at the finalisation of the negotations, James Love deplored the negotiations’ lack of transparency. His suspicion: Publishing everyone’s negotiating positions would have demonstrated just how many governments actively fought against the rights of people with disabilities.

## Germany and the UK are still stalling the process

In 2013, the treaty was finally finished. Since then, many governments never tire of paying lip service to the importance of this treaty and its goals – including Germany’s. And yet, it has not come into force.

A blocking minority in the Council of the European Union led by the German government is obstructing ratification. They claim the EU is lacking the competence to ratify the treaty for the entire union. But the legal services of the Commission, the Parliament and the Council itself disagree – as do the majority of member states.

To resolve the situation, the Commission has referred the question to the European Court of Justice. The court is expected to confirm the Commission’s view of exclusive competence, but the decision will take months.

Contrary to what is sometimes claimed, this decision will not establish a precedent for other international treaties currently under negotiation like TTIP, TISA, etc. – their massive scope cannot be compared to the very specific Marrakesh treaty.

Should ratification not be the exclusive competence of the EU, every member state would have to ratify separately. In this case, it would take years for the treaty to be in force in all of the EU. This would especially complicate the international exchange of books, a central component, for many years to come. Countless Europeans would be excluded from benefiting from the rights the treaty enacts for them for an indefinite amount of time.

The United Kingdom is another member of the blocking minority. The UK government’s aversion to granting the EU any competence whatsoever without a fight is apparently so big, that they are willing to abandon their duty to uphold human rights. In doing so, it is squandering a chance for millions of people in the UK to benefit directly from EU membership.

## Today, the European Parliament is exerting pressure

Due to the continuous delays, the World Blind Union and the European Blind Union filed a petition with the European Parliament. Today, we vote on a resolution demanding speedy ratification. This increases the pressure on the governments holding up the process to end their obstructionism.

It is unacceptable to fight an intra-institutional turf war over competence on the backs of people with disabilities. The only effect of the behavior of these governments is to keep people with visual impairments from reading. It is purely a lack of political will that prolongs this injustice.

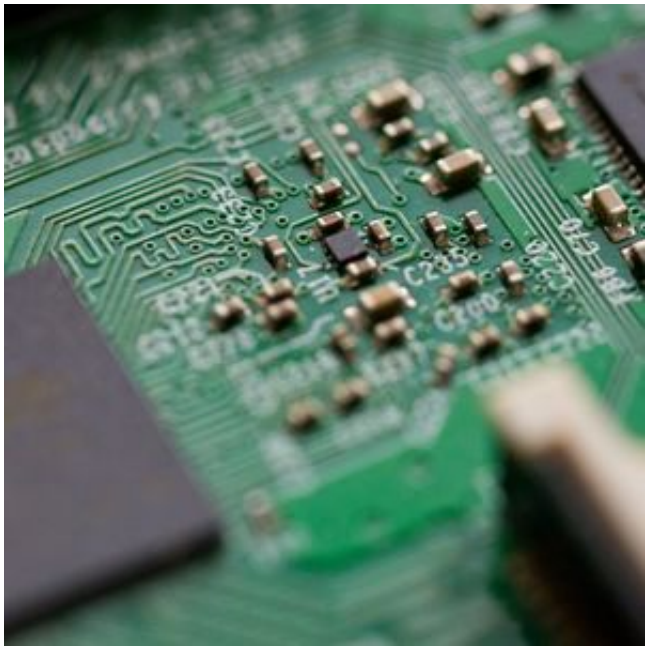
It is time that we have a debate on our governments' roles in this gruelling process and once and for all make sure:

## Copyrights benefiting the few must not hinder the human rights of millions

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