



Statement by His Excellency Archbishop Silvano Tomasi, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva at the Diplomatic Conference to conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities
Marrakech, Morocco, 18 June 2013

Mr. President,

As we gather to show the solidarity of the world family to all visually impaired, at the outset, my Delegation wishes to warmly thank the Government of Morocco and the city of Marrakech for hosting this Diplomatic Conference.

285 million people are visually impaired worldwide according to estimates of the World Health Organization and approximately 90% of them live in developing countries. Only 1% of the books in Developing and Least Developed countries, however, are available in formats accessible to blind people. In the Developed countries as well visually impaired individuals have access to only 5 per cent of published books. Such a situation has been appropriately called a "book famine". In fact, many visually impaired learners and university students in developing countries lack access to textbooks.

The Universal Declaration of Human Rights recognizes the right of all individuals to freely participate in the cultural life of the community and to enjoy the arts (Art. 27). This Conference is mandated to deal with a copyrights issue that has a clear human rights dimension: the need to ensure that copyright is not a barrier to equal access to information, culture, and education for people with print, reading and related disabilities, "giving people a variety of opportunities to discover their potential, understand their environment, discover their rights and take total control of their destiny"¹. This objective implies access to knowledge and skills needed to develop a person's capacity to shape her future.

Twenty or thirty years ago little could be done about the "book famine". Printing braille books was time-consuming and resource-intensive. Technology has brought about important changes. Today visually impaired people can read books on computers using text-to-speech technology magnification, by means of so-called braille displays,

¹ Divine Chris Boame, Coordinator Inclusive Education Programme, Krachi East and West Districts, Ghana Educational Empowerment of The Blind and Persons with Low Vision in Ghana, A Shared Responsibility, www.african.org/workshops/Ghana%20articles/Divine.doc

or by listening to normal audio books. Now every book on the planet can quite easily be made accessible to blind users; instead of the 1% or 5% access of the past, today's technical capacity allows close to 100%. Our goal, then, is not just a treaty, but rather a treaty that will resolve obstacles to access.

While new technologies make it possible to imagine a world where visually impaired persons can access a broad variety of documents just as sighted people can do, the out-of-date legal environment is a barrier. The protection of intellectual property is an important value, which we must respect. However, there is a social mortgage on all property, including intellectual property. The very creative and innovative thrust, that the intellectual property rights system offers, exists primarily to serve the common good of the human community.

At the national level, some countries have limitations and exceptions in copyright laws to enable accessibility for persons with reading disabilities without the permission of copyright owners. These provisions, however, vary considerably from country to country. They are often quite restrictive or focused only on older technologies such as raised paper braille. As a consequence, the total number of accessible resources is very low, particularly in smaller market countries. This Marrakech Diplomatic Conference represents an historical opportunity for the international community to give a concrete answer to most practical issues at the global level.

The exercise, therefore, of the exceptions and limitations permitted under the treaty must not be impeded or negated by other disciplines such as technological protection measures and contract law. We also caution against the introduction of new obligations that override sovereign discretion by WIPO member States a propose of how national governments create other exceptions and limitations in order to address public interest needs. Accordingly, it is critical that the discussions focus on existing approaches already recognized under the Berne Convention as consistent with the three-step test, specifically fair use and fair dealing, whether in place of or in addition to specific limitations and exceptions in national law.

Mr. President,

The primary goal of the copyright system is the dissemination of creative works to enhance the common good. Copyright has never been an end in itself. Increasingly, technological developments have strained the capacity of copyright law to limit the ways in which the public accesses creative works.

As stated by Jean Paul II, in his Encyclical Letter *Laborem Exercens*, "It would be radically unworthy of man, and a denial of our common humanity, to admit to the life of the community, and thus admit to work, only those who are fully functional. To do

so would be to practise a serious form of discrimination, that of the strong and healthy against the weak and sick"². Since all persons are called to contribute to society, it is fundamental to create an international instrument that could give even to impaired people a variety of opportunities to discover their potential, understand their environment, discover their rights and put to the best use their talents and resources both for personal fulfilment and for their contribution to society.

This common good must be served in its fullness, not according to a reductionist vision subordinated only to the advantage of some people; rather, it is to be based on a logic that leads to the acceptance of a comprehensive responsibility. "The common good corresponds to the highest of human inclinations³, but it is a good that is very difficult to attain because it requires the constant ability and effort to seek the good of others as though it were one's own good. The distribution of created goods, which, as every discerning person knows, is labouring today under the gravest evils due to the huge disparity between the few exceedingly rich and the unnumbered property-less, must be effectively called back to and brought into conformity with the norms of the common good, that is, social justice"⁴.

Mr. President,

A positive decision on this issue would result in an important sign not only from the World Intellectual Property Organization, but from all the international community. My Delegation hopes that a sense of common responsibility should urge us all to ensure that what has been achieved during the past months will not be lost. In this way, this Diplomatic Conference can arrive at a positive decision for the good of our entire human family.

During the upcoming two weeks, negotiations will challenge all participants to demonstrate sufficient flexibility in view of an achievable compromise that strengthens the international common good and overcomes particular positions. Empowering the blind, or visually impaired persons, is vital for raising their economic and social status. It becomes, therefore, a shared responsibility to help making such empowerment succeed for the benefit in particular of the many groups in society that have a stake in this process. Policymakers are called to adopt a pragmatic approach; service providers, an effective implementation; and the labour market, to remove all forms of discrimination. In conclusion, Mr. President, everyone has to rise sufficiently above national interests to see that a new treaty of solidarity with all visually impaired can and should be concluded as a message of hope for them and a sign of responsibility by the international community.

² John Paul II, Encyclical Letter *Laborem Exercens*, 22: AAS 73 (1981), 634

³ Saint Thomas Aquinas places "knowledge of the truth about God" and "life in society" at the highest and most specific level of man's "*inclinationes naturales*" (*Summa Theologiae*, I-II, q. 94, a. 2: Ed. Leon. 7, 170).

⁴ Pius XI, Encyclical Letter *Quadragesimo Anno*: AAS 23 (1931), 197.

