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SUBTITLING FOR THE DEAF AND HARD-OF-HEARING AUDIENCE IN ROMANIA

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Abstract: *The present article analyses the issue of subtitling for the d/Deaf and hard-of-hearing audience in Romania, or more accurately put, the need for SDH services and the (postponed) implementation (on a large scale) of such projects that would pursue audience accessibility while following national and international regulations. At the same time, we detail on a selection of specific features of SDH, in both intralingual and interlingual parametres of television services.*
Keywords*: accessibility, audiovisual translation, d/Deaf and hard-of-hearing audience, subtitling*

1. Introduction

The paper offers an overview of subtitling for the d/Deaf and hard of hearing (SDH), starting from the general landscape and particularizing it to the Romanian audiovisual status quo in terms of audience accessibility. In doing so, we frame the legal context, detailing on the provisions of the UN Convention on the Rights of Persons with Disabilities and Optional Protocol, continuing with EU's Audiovisual Media Services Directive for the European context, and the Romanian Audiovisual Law no 504/2002 for the national legislation. For a better understanding of SDH, we also provide a description of the features of this audiovisual modality, approaching it from the point of view of the rapport between accessibility to information provided by audiovisual media (television, in our case), and the cultural and linguistic identity of the audience it addresses.

2. General Approach to Legislation

Having entered into force on 3 May 2008, the UN Convention on the Rights of Persons with Disabilities and Optional Protocol (CRPD) advances as its purpose promoting, protecting and ensuring "the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities", as well as promoting "respect for their inherent dignity" (Article 1:4).

In this regard, Article 30 (1) stipulates that States Parties have the obligation to ensure access to cultural materials and activities (in accessible formats), as well as to places of cultural importance and those for cultural performance and services:

> States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:
> (a) Enjoy access to cultural materials in accessible formats;
> (b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
> (c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
>
> (Convention on the Rights of Persons with Disabilities and Optional Protocol:22)

Moreover, Article 21 of CRPD furthers freedom of expression and opinion, and access to information. According to this segment of the convention, States Parties "shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including *the freedom to seek, receive and impart information and ideas on an equal basis* with others and *through all forms of communication of their choice*" (14, our emphasis). This would imply information provided in accessible formats, appropriate technologies, facilitation of communication in official interactions, encouraging the mass media to provide services that are accessible to persons with disabilities:

> (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
> (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
> (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
> (d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
> (e) Recognizing and promoting the use of sign languages. (Article 21:14-15)

Within the European landscape we relate to the EU's Audiovisual Media Services Directive (AVMSD) (with the latest review completed on 6 November 2018) which was issued to contribute to equality and accessibility and, as stated on the official website of the European Commission, it governs the coordination of national legislation on audiovisual media (traditional TV broadcasts and on-demand services) EU-wide. The directive stipulates that EU Member States shall provide accessibility to media services for sight- and hearing-impaired persons by encouraging **"**media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability" ("Official Journal of the European Union", Article 7, 2010:15) by means of sign language, subtitling, audio-description or menu navigation.

As to the Romanian landscape, the regulatory authority for the Romanian audiovisual sector is the National Audiovisual Council (NAC); the provision of audiovisual services is governed by the Romanian Audiovisual Law no. 504/2002 (which implements the AVMS Directive) and by the secondary applicable legislation. On referring to hearing impaired audiences, NAC has the obligation to encourage audiovisual media service providers with a view to ensuring conditions that the services are available to d/Deaf and hard of hearing audiences. We shall further detail on these provisions regarding accessibility in our country.

Article 42 (October 2014) of the law specifies that these audiences have the right to audiovisual media services within technological possibilities. According to other provisions of the same article, television stations with national and local coverage shall provide sign language interpreting and live subtitling for a scheduled duration of at least 30 minutes of news bulletins, analysis and debate programmes on current political and / or economic issues during the daily broadcast; sign language and live subtitling shall be used for programmes of major importance (either in their entirety or in summary), accompanied by a warning sign (white symbol on blue background). The law further stipulates that television stations (both national and local coverage) shall use a standardized text that signals the fact that the programme also addresses hearing impaired audience.

A further provision requires that television stations with national coverage broadcast *Romanian cinematographic productions*, as well as *documentaries*, produced after *1 January 2019, subtitled in Romanian (closed captions)*, the obligation to subtitle them falling

exclusively with the producer. We can see this provision applied on Netflix, for example, where the viewer can opt for Romanian closed captions (CC).

3. Specific features of Subtitling for the d/Deaf and Hard of Hearing

Not only in the context of SDH but also in the general framing of screen translation, there is a particular key concept that needs to be insisted on: accessibility. In doing so we relate to Gambier's framing of the concept that "shakes up the dominant way of assessing the quality of a translation, the aim being to optimize the user-friendliness of AVT, software, websites and other applications" while the emphasis falls on the features that would characterize audiovisual translation types, also relevant in the case of SDH (Gambier in Millan and Bartrina, 2013:56):

- acceptability (language norm, stylistic choice, rhetorical patterns, terminology);
- legibility (for subtitling - font, position of subtitles, subtitle rate);
- readability (for subtitling - reading rate, reading habits, text complexity, semantic load, shot changes, speech rates, etc.);
- synchronicity (for dubbing, voice over, commentary - appropriateness of speech-to-lip movements, of utterances in relation to non-verbal elements, of what is said to what is shown/visualised, etc);
- relevance (conveyed, deleted, added, clarified information for the purpose of increasing the cognitive effort required by listening and reading).

In *Audiovisual Translation. Subtitling*, Díaz-Cintas and Remael (2007:13) underline the social function of accessibility and bring into the equation the process of translation, whose aim is, as they point out, also that of facilitating access to "an otherwise hermetic source of information and entertainment". Hence, accessibility is understood as "a common denominator" (13) mirrored in audiovisual practices that, despite addressing different audiences, further the very access to information: dubbing, subtitling, voice-over, SDH or AD.

Viewed from the perspective of AV modalities, accessibility services include: audio description (AD) for blind and partially sighted persons, sign language interpreting (SLI), subtitling for the d/Deaf and hard of hearing (SDH), also met as live subtitling.

The change of channels that we speak of in the case of SDH implies the transition from auditory to visual, more precisely from verbal auditory (dialogues) and non-verbal auditory (sound effects/music) to verbal visual (subtitles). This shift comes with several distinguishing criteria that need to be taken into account in order to fully understand the SDH addressees, or typology determined by linguistic transfer and time of preparation:

- addressees – 'hearing impaired' is generally used for people with any degree of hearing loss; 'hard of hearing' implies different levels of hearing impairment (residual hearing is present; mild to moderate hearing loss); 'deaf' (lowercase d) refers to an audiological deficiency, viewers that cannot hear and use an oral language as their first language whereas 'Deaf' (uppercase D) implies viewers with hearing loss (often people who were born deaf / pre-lingually deaf), belonging to the Deaf community that has a code of conduct, rules, and their own sense of identity (they use sign language as their first language) (see also Neves, 2008:129);
- linguistic transfer - intralingual and interlingual (or "rewording" and "translation proper" if we were to relate to Roman Jakobson's terms,) (Jakobson in Venuti, 2004:114); Neves (2008:135) mentioned "an old belief" (as she labelled it back then) according to which SDH is restricted to intralingual subtitling – unfortunately, this "belief" is still reflected mostly in countries where SDH is rarely used, despite the obvious reality of its added interlingual parameter;
- the time of preparation – pre-prepared (films, pre-recorded programmes, etc.), live subtitling, also called real-time subtitling or respeaking (news, live shows, debates, political statements, sports programmes of news bulletins, etc.).

In her 2008 article, Neves (2008:135) addressed some of the "fallacies", as she called them, that came to be associated with SDH, generated by the lack of accurate and updated information. It is true that the technological and socio-cultural contexts have changed since then, yet some of these misconceptions still apply at least in countries that lack tradition in SDH or the in-detail picture of the process. One of these "fallacies" that Neves focused on would reduce this AV modality to a mere process of transcribing whereas SDH cannot be squeezed in such an unfair 'nutshell' in the changing audiovisual landscape; as Neves pointed out, there are several angles to look from: technical constraints (screen space, font size and shape); textual features (genre, rhythm and style), intersemiotic transfer (speaker identification, sound effects and music); the manipulation of written speech (linguistic and paralinguistic information); readability techniques; specific equipment awareness; language manipulation as adaptation/editing (reduction, rephrasing, summarizing, expanding).

SDH specific features take into account character identification, sound effects, music, paralinguistic features (intonation, dialect, emphasis, whisper). It is also highly important that one should be aware of the differences that might occur in SDH guidelines/standards depending on the country this AVT modality is used.

Depending on the audience, there are some variables that need to be addressed when discussing SDH. If the programme addresses adults, then a faster reading speed is employed as compared to the slower reading speed used in the case of children. Taking a look at Netflix SDH Guidelines (Romanian Timed Text Style Guide), we see that the norm indicates 20 characters per second for adult programmes and 17 characters per second for children programmes. Sounds are described/identified using descriptive labels (in the case of adult audience) and onomatopoeic spellings or a combination of descriptive labels and onomatopoeia (in the case of children as viewers).

One way of handling character identification is by retorting to the *positioning of the text* next to the character that is speaking (speaker-dependent placement). The convention indicates the lower part of the screen, but top-screen positioning can be used as well for sound-effect subtitles and off-stage speech (Baker et al., 1984:13). However, this might be problematic when characters move on stage while speaking; in this case, it is recommended that the subtitles be centred (19).

The use of *coloured text* is another method for dealing with speaker ID and the agreed-on suitable colours are white, yellow, green, cyan. In Baker et al. (18-19) we learn that, if possible, the speakers should be identified by using a single colour per speaker throughout the programme or within any single scene, or to use three or four main characters with individual text colours and a different single colour for all minor characters. The BBC Online Subtitling Editorial Guidelines for UK stipulates that these colours must appear on a black background for legibility issues.

Another well-known strategy is the use of *character-name labels* and / or *dashes* to indicate the presence of dialogue; in the latter case, if the speaker cannot be visually identified, we use parentheses and the label after the dialogue dash. The Netflix SDH guidelines also require that we use brackets [ ] to enclose speaker IDs or sound effects and the generic *[man]* or *[woman],* or *[male voice]* or *[female voice]* for a character who has not been identified by name yet. Generally, labels and dashes are used for character identification for SDH on DVD and colours for SDH on TV.

In what regards the sound effects, the recommendation is that we subtitle all the sound effects that are not obvious from the visual action/scene and in doing so, onomatopoeia or descriptive labels are used. Sound effects should be plot-pertinent/relevant and written in lowercase, wrapped in parentheses or brackets.

In *Handbook for Television Subtitlers*, the authors point out that sound effects are handled also through "the use of background colour (e.g. white text on a red background),

distinctive screen position, (e.g. top screen) and upper-case text" (1984:23). We need to add here that the white text on black background is also quite frequently used; upper-case text for sounds is generally met in SDH on TV while for DVDs we use regular font or capitals in either round or square brackets. As a general rule, subtitlers should describe the sound and not the action.

Descriptive labels/SDH tags are used to mark paralinguistic features such as intonation, accents, dialects, whisper (which is also signaled by round brackets); emphasis is marked through the use of capitals, colours or italics, sarcasm is indicated by using an exclamation mark in brackets (no space between them) whereas a question mark in brackets is used to indicate a sarcastic question.

When the subtitled programme includes music, one should give the title of the music playing and try to convey verbatim subtitles of the lyrics which need to be made obvious by means of either hash tag symbol (usually SDH on TV) or a musical eighth note (♪) (usually on DVDs) at the beginning and the end of each subtitle, with a space between them and the parenthesis. The song title identifiers should be in quotes, as for example ["Dancing on My Own" playing] or [U2 "Beautiful Day"]; if the music is unknown, we use descriptive labels.

4. Subtitling for d/Deaf and Hard of Hearing Audience in Romania

The sad truth is that there is little information available online on SDH in Romania. Despite the obvious increase in number of broadcast television channels, media conglomerates (media outlets), localization service providers on the Romanian market, the SDH segment is still problematic.

There are but a few articles that tackle this issue (see for example Raluca Sinu's "Audiovisual Translation in Romanian TV News Programmes" or Cristina Varga's "Subtitling in Romania. General Presentation"), hence we have dedicated the present article to discussing the SDH issue.

Besides Varga's and Sinu's articles, the Romanian Audiovisual Law no. 504/2002, the measures taken by NAC, my findings would include the theory-to-practice perspective, namely several news posts found on stiri.tvr.ro, according to which on October 8, 2018, the Senate adopted a project (initiated by deputy Adriana Săftoiu) that sought to introduce compulsory intralingual SDH for Romanian movies (cinematographic productions or television movies), series and documentaries, in order to make them more accessible to d/Deaf and hard of hearing audiences (http://stiri.tvr.ro/televiziunile-vor-subtitra-filmele-romanesti-pentru-persoanele-cu-deficiente-de-auz--a-decis-senatul-romaniei_836763.html#view), supporting the initiatives of the Romanian state to apply the provisions of UN CRPD, ratified by Romania in 2011. As initiator of the legislative proposal, Adriana Saftoiu enumerates a range of reasons (http://www.cdep.ro/caseta/2018/04/11/pl18089_in.pdf) that prove the necessity of such an amendment; worth mentioning here is the "Television Without Frontiers" (TVWF) directive adopted by the European Parliament, furthering accessibility to digital television for the hearing impaired audiences through subtitling, audio description and sign language services in all Member States, as well as the obligation "to revise and improve" the legislation alongside the progressive fulfilment (see also Article 7 of AVMSD) of the obligations triggered by ratifying the Convention – the first step would imply the use of sign language whereas the next step would focus on textualising audiovisual productions.

In November 2018, president Klaus Iohannis promulgated this law that would address national and local television channels and their accessibility services. (http://stiri.tvr.ro/televiziunile-vor-fi-obligate-sa-subtitreze-filmele-romane--ti--in-sprijinul-persoanelor-cu-deficiente-de-auz--legea-a-fost-promulgata-de-pre--edintele-iohannis_837778.html#view)

This resulted in amending the Romanian Audiovisual Law by adding paragraphs (4) and (5) to Article 42. Nevertheless, there has been no evident and/or consistent large scale implementation of the project so far and, as previously mentioned, Article 42 does not apply to cinema productions and documentaries which were produced before 1 January 2019.

Back in 2017, Cristina Varga (206-207) provided a comprehensive analysis of subtitling, and emphasized that up to 1989 the only subtitling type known in Romania was interlingual subtitling (more precisely, open subtitles used for movies, TV theatre/opera, interviews) whereas after 1989 intralingual subtitles started to be used on TV screen (news, shows, unclear speaking situations). At the same time Varga pinpoints the complete lack of SDH in Romania: "The most concerning aspect of the subtitling in Romania is the complete lack of SDH, a type of subtitles dedicated to the persons who really need them. We consider that this gap in the AVT in Romania is very serious and affects a substantial segment of Romanian population" (2017:207).

In 2018, Raluca Sinu (140-141) reiterates the absence of SDH and live subtitling from the Romanian context and the lack of investment in these forms of AVT that are used for accessibility purposes. Although Romania is listed as a "subtitling country", it does not have a tradition in either SDH or live subtitling, and some of the reasons mentioned in Sinu's study follow Josélia Neves' findings and include the necessity to invest in broadcasting equipment, specific software, hiring professionals or, as Sinu adds, the absence of punitive measures when the legislation is not implemented, plus the fact that SDH as verbatim subtitling would contradict "a basic principle of subtitles, that of keeping the text short and simple, easy to read and to decode, while leaving the viewer time to focus on other elements of the audiovisual text to which the subtitled are added" (2018:141).

As to the absence of punitive measures Sinu brought into discussion, we mention a 2015 post (https://www.mediafax.ro/cultura-media/NAC-atentioneaza-antenele-b1-realitatea-romaniatv-ca-nu-prezinta-stirile-in-limbaj-mimico-gestual-14430472), where we learn that, following a complaint made by A.N.S.R. (Romanian Association of the Deaf), NAC decided to warn Antena 1, Antena 3, B1 TV, Realitatea TV and România TV on the lack of sign language and live subtitling for accessibility purposes for the hearing impaired audience (for the required duration of at least 30 minutes of their news bulletins), officially demanding that they comply with the Romanian Audiovisual Law within a month following notification. In the same news post, it is stated that NAC acknowledged just six central television channels that comply with the aforementioned law: TVR1, TVR2, Digi 24, Kanal D, Pro TV and Prima TV.

A decision by NAC (Decision no. 166/25.02.2016, https://www.NAC.ro/IMG/pdf/Dec166-REALITATEA_som_art_42.pdf) stipulates that Realitatea TV (S.C. Realitatea Media S.A.) was sanctioned with public summons for not having applied the provisions stipulated in Article 42 of the Romanian Audiovisual Law no. 504/2002 (with subsequent amendments). The document also points out that between 24 – 26 December, 2015, and 18 – 24 January, 2016, NAC monitored Antena 1, Antena 3, B1 TV, Digi 24, Realitatea TV, România TV, Kanal D, Prima TV, PRO TV, Național TV, TVR 1, TVR 2 with regard to complying with the previously mentioned provisions that seek to grant accessibility rights to the hearing impaired audience. Further details on sanctions can be found in the NAC archive on https://www.cna.ro/-Decizii-de-sanc-ionare-.html.

In the case of a legislative proposal that has previously been mentioned (http://www.cdep.ro/proiecte/2018/000/80/9/pvg89_2018.pdf), Doina Gradea, interim director general of TVR (the Romanian Public Television) in 2018, emphasized the active involvement of this institution in "the process of integrating people with disabilities into society and their participation in community life" (our translation) by facilitating accessibility for the hearing impaired audiences to the main informative programmes, by having programmes for people with disabilities (hearing-impaired persons included, with sign language provided) („Oameni

ca noi" - TVR 1, „Fără prejudecăți" - TVR Cluj and TVR 3) or by ensuring sign language for „Arte, carte și capricii" - TVR 3. Within the same legislative proposal, Ms Gradea asserts that the Romanian Public Television could ensure "the subtitling of its own audiovisual works (films, series, documentaries), acquisitions or productions, but this would require major additional technical (computers, editing stations), human (editorial and technical staff / image editors) and financial efforts" (our translation). Hence, what we do have at present is only sign language interpreting (SLI) for news bulletins, and rare occurrences of intralingual subtitling.

To exemplify what we can actually see on Romanian television channels while complying with the provisions for accessibility, we have included a selection of screenshots, the first two displaying the warning symbol and the accompanying text, yet they mark only the use of sign language and not SDH.



Fig. 1 Warning sign and accompanying text for d/Deaf and hard of hearing

We should also mention that there are cases (rare as they have proved so far to be) when Romanian intralingual subtitling is used, such as one news bulletin detailing on the oldest church in Transylvania, news that was broadcast on Observator Antena 1 (January 4, 2020), as seen below:





Fig. 2. Examples of Romanian intralingual subtitling
https://observatornews.ro/social/ruine-cea-mai-veche-biserica-transilvania-367139.html

Intralingual subtitling was not used throughout that particular broadcast news on the historical monument/landmark, being limited to some brief 'testimonials'/statements given by several people, none of the reasons that Varga (2017: 207) lists in her article applying here:

> The most frequent situation of using intralingual subtitles is during the news journal, when interviewed people cannot be clearly understood by the spectator because of the noisy background. Another recurrent situation is represented by regional pronunciation and unclearspeaking situation such for example, the case of foreign citizens speaking Romanian.

We come across another example of intralingual subtitling in the evening news bulletin on TVR1, 21 August, 2020, where we have the subtitled statement of a psychiatrist who was interviewed over telephone. Again this is not a case of subtitling required by elements that would make the spoken words difficult to understand: no regional pronunciation, no unclear speaking or noisy background.



Fig. 3.
(http://stiri.tvr.ro/marturia-poli--istului-de-la-rutiera-lovit-cu-ma--ina-de-o---oferi--a-care-a-fugit-dupa-impact--femeia-e-in-arest-preventiv--acuzata-de-tentativa-de-omor---i-ultraj_868255.html#view)

Besides the cases that Varga mentions on referring to intralingual subtitling, there are several more listed in Sinu's findings, which would contribute to the coherent framing of the use of this form of AVT in Romania. She enumerates the following (2018:142): amateur films/audio recordings, hidden camera material or illegal recordings released to the press, unscheduled interventions in official contexts, material filmed against a background of loud noise or from distance.

We thus need to re-emphasise the fact that there is an acute need for television accessibility services for d/Deaf and hard of hearing audiences, not only in terms of extending

the use of (quality) sign language to other television programmes and persuading media providers in targeting these audiences as well, but also in terms of adding SDH (both intra- and interlingual) and live subtitling so that the concepts of inclusion and equality could indeed reflect a much more promising reality.

5. Conclusion

Despite being considered a "subtitling country", Romania lacks variety on the generally available audiovisual landscape when it comes to accessibility services such as SDH, live subtitling, audio description, the only form of AVT for such purposes being the sign language (news broadcast). The Romanian Audiovisual Law seeks to provide and progressively increase services for accessibility purposes and it now stipulates that Romanian cinema productions, television films and documentaries produced after January 1, 2019 shall be subtitled in Romanian; however, more needs to be done in order to make sure that these audiences can fully enjoy their right to quality audiovisual media services of their choice.

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https://observatornews.ro/social/ruine-cea-mai-veche-biserica-transilvania-367139.html [2020, December 5] (Fig. 2)

http://stiri.tvr.ro/marturia-poli--istului-de-la-rutiera-lovit-cu-ma--ina-de-o---oferi--a-care-a-fugit-dupa-impact--femeia-e-in-arest-preventiv--acuzata-de-tentativa-de-omor---i-ultraj_868255.html#view [2020, September 26] (Fig. 3)
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