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**MINISTRY IN THE OFFICE OF THE PRESIDENT IN CHARGE OF
INFORMATION AND COMMUNICATIONS TECHNOLOGY**

BROADCASTING POLICY OF RWANDA

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ABBREVIATIONS AND ACRONYMS

EAC - East African Community

COMESA - Common Market for Eastern and Southern Africa

ITU-R - International Telecommunication Union /Radio-communications

ICGLR - International Conference on the Great Lakes Region

NICI – National Information and Communications Infrastructure

RURA – Rwanda Utilities Regulatory Agency

ICTs – Information and Communications Technologies

ITU GE-06 – Geneva agreement of 2006 regarding ITU Spectrum Management

DEFINITIONS

The following words shall have the same meaning attached, given or provided by the relevant legislations in force in Rwanda;

“Broadcasting Audience, Broadcaster, Broadcasting, Broadcasting Signal distribution licence, Broadcasting Signal Distribution licensee, Broadcasting Signal distribution, Commercial Broadcasting Service, Community Broadcasting, Community Broadcasting Service, Community, Convergence, Digital Broadcasting, Frequency, Licence, Licensee, National broadcasting services, Pornography, Public Broadcasting, Public, Regulator, Minister”

Constitution means the Constitution of the Republic of Rwanda.

Regulator of Broadcasting means the authority entitled to regulate broadcasting media content and infrastructure, in the context of convergence brought about by digital technologies.

Diversity means different media owners and operators offering the widest possible range of content relevant to the needs and wants of audiences. Diversity is often gauged in relation to ownership, content and voices.

Key Players in the digital broadcasting business value chain: this include content creators, content aggregators, multiplex operator, service providers, content distributors, device creators

Content aggregator: entity which aggregates content and service into customer oriented packages, manage advertisers and agencies

Multiplex Operator: entity which divides available spectrum in capacity units and allocates type of service

Service provider: entity which supports or enhances the operations and marketing of content and services

Content distributor: entities which provides or manage access to or delivery of the content

Device creator: entity which provides navigation and interfacing equipment or software.

Licence area means the geographical target area of a broadcasting service as specified in the relevant broadcasting licence.

Local Content means broadcast content, which recognizes the cultural and linguistic diversity of Rwanda carries themes of relevance to the local audience and is produced under the laws of Rwanda.

Multi-channel distribution is a service, which transmits more than one channel at the same time by means of Radio waves and telecommunications.

Regulator of Broadcasting means Rwanda Utilities Regulatory Agency

Content shall mean sound, data, teletext or images whether still or moving(except where transmitted on private communication) that are intended for direct reception by the general public and have political, economic, social and cultural impact on the audience

Subscription broadcasting means a Broadcasting service provided to an end user upon the payment of a fee.

Terrestrial broadcasting means a service that is broadcast from a transmitter situated upon the earth surface.

CHAPTER ONE: BACKGROUND

As the global ICT economies are making moves to satisfy the ITU's deadline requirement of 2015 analogue switch off, nations are reviewing and perfecting the policy, legal and regulatory frameworks governing ICTs and more specifically the broadcasting sectors. These reviews are being carried out first through the reconsideration and introduction of the needs of digital broadcasting on the already existing broadcasting value chain.

In the East African region a number of initiatives and measures have been considered by the East African regulators as preparations for analogue-digital migration with the priority focus on policy adjustments and the regional position of completing the analogue-digital migration process by the year 2012.

As Rwanda intends to accomplish its analogue-digital migration targets and process before the end of the year 2011, the need to put in place a new policy framework was given due consideration. Therefore, this policy document relates to broadcasting with specific emphasis on digital broadcasting.

The current domestic, social and political evolution in Rwanda coupled with globalization and liberalization measures as well as the dynamic revolution in international communications have since impacted invaluablely and positively on the broadcasting industry of Rwanda.

The foundation upon which this Policy is built is the constitutionally guaranteed freedoms of expression, of the press and of the media. It recognises the required equilibrium between the constitutionally protected rights and the corresponding responsibility of the broadcasting sector in the prevention of the abuse of the freedoms. As the policy recognizes the pivotal role of competition and private enterprise for the growth of the broadcasting industry, it promotes the attainment and maintenance of the highest standards of quality, responsibility and objectivity. It clearly underscores the need for the expeditious application of the law in the promotion of national unity and economic growth. It aims to provide the necessary legal and regulatory certitude for all players in the industry.

In as much as the policy is an adequate basis for moving the industry forward it reflects a balanced recognition of the fact that quick and constant change is now a main characteristic of this sector. The Government therefore intends to continuously review this Policy and make the

necessary adjustments and modifications to it so as to keep the industry in line with developments nationally, regionally and internationally.

In this vein, the Government of Rwanda as enshrined in the Constitution of Rwanda is bound to pursue policies that mainly foster national unity and development especially where the importance of the broadcasting sector of the economy cannot be underscored in this age of digitalisation.

Consequently, within the context of our national aspirations as enshrined in our grand Policy Vision 2020, the Government of Rwanda outlines basic strategic actions for the achievement of the policy objectives. This Policy document addresses general matters of broadcasting, to wit:

- a. The growth and responsible development of the broadcasting sector;
- b. The role of the stakeholders in the broadcasting sector in enhancing strong social cohesion and national development;
- c. The implementation of Rwanda's international commitment in the matter of the ITU's Digital Broadcasting 2015 deadline;
- d. The legal and regulatory framework for broadcasting in this age of digitisation;
- e. The convergence of technologies and the related opportunities for all the population;
- f. The provision of broadcasting service and the production of content;

CHAPTER 2: THE STATUS OF THE BROADCASTING AREA

2.1. The network

Following the liberalization of the media sector through the media law which promotes the creation of private media, in addition to State Radio, 25 Radio stations are fully licensed and broadcast using analogue technology.

Currently, no any private television is operating. Only one public national television broadcasts and two companies provide pay TV on bouquet basis.

However, five companies have been approved for license towards the clear guidance regarding digital migration.

2.2. Governance

Broadcasting area is currently governed under Media Law and Telecom Law. However the ICT bill awaiting enactment provides more specific provisions on broadcasting in the context of convergence of technologies and migration to digital.

CHAPTER 3: NEED FOR THE POLICY

The current global analogue-digital migration has made need for a clear and comprehensible national policy on broadcasting an even more significant development issue. As Rwanda embarks upon the process of accomplishing the needs and requirements of digital migration, the timely need for a clear policy framework to cater for both the directions and the challenges of digital migration in our growing nation was highly recognized. Therefore the scope of this policy will be as follows:

- a. This policy applies to all the stakeholders within the broadcasting value chain including radio and television broadcasting and other related broadcasting platforms in Rwanda.
- b. The Government of Rwanda is committed to uphold the principle that independent broadcasting by both the public and private broadcasters is an essential element of the country's democratic set up and that this principle shall be the basis for all broadcasting policy and legislations to be adopted.
- c. Rwanda with its recent tragic event of 1994, the government will not tolerate any incitement to societal animosity and divisiveness emanating from the broadcast industry and will rely on the law to deal expeditiously with any such violations.
- d. The public and private broadcasting services are vital institutions that must at all times strengthen democracy and social coherence as well as serving as stimulus to higher standards of programming.
- e. The broadcasting services shall adopt and operate through a very high standard of programming as their core business to realize the Government's policy vision.
- f. The Government's support and assistance to the broadcasting sector shall also be in the areas of infrastructure, education and content.

CHAPTER 4: POLICY VISION AND OBJECTIVES

4.1. Vision

All people residing in Rwanda must have easy and equitable access to both a valuable and quality broadcasting services from the commercial and non-commercial broadcasting service providers and that the services shall promote the socio-cultural, political and economic values of the people while at the same time strengthening Rwanda's role and participation in both the East African and global community in this age of digital broadcasting.

The Government recognizes the complex challenges posed by the Internet in the formulation of its broadcasting policy in the age of digitisation. Currently the Internet transcends all national

boundaries, its accessibility through diverse technologies is characterized by its evolving nature and the emergence of new issues, and the Government shall develop and/or revise its Policy, as necessary, to ensure that its overall societal and economic objectives are met.

The effective regulatory mechanisms will also be addressing certain broadcasting issues on the internet on an on-going basis especially on issues of the promotion of a rating and filtering system to help users control Internet exposure in the home; illegal material on the Internet; and intellectual property rights.

4.2. Policy objectives

The Policy provides a thorough and solid framework for driving the development and management of a growing broadcasting industry that will bring benefits of digitalization to all Rwandans. It does not stand in isolation but considers and works in tandem with related government policy statements such as the NICI Policy and the legislations governing Information Communications Technologies and Media.

This Policy is intended to ensure and enhance an even greater contribution by the broadcasting sector in this age of digitalisation to our nation's welfare, security and interest. The framework created is for greater creativity, commercial activity, responsibility, modernization and capacity to counter and address the challenges of competition and change in the digital broadcasting environment.

The broadcasting Policy aims to achieve the following specific objectives.

- (i) The development of a legal and regulatory framework as a basis for investment, growth and sustenance of broadcasting services and for dispute resolution as we embrace digital broadcasting;
- (ii) Providing a licensing regime that will suit the emerging digital value chain and the addressing of any new methodology for allocation of frequencies before, during and after the digital migration process;
- (iii) To ensure that the provision of services, including the quality of broadcasting transmission, are high and complies with ITU specifications and also have a proper coordination of spectrum nationally, regionally and internationally;
- (iv) To promote the diversity in the ownership and control of broadcasting services and service availability throughout Rwanda;
- (v) To encourage the growth of an efficient, competitive and responsive broadcasting industry in relation to the needs and susceptibilities of the consumers;
- (vi) Ensuring the development of broadcasting services that truly reflect a sense of Rwanda's identity, character, cultural diversity and expression through the development of appropriate local and sub-regional content;

- (vii) Promoting fair competition, innovation and investment in the broadcasting industry;
- (viii) Ensuring universal access to, and viability of public service broadcasting;
- (ix) Ensuring adherence to social responsibility by encouraging the development of and respect for codes of practice by all broadcasting licensees;
- (x) To build Human Resources Development capacity in the broadcasting sector and ensure the availability of competence and professionalism in all areas of work as well as the promotion of research and development.

CHAPTER 5: POLICY ISSUES, OBJECTIVES AND DIRECTIONS

5.1. Regulatory Framework towards analogue – digital migration

The issue:

Although current legislation covers the field of broadcasting in a comprehensive manner, appropriate guidelines and regulations are not in place to better manage analogue – digital migration. This implies the lack of investment in digital broadcasting and therefore hinders the benefits expected from applications of new technologies.

Policy objectives:

To maintain and expand coverage of existing national networks;

- (i) To provide opportunities for new services (new entrants or existing players) to establish a national network covering the whole country;
- (ii) To offer the opportunity for creation of new networks;
- (iii) To preserve the resource for local radios and Televisions stations, not only for all existing, but also for new programs;
- (iv) To provide the resource for dissemination of multimedia data services.

Directions or Strategies:

- (v) The Government shall continue to ensure a sound institutional framework for broadcasting area
- (vi) The Government shall ensure clear and fair mechanisms for establishment of Signal Distributor and Content Service Providers
- (vii) The Government shall take measures facilitating smooth digital migration
- (viii) In granting licenses for digital broadcasting services, the government, through the Regulator of Broadcasting, shall ensure the pluralism of these services and promoting the development of services to meet expectations of General Public (Consumers);
- (ix) The Government shall encourage broadcasting service for the development of local content of national value and culture;
- (x) The Government, through the Regulator of Broadcasting, shall pursue with the broadcasting service providers, a quota for the airing of local content on the country's diverse broadcasting channels including radio and television stations;
- (xi) The Government, through the Regulator of Broadcasting, shall ensure that free to air television broadcast is to have a specified minimum percentage of local content as a

benchmark and that it shall determine the timeframe required for its achievement. The broadcasters must achieve 50% of the specified percentage of the local content before the mid-term of the specified period and the 50% in the last remaining period.

5.2. Transition to the digital environment: the General Public (Consumers)

The issue:

When the transition from analogue to digital broadcasting is proving to be obvious, there is no strategy that can make this transition wisely, maximizing its profits and minimizing the possible negative consequences.

Policy objective:

To promote the introduction and uptake of digital broadcasting in the country and manage the transition from analogue to digital broadcasting by putting in place common measures agreed at the East African sub-regional level.

Directions or Strategies:

In order to assure to the General Public an open access to a broad content, the Government through the ICT Regulator, should take measures to achieve a high level of interoperability and compatibility of equipments for receiving, decoding and decryption, and access systems to digital broadcasting services and interactive services associated with it;

- (xii) Since the transition to digital broadcasting means for the consumer, the purchase of new equipment to decode and decrypt digital signals, which implies a certain additional expense, to avoid any discrimination in terms of material reasons and any potential “digital divide (gap)” between different social groups, the Government shall pay particular attention to ways of reducing the cost of such equipment;
- (xiii) In deciding the date of termination of analogue broadcasting, the Government shall facilitate the migration to digital broadcasting for consumers by encouraging the industry to make available a variety of decoding devices, including devices with minimum decoding abilities providing access to a range of basic services.
- (xiv) To reduce the risk of a digital divide, the Government through the Regulator of Broadcasting, broadcasters and other public and private institutions, shall coordinate an awareness campaign and training adapted to the use of digital equipment and new services. In particular, measures should be taken to enable the elderly and the persons with disabilities to understand and use digital technologies;
- (xv) The protection of minors and human dignity, non-incitement to racial and religious hatred, violence and genocide ideology, and the impartiality of information and protection of consumers should remain subject of special attention in the digital broadcasting environment;
- (xvi) The Government, through the Regulator of Broadcasting, shall take all necessary measures to protect individual privacy in the digital environment, including prohibiting the misuse of personal data collected during the use of broadcasted programs and associated interactive services.

5.3. Transition to the digital environment: Key Players in the digital broadcasting business value chain

The issue:

New services and products, which will be broadcast, are based either on pre-existing artworks, or on the creation of new artworks. The existing artworks will be regularly upgraded before being transmitted in a digital environment while creating new artworks and services requires substantial investment, without which the content of new services could remain very limited.

Creative efforts to the investments in new services can be realized and justified if, in the digital environment, the protection under copyright and related rights in works and services is sufficient.

Once the service is provided on the network, it becomes very difficult, without adequate protection, to ensure that the artwork or the provision will not be copied, altered or used without the knowledge and to the detriment of copyright holders.

Policy objective:

To adapt the legal framework regarding the Intellectual Property to the Digital Broadcasting environment.

Directions or Strategies:

- (i) Government shall ensure a balance between protecting the rights of copyright holders and access to information, and the circulation of artworks and other protected content on digital broadcasting services;
- (ii) The economic interests of all players in the digital broadcasting business value chain shall be taken into account within the general framework of the fight against piracy in the digital environment;
- (iii) Given the increasing mobility of people in East Africa and the trend of sub-regional political integration, the Government shall encourage to maintain and expand the availability of free services and access to audiovisual services across borders;
- (iv) The Government shall establish rules that limit the concentration of media ownership and take any additional measures it might decide to promote pluralism, and strengthen public service broadcasting as an essential factor to balance the concentration in the private media sector;

5.4. Public Service Broadcasting

The issue:

There is a threat that with the migration to digital broadcasting, Public Service Broadcasting could fail in its special social mission, including a basic service that includes general information and educational programs, cultural and entertainment for all classes of audiences.

Policy Objective:

To ensure the continuity of the Public Service Broadcasting

Directions or Strategies:

- (i) The Government shall provide financial and technical means to the public service broadcasting in order to retain its special social mission, including a basic service that includes general information, educational and cultural programs, and entertainment for all categories of the General Public;
- (ii) The Government shall ensure the legal, economic and technical conditions so that Public Service Broadcasters may be present on different digital platforms with good quality various services and programs;
- (iii) The Government, through the Regulator of Broadcasting, shall ensure the application of rule of *must-carry* for the benefit of Public Service Broadcasters to facilitate the accessibility of their services and programs through various digital platforms;
- (iv) The Government shall mobilize financial resources for the Public Service Broadcasting to meet its Universal Service obligation.

5.5. Regional and International Cooperation**The issue:**

Rwanda as a Member State of Regional and International Telecommunication/ICT organizations is committed to international conventions, treaties, protocols and practices, relating to Telecommunications/ICT including Broadcasting, which must be complied with. The country is obliged to participate in activities and implement decisions of these organizations accordingly.

Policy Objective:

To ensure that Rwanda complies with Regional and International Conventions, Protocols, Agreements relating to Broadcasting.

Directions or Strategies:

The Government shall ensure that regional and international obligations relating to Broadcasting are fulfilled.

CHAPTER 6: INSTITUTIONAL FRAMEWORK

This area of the policy based on the Constitution of Rwanda seeks to establish an institutional framework that would facilitate policy formulation and development by Government, licensing and regulation by the regulatory body and service provision by broadcasters.

The current legislative framework relates to the Government's commitments in the broadcasting sector including funding.

The Regulator of Broadcasting is the regulatory institution that has clear and specific role with regards to the regulation of broadcasting in the Republic of Rwanda.

6.1. Existing National Policies and Laws

The NICI Policy (national ICT Policy) aims at facilitating a comprehensive and coordinated development of Rwanda’s ICT sector through which measures for the growth and advancement of the broadcasting sector are highlighted.

This policy recognizes convergence of technologies and digital broadcasting. In this regard, broadcasting and digital migration shall be considered as one of the specific pillars of the third NICI Plan.

The policy seeks for a more coordinated planning and regulatory approach between the relevant regulator and other stakeholders with a view to ensuring that they coordinate and cooperate through collaboration in addressing matters of convergence and proper frequency planning and allocation.

6.2. Obligations under Regional and International Treaties

With a careful recognition of Rwanda’s regional and international obligations, this policy gives due regards and adoption of common policies and regulations (as well as the emerging ones) of the EAC, COMESA, the African Charter, ITU-R, ICGLR protocol on Management of Information and Communication, etc for the management and development of the broadcasting sector among others.

6.3. Basic Legislative Provision for Programming

Both public and private broadcasters shall provide certain basic public service obligations as a necessary and desirable instrument of broadcasting regulation and licensing requirements. Such “basic public service” shall include press releases and notifications containing development news provided that the regulator of content shall have the power to determine the terms of the provision of such basic public service.

In times of disaster and emergency situation, all broadcasters shall make it their responsibility to carry public announcements as directed by the Regulator of Broadcasting at no cost.

Public service broadcasters shall ensure that the programming of the broadcasters is in compliance with their public service remit and that they shall institute compliance mechanisms to protect themselves from undue commercial pressures.

6.4. The Regulator of Broadcasting

The Regulator of Broadcasting is responsible for, among other things:

- broadcasting matters pertaining to broadcasting technical standards and the licensing of radio frequency in Rwanda.

- the licensing of broadcasting media organs as well as regulation of broadcasting media content.

6.5. Public Service Broadcaster

There shall be a Public Service Broadcaster that shall be responsible for providing public information on non-commercial basis and the information shall entail education, information and entertainment programs.

The Public Service Broadcaster may start an independent commercial channel for its sustainability provided that it is licensed and regulated by the Regulator of Broadcasting as provided by the relevant legislations for fair competition.

CHAPTER 7: POLICY IMPLEMENTATION PLAN

7. 1. Digital migration

7.1.1. Key Players in the Broadcasting Value Chain

The key players in the broadcasting value chain and their respective roles will be determined by regulations. The relationship between these players has to be understood and respected and each part has to meet its roles and obligations.

7.1.2. The Management of Transition

The Government will promote the introduction and uptake of digital broadcasting in the country and that Regulator of Broadcasting shall be in the forefront in managing the transition from analogue to digital broadcasting by putting in place common measures agreed at the East African sub-regional level.

This area is therefore intended to prepare Rwanda for the transition from analogue to digital broadcasting as dictated by technological change and recommended by the ITU.

The transition will be closely coordinated through the mechanisms identified in the NICI 3 in accordance with expectations specified in the pillar thereto.

7.1.3. Dual Illumination (Simulcast)

The simulcast period is a transition period where analogue broadcasting operates in parallel with digital broadcasting. During transition period, there is the importance of having dual illumination (simulcast) in digital broadcasting.

However, the new entrants in the digital broadcasting are requested to “go digital” especially when they want to play the role of signal distributor for TV broadcasting.

7.1.4. Switching On and Switching Off Dates

Switching on dates for digital networks and switching off dates for analogue systems will be communicated to the public by the Government through the Regulator of Broadcasting. A national digital migration strategy shall address all issues pertaining to the transition from analogue to digital broadcasting, including awareness campaign to adequately prepare and inform the general public.

7.1.5. Regional Harmonization

The concerned regulatory bodies should initiate measures for the harmonization within the sub-region.

There shall be efforts to harmonize issues related to legal, licensing and regulatory framework with those of the sub-region as well as issues related to broadcasting standards regionally and internationally.

7.1.6. The Service Providers

The number of Signal Distributors shall be subject to the availability of Digital Spectrum and the Regulator of Broadcasting shall determine the number of Signal Distributors.

7.1.7. Licensing of Signal Distribution

Regulator of Broadcasting will license signal distribution services to ensure that the use of broadcasting infrastructure is maximised and that a signal distributor will be required to provide services to content service licensees on a non-discriminatory basis.

7.1.8. Renewal of Existing Licences

The approach to the migration of the existing licensees to the new licensing framework will be enhanced and guided by the regulatory body coordinating the analogue-digital migration.

7.1.9. Signal Distribution Strategy

The regulatory strategy for signal distribution is to achieve universal access to services and facilities by ensuring that:

- a. Signal distribution will put in place a flexible tariff structure;
- b. Access to antennae sites will be accorded equitably to all service providers;
- c. Priorities for signal distribution will reflect the country's economic growth and development goals;
- d. The number and control terrestrial signal distribution is determined by Regulator of Broadcasting;
- e. Environmental concerns are taken into account.

7.1.10. Sharing of Sub-regional Content

The sharing of content within the East African Community through the promotion of focal hubs like Rwanda Cinema Center and the establishment of funding mechanism must be encouraged.

For efficient and beneficial exchange of content between service providers in the East African region, the Government will encourage the establishment of digital rights management system.

7.1.11. Public Service Broadcaster in Transition

The Government shall ensure that public service broadcaster effectively provides service during and after the migration period.

7.1.12. The Quality of Service (QoS) & Standards

During migration period the service Providers shall abide by the Quality of Service adopted by the national, regional and international standards bodies and the Regulator of Broadcasting shall promote, monitor and enforce these standards.

7.1.13. Signal Distributor's Primary Responsibility on Technical QoS

The Regulator of Broadcasting shall ensure that the responsibility for quality of service should primarily reside in the Signal Distributor (Multiplex Operator) and the Content Service Providers shall have the secondary responsibility.

7.1.14. Balanced Regulatory Intervention

The Regulator of Broadcasting should encourage and maintain a balanced intervention throughout the transition period of digital migration process and even beyond the transition period.

7.1.15. Charter for Public Services Broadcasting

The government encourages the regulatory institution to sign Charters with public broadcasting service providers and enforce the same.

7.1.16. Incentives for digital migration

Further measures will be put in place for the broadcasting service providers and dealers to complement the efforts of Government and the regulators in according affordable services to the consumers.

7.1.17. Spectrum Allocation during Transition

Allocation of spectrum during the transition shall be non-discriminatory, transparent and be based on ITU GE - 06.

7.2. Licensing framework

7.2.1. Ownership and Control

The Regulator of Broadcasting shall ensure the proper regulation of ownership of the digital broadcasting industry and signal distribution to safeguard pluralism, diversity and national interest.

7.2.2. Digital Convergence and Multi-Media

This area introduces multi-channel delivery systems to serve social goals, cost efficiency and effectiveness. The delivery systems should play a significant role in meeting the goal of providing access by all Rwandans to broadcasting and multi-media services and the delivering of educational services and community-development programs.

Equally, they should enhance competition in the delivery of services between satellite and terrestrial media, diversify programme content and services in various languages and take advantage of convergence of technologies, which is a worldwide trend.

7.2.3. Licensing of Broadcasting Services

The provision of broadcasting services is subject to licensing.–There is no limitation on the number of content broadcasting licenses that can be issued and there shall be open competition, and the licenses shall be subject to renewal based on license terms established by the Regulatory institution.

7.2.4. Cross-Media Ownership

In order to promote diversity of views and freedom of expression, concentration of ownership of print and electronic media in a few hands will be discouraged. Limits to cross-media ownership will be set through regulations to be issued from time to time and through competition laws.

7.2.5. Public Broadcasting

This area will establish a public service broadcaster with a view to providing access to programming of both a local and national character, with specific licence obligations, which reflect the priorities of the both the Government and people of Rwanda.

7.2.6. Private Broadcasting

This area seeks to establish commercial broadcasters who will contribute to the promotion of culture and empowerment of the poor and vulnerable groups in society while remaining commercially viable. The main objective of granting of licences for private broadcasting services will be the development of a diverse and pluralistic broadcasting landscape, while taking into account the viability of individual enterprises as well as the industry as a whole.

Private broadcasting service providers will be expected to provide a diversity of programming content, contribute to job creation and human resource development.

7.2.7. Community Broadcasting

This area seeks to promote broadcasting which is for, by and about specific geographical communities or communities of interest, whose ownership and management is representative of those communities, which pursues a social development agenda and which is not-for-profit.

7.2.8. Subscription Broadcasting

This area will cover Subscription or pay radio and television in Rwanda and its license obligations considering its unique means of service distribution.

The broadcasting codes relating to the protection of children, violence and gender issues that are applicable to free-to-air shall also be binding on the subscription service providers.

7.2.9. Radiofrequency Licensing

Where applicable the licensing of frequency should be made to the Signal Distributor (Multiplex Operator) based on needs of broadcasters and content service providers that are licensed or in the process of being licensed by the regulatory bodies. The regulator should avoid the landlord

tenant situation in the utilization of the frequency resource. This calls for revocation of frequency licenses held by content service providers (broadcasters) once the simulcast period is over.

The Regulator of Broadcasting shall ensure that the Signal Distributor provides free-to-air broadcasting services and also ensure sufficient spectrum allocation to facilitate such kind of services.

7.2.10. Social Responsibility

Broadcasters will be required to avail their services to serving public interest free of commercial interest in times of emergencies

7.2.11. Consumer Protection

The regulatory bodies have the main responsibility to protect the interests of the consumers in this sector. This shall be done through, among other things, an effective broadcasting code of practice for delivery of services with effective means of redress when service standards are not met.

The Government and the Regulator of Broadcasting will encourage the broadcasting sector to take account of the special circumstances of persons with disabilities such as closed captioning for people with disability.

7.3. Infrastructure and spectrum – broadcasting frequency

7.3.1. Review of Existing Infrastructure

The Government considers it necessary to review the existing infrastructure of broadcasting services through the introduction of a new broadcasting-licensing framework hence a new value chain. This includes the separation of the ownership and control of the broadcasting infrastructure from the broadcasting content provision.

7.3.2. The Primary Funding Organ

The primary funding organ for public service broadcasting is the Government. The Government has an ongoing commitment to the provision of digital television and radio broadcasting services for the whole of Rwanda. It currently funds the digitisation of the Public Service Broadcaster.

7.3.3. Cessation of Analogue Broadcasting

The analogue broadcasting would cease at the time to be determined by the Regulator of Broadcasting and full migration to digital transmission begins at the same time.

7.3.4. Regulations on Access

The Regulator of Broadcasting will continue to further develop the necessary regulations, based on the licensing framework, governing access to the broadcasting infrastructure of the Signal Distributor (Multiplex Operator).

7.3.5. Review of Existing Infrastructure

The Government considers it necessary to review the existing infrastructure of broadcasting services through the introduction of a new broadcasting-licensing framework hence a new value chain. This includes the separation of the ownership and control of the broadcasting

infrastructure from the broadcasting content provision.

7.3.6. Cessation of Analogue Broadcasting

The analogue broadcasting would cease at the time to be determined by the ICT regulator and full migration to digital transmission begins at the same time.

7.3.7. Regulations on Access

The Regulator of Broadcasting will continue to further develop the necessary regulations, based on the licensing framework, governing access to the broadcasting infrastructure of the Signal Distributor (Multiplex Operator).

7.4. Market place and structure

Licences for broadcasting will be issued based on the market structure.

7.4.1. National Broadcasting Service

The National Public Service broadcaster will be obliged to provide broadcasting services with universal service obligations.

7.4.2. Regional Broadcasting Service

There will be categories of regional broadcasting services that will aim at providing broadcasting services in specified defined areas for reasons of economies of scale. The Regulator of Broadcasting will determine the geographic coverage.

7.4.3. Community Broadcasting Service

Community broadcasting service providers, who are fully controlled by a non-profit entity, will be licensed to offer non-profit services that serve the community and that they are required to offer a distinct broadcasting service dealing specifically with community issues.

Equally the community broadcasting service will be required to focus on the provision of programmes that highlight community issues, including, but not limited to, developmental issues, health care, basic information and general education, environmental affairs and local culture.

Licensing of community broadcasters will follow a free market approach where prospective service providers will make application to the concerned regulatory body.

Government shall promote the development of a system that will allow for a more stringent classification of national and community broadcasting systems. The number of broadcasting systems that will be permitted to operate in Rwanda shall be determined, inter alia, by the availability of spectrum.

7.5. Universal access

7.5.1. Equitable Access to Public Broadcasting Services

Wherever possible, all districts and provinces should have equitable access to public broadcasting services of a similar standard to those available in major regional centres. This is to occur within a reasonable timeframe.

7.5.2. Funding Opportunities

The Government undertakes to facilitate and coordinate the funding opportunities available to local broadcasters from national initiatives to help achieve this goal.

7.6. Public broadcasters' code

7.6.1. Broadcasting, Pornography and Violence

This area is to ensure the protection of the public, especially minors, from unregulated pornographic and violent programming in the broadcast media.

7.6.2. Advertising

This area deals with developing and regulating the advertising industry in Rwanda.

7.6.3. Promoting Gender Equity

This policy seeks to promote gender equity. It will entail taking into account the relationship between men and women, boys and girls. Those relationships will be examined during planning, programming, monitoring and evaluation and with regard to recruitment and opportunities for career advancement, with a special focus on the poor and the vulnerable groups to ensure neither gender is being marginalised or disadvantaged.

Broadcasters shall make it their core responsibility to refrain from broadcasting personal agenda or information/materials obtained from anonymous sources or propaganda of specific interest/political groups, which shall be punishable as an offense of third degree under the existing laws.

7.6.4. Protection of Minors

The broadcasters or content service provider shall ensure that all programmes, radio or television, that are harmful to minors are not accessible to the minors.

7.6.5. The adoption of recognized standards

The relevant regulatory institutions in the exercise of their mandate shall ensure the facilitation of media pluralism and freedom in line with the recognized standards that promote freedom of expression, democracy, national culture, as well as socio economic development

7.7. Copyrights

There shall be streamlining of the operations of the broadcasting operators for the protection of copyrights in the promotion of local content and talent.

7.8. Environmental issues

The development of modern and digital broadcasting facilities in Rwanda will be carried out sensitively to minimise their environmental impact. As a prerequisite for grant or renewal of licences, applicants must demonstrate their readiness to minimize the effects of their infrastructure on the environment. This should include provision of appropriate recycling/disposal facilities for waste that may contain toxic substances.

7.9. Human resources development

7.9.1. Education and Information

This area seeks to ensure that broadcasting supports the provision of education and information especially to those sections that have no access to formal education. It also aims to ensure the provision of knowledge and skills for professional development in the broadcast sector.

7.9.2. Government Incentives

The Government will introduce incentives and measures to improve the training in broadcasting and media to ensure qualitative and quantitative growth of the broadcasting sector.

7.9.3. Media Training Institutions

Media training institutions will be encouraged to provide structured specialized programmes that cater for people with talent for creative writing, film production, animation creative and technical aspects of broadcasting.

7.9.4. Recruitment, Retention and Training of Skilled Staff

It is essential that staff of Public Broadcaster have appropriate skills in digital broadcasting, reflecting suitable training. Without such training, production of programmes of appropriate quality would be impossible.

The required skills in radio announcing, television presentations, relevant technical skills, programming skills, and so forth must be addressed in a growing broadcasting sector. The policy has to identify certain directions that the industry should take in enhancing skills needed. The rationale is when there is enough expertise in the field, then the demanded standards required by the codes would be easily achieved.

7.9.5. Broadcasting Sector's In-House Database

The industry to have an in house database of training needs for analysis purposes and also to have an in-house human resources development program, to identify areas for capacity building.

The industry to have an in-house training scheme, for work-based, term attachment, short-term training, and further academic studies for enhancing appropriate skills.

7.10. Monitoring & consultation

7.10.1. Monitoring Committee

Rwanda Broadcasting Policy and implementation will be monitored by the Regulator of Broadcasting through a committee that should assess and make a report on the policy's

implementation stages, achievements and constraints in relation to digitalization. The committee should make further suggestions regarding the objectives, options, and priorities for the further development of Rwanda's broadcasting sector.

The Committee should conduct public awareness campaign on all matters relating to digital migration.

7.10.2. Power to Make Recommendations

The Regulator of Broadcasting shall come up with suggestions, options and priorities for the mainstreaming in media broadcasting of Kinyarwanda and culture.

7.10.3. Funding of Monitoring Activities

Government recognizes that funding is required to conduct ongoing, warranted research and surveys to support the monitoring, review and evaluation of the policy implementation. In the long-term adequate finance is necessary to set up the regulatory framework for digital broadcasting matters and monitor compliance.

CHAPTER 8: LEGAL IMPLICATIONS

8.1. Legislative framework

The Broadcasting Policy and its objectives are within the scope of existing laws governing ICT, Media, Intellectual Property, Competitiveness and State Corporations.

However, there is urgent need to enacting a law creating a Public Broadcasting Corporation to reflect its nature, mandate, structure and funding, matching with this policy orientation.

The Media Law as well as the Law establishing Media High Council should be amended to meet the objectives and directions of this Policy.

In addition, considering the aforementioned existing legislation, there is a need to enact a Presidential Order clarifying the implementation of this policy by different identified stakeholders.

8.2. Regulation

Appropriate legislation that is the ICT Bill will be enacted to cover comprehensive regulation, policy advisory and dispute resolution for the broadcasting sector in this age of convergence and digitalisation.

The regulatory framework will be for the sustainable management of digital broadcasting services and allow adequate resources to effect responsibilities in establishing pricing mechanisms for broadcasting licenses and fees as well as the legislating for the management of the broadcasting content presentation.

8.3. Market Regime

This policy will foster pluralism, universalism, efficiency and fair competition and increased reliance on market forces in the provision of broadcasting services. Consequently, competition in the sub-sector will be enhanced through licensing of more radio and television stations. The regulatory body will establish a framework within which different players will be licensed in the various market segments to promote efficiency in the sector.

8.4. The Public Broadcaster

Rwanda's Public Broadcaster will be restructured to ensure its relevance and viability in the new broadcasting market. Amendments will be made to the law creating Public Broadcaster to reflect the nature, structure, mandate and funding of the corporation as a public service broadcaster.

8.5. Promotion of Local Content

The Regulator of Broadcasting, in consultation with the media professionals and production industry as well as the public, devise mechanisms to ensure increased local content in the various types of programming services including films, drama, children's programmes, documentaries and music. Media training institutions in conjunction with the broadcasting industry will be encouraged to nurture research into aspects of programming and curriculum development in the industry. Issues of Digital Rights Management will be given due regards.

8.6. Standards of Service/Code of Practice

The main rationale of having codes in place is for broadcasters to use as guidelines, with specific standards to achieve in service provision that are appropriate for Rwandan context. The codes have been specified according to broadcasting services provided, and to be user friendly not only to the industry, but also to their respective stakeholders and customers.

CHAPTER 9: FINANCIAL IMPLICATIONS

Government, through Ministries in charge of ICT and Mass Media, and Regulator of Broadcasting will include programs and activities related to this policy in their strategic plans, and allocate the necessary funds.

In addition to substantial investments made by the Government in deploying a national digital broadcasting platform, further investments may be needed to accommodate changes inherent to digital technologies. The Government shall therefore adopt a comprehensive strategy which aims at attracting private investments in the broadcasting business.

Considering the relatively high cost of digital television sets, the Government shall promote universal access to television services through appropriate tax incentives and other mechanisms, including the universal access fund.

Promotion of content development may necessitate special incentives for stimulation of radio and television community-based programs. The Government shall therefore encourage the development of creative arts and multimedia content development academies through different funding schemes, including public private partnership and joint ventures.

CHAPTER 10: POLICY IMPACTS ON BUSINESS

The transition from analogue to digital broadcasting will create new distribution networks, will allow progress and open new horizons for information transmission. The advantages of digital broadcasting resulting from efficiency gains in spectrum use will enable to deliver more channels with less frequency and more convergence of technologies.

The digital switchover will leapfrog technology to connect who are not yet connected in remote areas, and to reduce digital divide.

The new Spectrum Digital Plan provides not only new possibilities for structures development of digital terrestrial broadcasting, but also adequate facilities to be adapted according to the evolution of telecommunication environment.

This Policy opens the way for the use of all opportunities offered by Information and Communication Technologies in achieving the development goals recognized internationally. The conventional year for the end of the period of transition from analogue to digital broadcasting – 2015 – is precisely the deadline for achieving the Millennium Development Goals.

The digital broadcasting business value chain will bring about a wide range of business opportunities which will uplift the media industry, with high potential for job creation, especially for the youth.