



Satellite Broadcast Regulation

**Rules for Media Works in Satellite Channels and
the Role of National Institutions**


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Satellite media broadcast regulation is a challenging topic that needs new thinking and involvement of all stakeholders

Overview

- Media works is a broad area, covering audio and visual transmission of news, sports, entertainment, music, religion and documentaries for live or pre-recorded content
 - Regulating multimedia content is a challenge for many countries worldwide. The overall issue concerns perceived risks of some content undermining social values and cultures, by being morally offensive or unethical. There can also be a perception that some content risks undermining political foundations and stability.
 - Satellite broadcasted content regulation is a challenge in the Middle East, where ready access to some ideas and images, especially those broadcasted directly into people's homes can offend the social and cultural values
 - The challenge is how to regulate the content, and in the case of satellites, how to regulate internationally transmitted content
 - Different methods across regions have been used by national institutions to manage content. The best practice is: i) to manage when some types of content are available, and ii) to use of information and technology to support viewers to self-regulate their viewing
 - This presentation highlights some of those challenges and is intended to initiate a dialogue towards new thinking and the adoption of different institutional practices to address content deemed inappropriate. This process needs to involve all stakeholders
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Approaching content regulation raises a number of questions to gain insight into the issues, experience, challenges, and the direction towards a constructive approach towards satellite media content rules

Overview

Issues

- What are the issues about satellite broadcasting and regulating content?
- Why Regulating Content?

Experience

- What lessons can be learned from international experience for the MENA region?

Challenges

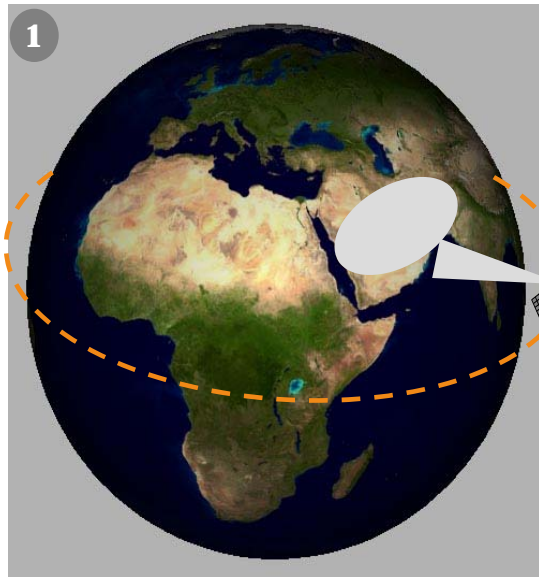
- What are the challenges and circumstances facing institutional practices towards regulating broadcast content?

Regulation

- What regulatory approaches should be undertaken and how?

Satellite multimedia broadcasting enables content from different countries to transcend borders

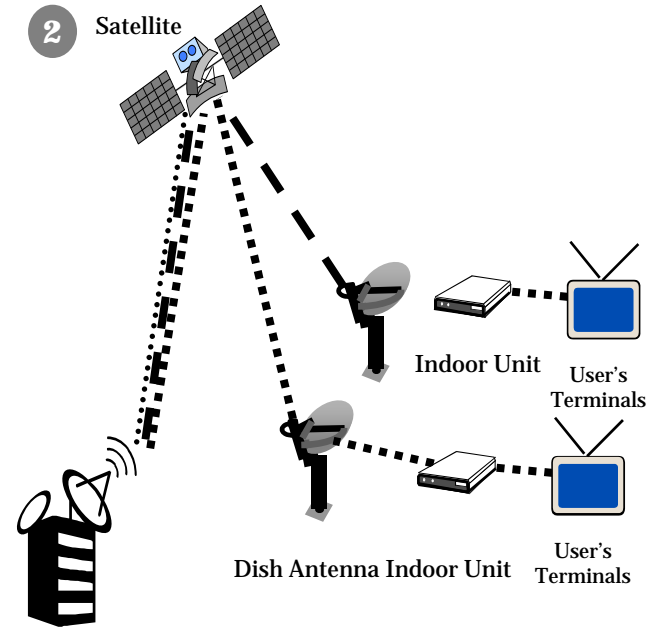
Satellite Multimedia Broadcasting



1 Satellites spot their communication beams on wide, but specific geographical areas, making this infrastructure effective in providing coverage

2 Users can receive the broadcast directly from the satellite to their dishes (e.g. attached to a house, user apartment, or other premises)

Users can view broadcasted content directly from the satellite operator/provider (e.g. in Europe, "Astra") or through a service provider (e.g. Orbit) using a satellite provider (e.g. "Arabsat")



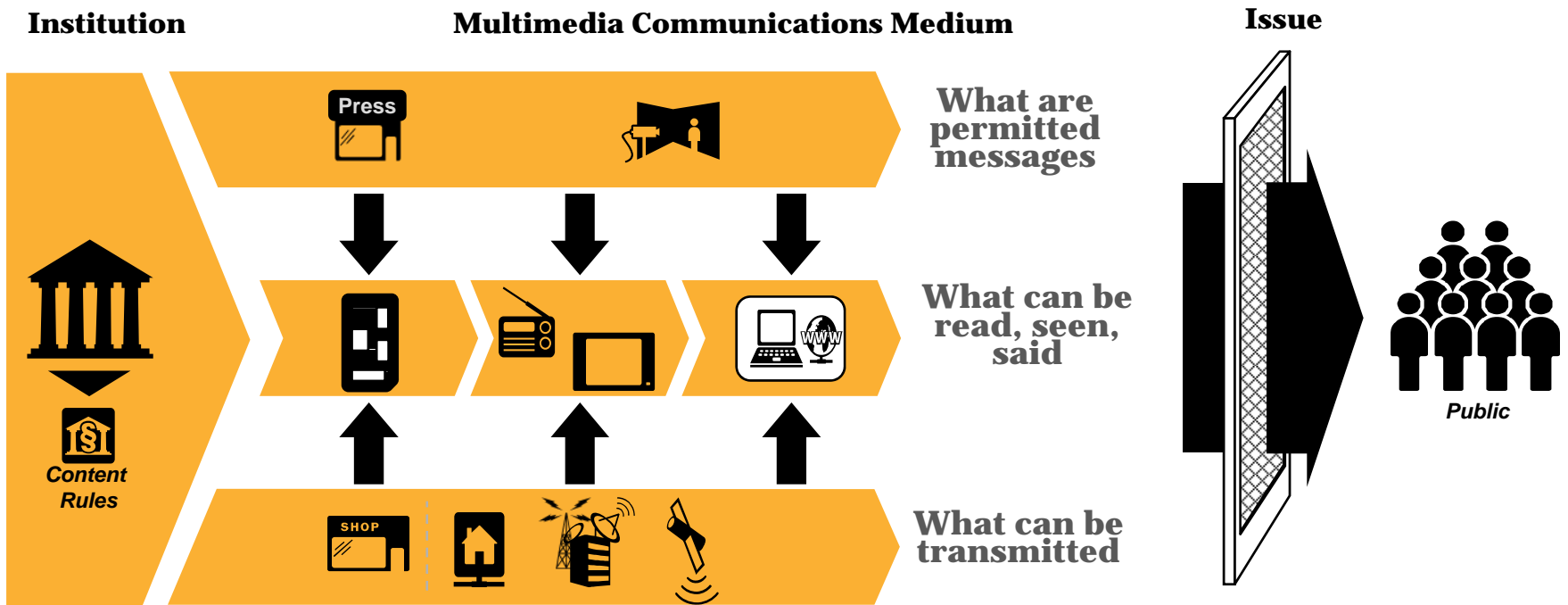
X Fixed position
▶ Communications signal

Concern

- **Key issue is when multimedia content from one country provided to a user in another conflicts with what is considered acceptable material in the user country**

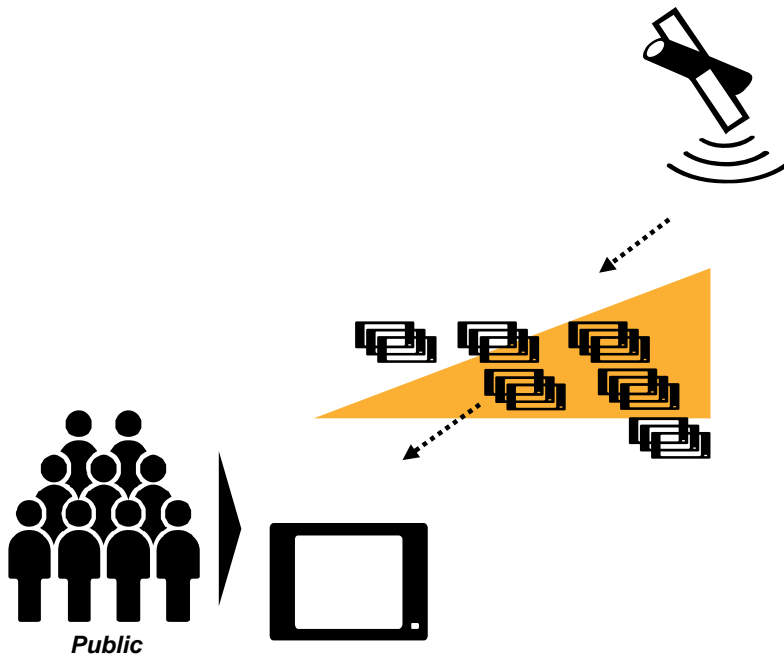
Debate about regulating content stems from the advent of multiple information access points

Multimedia Content Debate: What to Regulate and How?

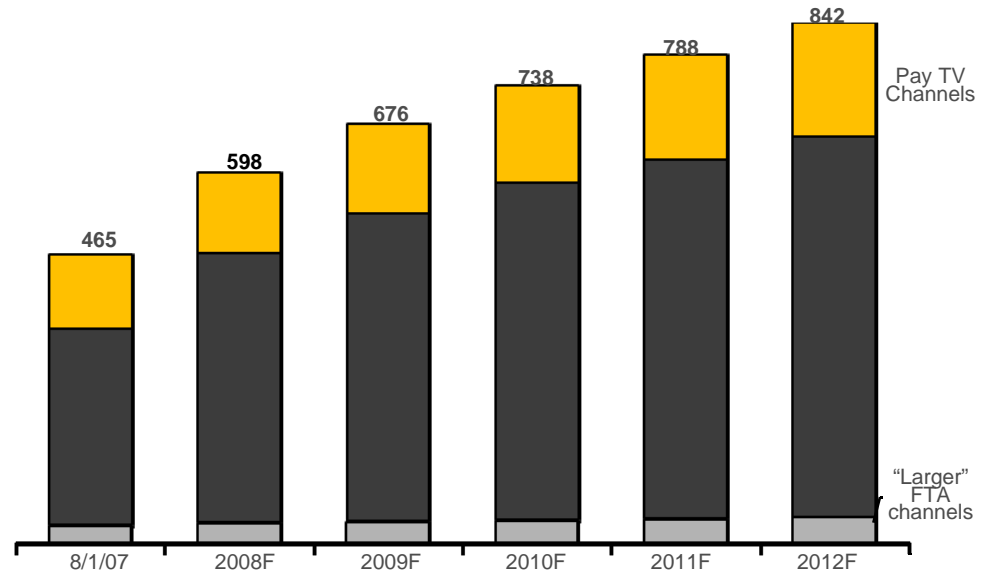


Satellite TV broadcasting is experiencing high growth in the region, leading to increased concern about content material

Satellite TV Growth



Forecast of Total Number of Free to Air TV Channels (Pan Arab) (2007 – 2012)



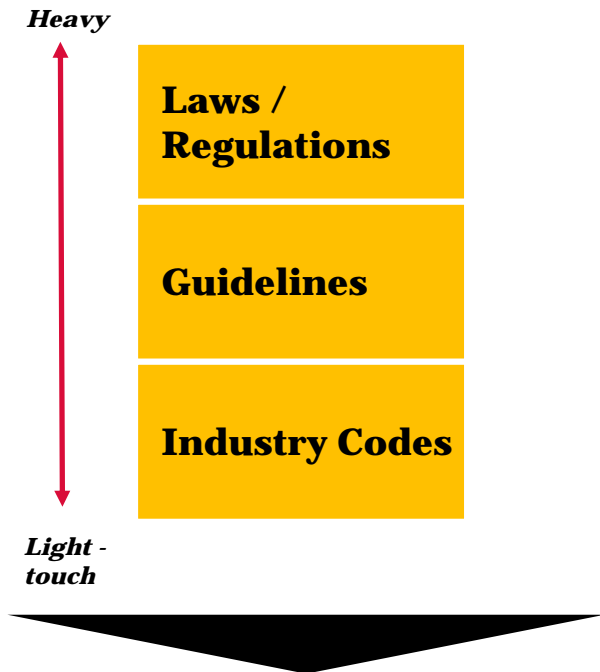
Rules are driven by perceived needs to manage visual and audio communications i.e. they are subjective

Content Subjects

ILLUSTRATIVE

Needs	Issues	Description
<p>1</p> <p>Expression Purposes</p>	<p>Views and reporting that are acceptable</p> <p>Fairness</p> <p>Rights to appeal, reply</p> <p>Non-Discrimination</p> <p>Political and religious broadcasts</p>	<p>Some countries allow expression of opposing views, whereas others have a tendency to stifle criticism of the government as well as support for political opposition groups</p> <p>Inciting crimes and criminal acts are usually not accepted</p> <p>Inciting political insurgents is usually not accepted, but a common problem is the lack of clear boundaries and therefore is open to interpretation</p>
<p>2</p> <p>Consumer Protection</p>	<p>Advertising and representation</p> <p>Moral and physical protection</p> <p>Timing of programs, including advertising</p>	<p>Rules are imposed in some countries to guard against misleading and false advertising</p> <p>Rules are also imposed concerning the amount and timing of advertising during a program to protect against disrupting viewers' program enjoyment (e.g. EU countries)</p>
<p>3</p> <p>Cultural Protection</p>	<p>Local content quotas</p> <p>Industry development</p> <p>Cultural and language representation</p>	<p>Some countries impose local, original content requirements to support local economies, but also to protect national and cultural identities from outside influences (e.g. France and Canada)</p>
<p>4</p> <p>Economic Purposes</p>	<p>Compliance with international agreements</p> <p>Support investment</p> <p>Competition:</p> <ul style="list-style-type: none"> - Encourage market competition - Manage dominance of ownership etc. - Manage scarce resources 	<p>International or regional agreements / conventions may set common standards for countries, including allowing foreign content, advertising standards, bans on certain types of products from being advertised</p> <p>Countries can be concerned about the dominance of broadcasting and content provision through ownership, which could undermine potential competitors or be used as a medium to unduly influence viewers (e.g. political agendas by broadcast owners)</p>

International practices towards satellite broadcasting vary in approaches from a light-touch, self-regulated to imposed laws and authority - regulated



▪ Viewers also play an important role in regulation by being responsible for their own choices in what they watch and allow certain age groups (i.e. children) watch

Content Regulation: Responsible Authority

	Responsibilities	
	Self-Regulated	Authority
Australia		✓ (Australian Communications and Media Authority)
Brazil	✓	
Canada	✓ (Canadian Broadcast Standards Council members)	x
Netherlands	✓ (Dutch Institute for the Classification of Audiovisual Media)	x
South Africa		✓ (National Broadcasting Commission)
UK		✓ (Ofcom)
US	✓	✓ (FCC)

Challenges for practiced institutional approaches to regulating range from social-political attitudes to technological advances

Challenges

Social-Political Attitudes

Social

- Traditional views and interpretations about society, family and traditions under threat from alternative ideas and beliefs

Political

- Political stability of incumbent governments at risk of being open to potential dissatisfaction, greater challenge by new ideas, and alternative approaches

Market Situation

Ownership

- Terrestrial TV broadcasting is largely owned and controlled by governments
- Satellite content broadcasters are largely privately owned
- High growth in new and alternative content services
- Large number of channels catering to various interests and tastes attract higher number of audiences, challenging traditional alternatives and information media

Legal Obstacles

Legal Framework

Some states have limited broadcast regulations, and institutions are not in line with contemporary best practices (e.g. independent authority for licensing commercial radio and television broadcasting)

Technological Advances

New Platforms

Technology has moved beyond simple television, to enable a multitude of applications and equipment to deliver information, images etc. of the same content or type of content authorities wish to control and prevent public access

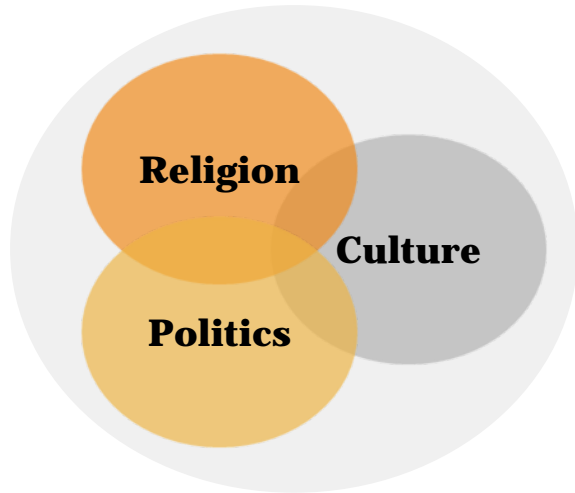
Content Blocking

Satellite broadcasting is relatively harder to block or filter and therefore control, except for extreme measures of jamming signals (which is expensive, costly and risks international disruption)

Governance

Technology

Content provision is a complex situation in MENA countries, religion, politics and culture are largely intertwined



MENA Context

Situation

Religion and cultural are largely intertwined
Religion and politics are largely intertwined
Continued presence of strong “group-based” loyalties. Loyalties not necessarily unified within a country or confined within internationally recognized borders
Predominant tradition of autocratic style of government

Challenges

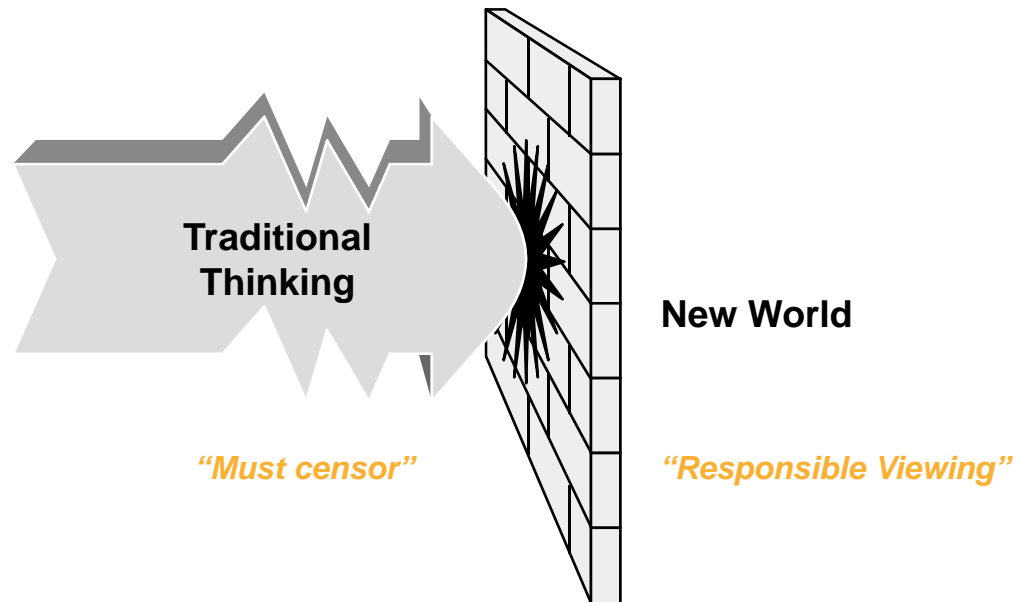
Satellite technology enables direct communications links, by-passing local transmission or control centers
Nature of broadcast signaling via satellites enables ideas and information to easily transcend national borders, resulting in:

- Knowledge transfer, some of which may undermine conservative interpretations, traditions and values (e.g. material aspirations ...) and enable skills for social political disruption (e.g. violence)
- Development and encouragement of political dissatisfaction with governments
- Social - economic envy (both within domestic society and between countries)
- Adoption of new values

Establishments (government, religious or cultural leaders) may feel their authority is challenged through loss of some control resulting from direct communications into their populations' homes

Regional countries need to recognize that, to be effective and constructive, methods for addressing content regulation need to change

Content Management: Effectiveness

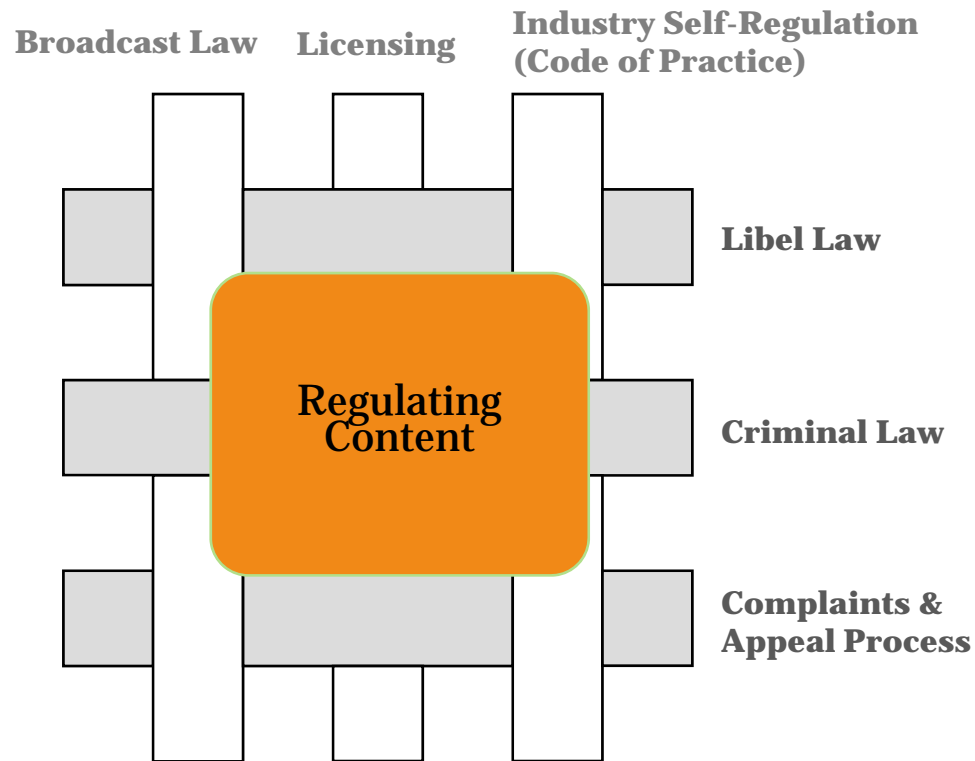


- Effort is needed to improve the environment for expressing ideas and developing an agreeable broadcast culture for the region
- Replacing censorship with a more enabling environment and framework would have a more productive and sustainable effect

Content regulation is ultimately effective through a combination of different legal instruments, rather than just one

Content Regulation

ILLUSTRATIVE



Self-regulation through enabling informed viewers is an established practice in many countries for films TV programs

Content Ratings

Example: USA

Cinema	TV
G GENERAL AUDIENCES All Ages Admitted	TV Y
PG PARENTAL GUIDANCE SUGGESTED SOME MATERIAL MAY NOT BE SUITABLE FOR CHILDREN	TV Y7
PG-13 PARENTS STRONGLY CAUTIONED Some Material May Be Inappropriate for Children Under 13	TV Y7 FV
R RESTRICTED UNDER 17 REQUIRES ACCOMPANYING PARENT OR ADULT GUARDIAN	TV G
NC-17 NO ONE 17 AND UNDER ADMITTED	TV PG
	TV 14
	TV MA

Ratings for cinema and TV viewing differ TV is not controlled by a third party (e.g. ticket agent at the cinema)

Parents are empowered by rating to decide on suitability according to a more narrowly defined TV rating system

Example: Iceland

Cinema	TV
L (Language neutral)	Channel logo in the top-right corner is colored either: yellow (suitable viewing for over 12 years old) or red (suitable viewing for over 16 years old)
7 (Age of 7)	
12 (Age of 12)	
16 (Age of 16)	
18 (Age of 18)	
@*! (Language neutral)	


Ratings for cinema and TV viewing differ TV rating system is more liberal than some other countries

Cinema rating is more creative than many others by providing language neutral warnings representing content types

Example: Brazil

TV

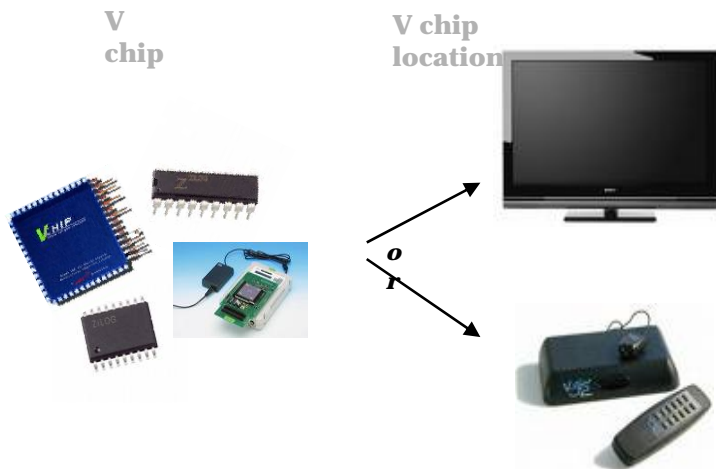
- ER** Especially recommended for children and adolescents
- L** All audiences
- 10** Not recommended for viewers Under 10 years of age
- 12** Not recommended for viewers under 12 years of age
- 14** Not recommended for Viewers Under 14 Years of age
- 16** Not recommended for viewers under 16 years of age
- 18** Not recommended for viewers under 18 years of age



Technology is also supporting viewers with means to self-manage content viewing, including blocking some rated programs

Viewer Support: Technology

- **V-chip is a generic term used for television receivers allowing the blocking of programs based on their ratings category**
 - It is intended for use by parents to manage their children's television viewing.
- **V-chip works much like closed captioning as it uses the vertical blanking interval in the television signal to send and receive a special code in the programming which indicates the show score according to a simple numerical rating system for violence, sex, and language**
- **Programs' signals are encoded according to their rating, blocking programs outside of the accepted rating**
- **V chips are either built into TVs or in set-top boxes that are attached to TVs**
 - Most 13-inch and larger televisions manufactured for the United States market are required to have the V-chip technology.



- **Satellite broadcaster “Orbit” allows and promotes parental control through decoders**



Orbit EPG

Orbit Electronic Program Guide allows users to view program schedules for all Orbit channels up to eight days in advance. Orbit EPG is available in both English & Arabic and is updated once a day

Orbit Search

To search for Orbit channels, select Orbit Search in the channel search menu.

Parental Control

This function is used to prevent children and sensitive viewers from watching unsuitable programs. Users can use parental guidance by:

CHANNEL LOCK: Parental control based by channel.

PROGRAMME RATING: Parental control based on program ratings on any Orbit TV channel.

MENA countries could consider addressing their governance challenges with newer practices

Regulating Content: Recommendation

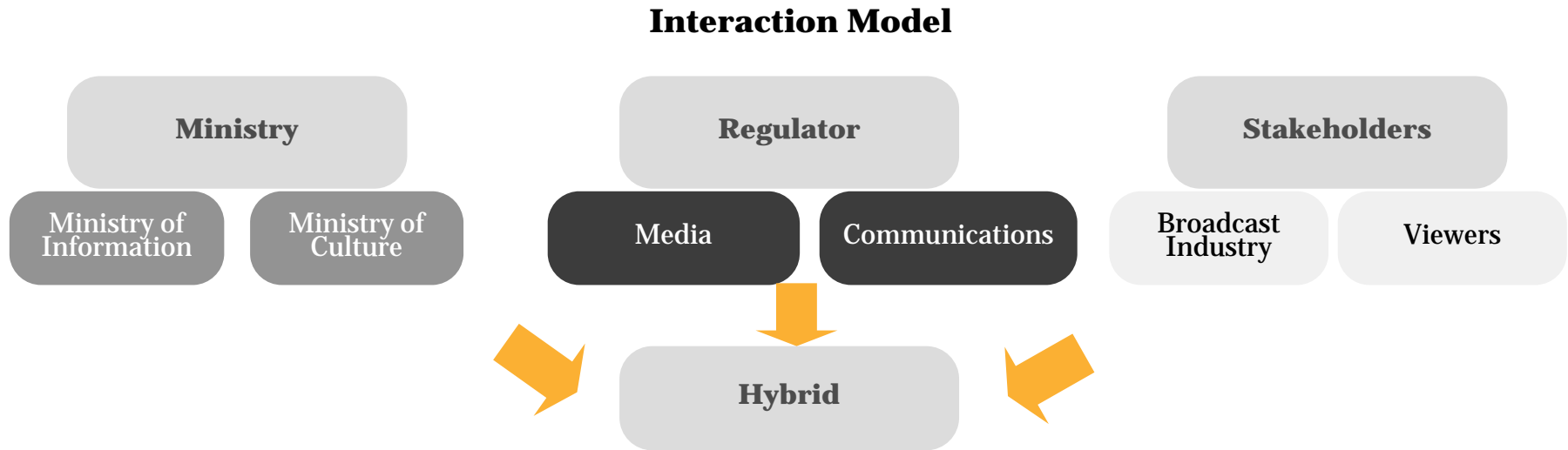
- Apply different forms, but placing greater emphasis on enabling providers and consumers to self-regulate; government restrictions should be “last resort”

Least ← Method Adoption → Most

Government Ban	National Requirements	Regional Requirements	Self-Regulation	Consumer Directed
<ul style="list-style-type: none"> Only as a last resort and in highly selected areas (e.g. pornography) 	<ul style="list-style-type: none"> Review legal framework needs, and revise or develop legislation that enables a workable solution without having to resort to political pressures Focus on: <ul style="list-style-type: none"> Defining defamation Separating opinion from malicious intentions Develop appeal processes Encourage development of non-government consumer complaints association Encourage self-regulation Require a watershed approach for some content 	<ul style="list-style-type: none"> Common principles should be considered <ul style="list-style-type: none"> Need to develop these with multiple stakeholders Agree on a standard rating system that informs on: <ul style="list-style-type: none"> Type of content (news, commentary, entertainment, drama documentary, religious, political etc.) Age suitability Type of channel (e.g. commercial, government, political, religious etc.) 	<ul style="list-style-type: none"> Self-regulation should be encouraged <ul style="list-style-type: none"> Approaches and standards should be symmetrical Need to involve and encourage industry to willingly develop and implement Set a rating system that informs on: <ul style="list-style-type: none"> Type of content (news, commentary, entertainment, drama documentary, religious, political etc.) Age suitability Type of channel (e.g. commercial, government, political, religious etc.) Apply a watershed approach, taking into account different regional time zones 	<ul style="list-style-type: none"> Consumer education needed about the type of content accessible and the means to control viewing for themselves <ul style="list-style-type: none"> Use rating system to advise before hand content material and risks Enable technology to be available and, significantly, inform viewers how to use the technology Identify means for consumers to voice complaints

High risk of counter-productive consequences

Broadcast content regulation development requires different national institutions and multi-stakeholder involvement for an effective result



- Traditional Ministries of Information are should evolve their mandate beyond content editing
- Ministry of Culture promotes national identity, languages and other cultural aspects of a country
- Regulator could be either a media regulator that oversees content or a Communications authority (e.g. Ofcom)
- Self regulation enables the industry to take responsibility for the content, including supporting viewers make informed judgments

Recommendation

- Hybrid is a collective decision-making process involving Ministries, a regulator and industry
 - All key stakeholders should be involved in developing guidelines and content management processes
- This should include:
- Agreeing on acceptable standards (e.g. rating categories)
 - Enabling viewers to make informed decisions
 - Act as a forum to resolve content-related complaints / disputes