



AFRICAN MEDIA BAROMETER

A home-grown of the
media landscape in Africa

BENIN 2021

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The African Media Barometer (AMB) is a perception index. The findings, interpretations and conclusions reported are those of panellists drawn from civil society and media organisations for the purposes of conducting the AMB, and do not necessarily reflect the views and opinions of *fesmedia* Africa, the Friedrich-Ebert-Stiftung (FES) or the Media Institute of Southern Africa (MISA).

A faint map of East Africa is visible in the background of the top section, showing countries like Tanzania, Kenya, and Uganda.

CONTENTS

SUMMARY	5
SECTOR 1 Freedom of expression, including freedom of the media, is effectively protected and promoted.	11
SECTOR 2 The media landscape, including new media, is characterised by diversity, independence and sustainability.	25
SECTOR 3 Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.	37
SECTOR 4 The media practise high levels of professional standards.	45
FOLLOW-UP QUESTIONS	55

The African Media Barometer

The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on home-grown criteria derived from African Protocols and Declarations such as the Declaration of Principles on Freedom of Expression in Africa (2002) by the African Commission for Human and Peoples' Rights. The instrument was jointly developed by *fesmedia* Africa, the media project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The AMB is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB reports are then integrated into the work of the 20 country offices of the FES in sub-Saharan Africa and into the advocacy efforts of other local media organisations such as MISA.

Methodology and Scoring System

Every three to four years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1½ days they discuss the national media environment according to 39 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB report.

After the discussion of one indicator, panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator

In 2009, 2013 and 2019 some indicators were replaced to align with changes in the media landscape. Consequently, in some instances, the comparison of indicators of previous reports is not applicable (n/a), as the indicator is new or has been amended considerably.

The sum of all individual indicator scores is divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores.

Outcome

The final, qualitative report summarises the general content of the discussion and provides the average score for each indicator. Panellists are not quoted by name in the report, in order to protect them from possible repercussions. The reports can be used as a tool for possible political discussion on media reform.

In countries where English is not the official language, the report is published in a bilingual edition.

In facilitating the AMB, the FES and MISA only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

By the end of 2019 the AMB had been successfully completed 121 times in 32 African countries, in some of them for the sixth time already.

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See above 32 AMB Countries (2005-2021)

African Media Barometer

Benin 2021

Summary

Benin's constitution guarantees freedom of expression. Articles 23 and 24 of the Basic Law (adopted in 1990 and revised in 2019) protect this freedom. Article 24 states that freedom of the press is recognised and guaranteed by the state. It is also protected by the High Authority for Broadcasting and Communication (HAAC). In HAAC's Law No. 92-021 of 21 August 1992, Article 5 guarantees and ensures the protection of the freedom of the press as well as mass media. The laws and by-laws guaranteeing and protecting freedom of expression and freedom of the press include the Information and Communication Code, adopted in 2015.

However, in practice, this freedom is practised with fear. Trade unionists, human rights activists, journalists, dignitaries of endogenous religions, and even ordinary citizens feel threatened when exercising their right to freedom of expression. Generally, they fear prosecution cases against them being mounted by the authorities. Business people and entrepreneurs are also targeted through fiscal pressure or unexpected controls placed on their companies.

The Digital Code, passed in 2017, is a source of fear for Benin journalists. Under this code, the Central Cybercrime Repression Authority arrested journalist Ignace Sossou on 19 December 2019 at his house. At his trial, Sossou was sentenced to 12-months imprisonment, six of which he served in prison, and a fine for harassment for relaying the prosecutor's words during a seminar on Twitter.

Fear of reprisals pushes the media to practice self-censorship. Psychological pressure seems to prevent journalists from freely exercising freedom of expression. There are also fears regarding the use of social media networks. There is an explicit restriction of civic space in general, and citizens are afraid of being tapped. Due to abuse by the press and certain citizens, several provisions of the Digital Code hamper freedom of expression. This is perceived as a political manoeuvre to dampen the citizens' desire to express themselves freely. Other new laws also inhibit the enjoyment of this freedom, for instance, Law 2017-44 of 5 February 2018 on the Intelligence Code, which restricts citizens' freedom of expression; and Law 2019-05 of 18 January 2019 on the organisation of national defence secrets in which art, culture and science are classified as defence secrets.

Civil society's determination to advocate for the media has declined in recent years, and many civil society members have joined the ruling power. On 21 April 2020, Benin withdrew from the jurisdiction of the African Court on Human and Peoples' Rights. This decision was ostensibly aimed at removing the right of individuals and non-governmental organisations to file complaints at the African Court on Human and Peoples' Rights. In general, the government of Benin seems to be honouring its international commitments in terms of regional and

international instruments on freedom of expression and freedom of the press. These international legal instruments have been signed, ratified and domesticated in national legislation. But in practice, their application is problematic.

The law protects sources of information, whistleblowers and witnesses. There have been cases where, during a hearing, the prosecutor tried to make journalists reveal their sources; however, journalists could refuse without being forced to answer.

Public information is not easily accessible. For the past five years, a law on access to information has been pending in parliament. However, the Information and Communication Code has provisions that grant citizens the right to access public documents.

According to legislation, to establish a print publication, one simply has to notify the authorities through a declaration process. But in reality, the formalities resemble an authorisation regime where registration is subject to approval. Any periodical wishing to appear on the list of institutions recognised by the state (known as authorised publications) must abide by many legal formalities. The Information and Communication Code requires prior authorisation to operate professional websites and digital platforms offering paid services. Article 252 states: *The direct or indirect operation in the Republic of Benin, either free of charge or against payment, of a website providing audiovisual communication and print press services intended for the public is subject to the authorisation of the Haute Autorité de l'Audiotvisuel et de la Communication (High Authority for Broadcasting and Communication)...* Nevertheless, private not-for-profit blogs, websites and other platforms do not require prior permission.

Benin has a policy and legislation on Information and Communication Technologies and their use, but the national strategy for implementing this policy lacks consistency. The cost of the internet increased in September 2018, during the election period, was seen as a deliberate attempt to restrict access. In April 2019, the internet was cut during the country's parliamentary elections.

Not all actors are necessarily involved in drafting media laws. Although discussions with civil society and media actors were held during the drafting of some laws, these are generally 'protocol consultations'. Many of the consensuses reached during these consultations were not included in the final version of the law.

In Benin, there are 72 daily newspapers, 8 weeklies and 4 biweeklies, more than 90 radio stations, about 15 television channels, including web televisions and news websites. Radio stations are the leading source of information for the population, with more than six out of 10 citizens listening to the radio daily. In 2018, of the 11 million Beninese, more than 9 million had a subscription to an internet-connected mobile phone. In March 2021, Benin Electronic Communications and Posts Regulatory Authority reported that 70.40% of the population had access to mobile internet.

Citizens have access to national and international media without restriction from state authorities. However, since December 2019, *Soleil FM*, a private radio station, no longer transmits because HAAC did not renew its license. *Soleil FM* (owned by Mr Sébastien Ajavon, a politician in exile and opponent to the current president Patrice Talon) had a reputation of broadcasting critical opinions against the government. The license of *Sikka TV*, also owned by Mr Sébastien Ajavon, was not renewed either.

La Nation is the only national daily newspaper owned by the government of Benin. There is also the Benin Press Agency. The editorial independence of these print media is not sufficiently protected. Transparency and ownership of media companies are regulated by law; however, there are sometimes figureheads on the property of certain print publication companies. Media concentration and monopolies are also regulated by law. Vertical concentration is allowed, but horizontal concentration is not. Therefore, it is legal to own a television, radio, and newspaper simultaneously. But not several newspapers, radio or television stations simultaneously.

State support for the private press and funding for state-owned media established by law have not been adequately implemented in recent years. The private media have not received state aid for more than five years. The Media Development Support Fund, created through the Information and Communication Code, is not yet fully operational. The government uses its advertising contracts as a tool to punish media that are too critical of its policies. A private company advertising in media critical of the government risks receiving a tax adjustment. The size of the Beninese advertising market is unknown. There is no mechanism or institution dedicated to developing the advertising sector, nor a specific law that organises and regulates it. A chapter of the Information and Communication Code deals with the basics of advertising in the media. Its Article 177 states: *The High Authority for Broadcasting and Communication [HAAC] ensures the monitoring of the content of advertising messages.*

Broadcasting legislation (particularly from HAAC and the Information and Communication Code) provides an enabling environment for public, private and community broadcasting. A radio and television establishment and operation agreement is usually signed between the person requesting it and HAAC, acting on behalf of the state. HAAC is the body that regulates the media and communication sector and is comprised of nine members. Although sufficiently protected by law against interference, HAAC is not independent. The political parties in power dominate the choice of their members and their leadership. Overall, HAAC regulates licensing in the public interest, fairness, and the diversity of views represented in society.

The Benin Broadcasting Authority (ORTB) is the public broadcaster. Its board of directors is appointed according to Law 2020-20 of 2 September 2020 on the creation, organisation and operation of state-owned companies, through which the number of board members has been reduced from seven to five. The board includes representatives from the Ministry of Digital Technology and Digitalisation, the Ministry of Economy and Finance, and three other ministries. Workers and

their unions are not represented. The ORTB is under powerful political influence from the Presidency of Benin, particularly the television division. The exact budget of the ORTB is unknown, but is believed to be inadequate. ORTB offers news broadcasts plus a variety of programmes that generally include public interest and local content programmes.

The media generally do 'pay-per-view' coverage that is often not fair to all minorities. The radio stations broadcast information and programmes in local and national languages that take linguistic minorities into account. Followers of endogenous religions believe that their voices are not sufficiently represented at the same level as those of imported religions. The media cover all subjects, including economic, cultural, political, social and local perspectives. The real problem is the lack of investigative journalism. Private radio stations generally offer quality programming. Most of them are flexible, adapting their content to the profiles and interests of listeners.

Overall, the level of information processing often does not follow the basic principles of accuracy and fairness in the media. Information published by online media, except for a few such as *Banuto* news, is often unbalanced with flagrant violations of ethical rules. The National Code of Ethics for Journalists implemented by the Media Ethics Observatory often receives complaints from the public, but regulation has slowed over the past three years due to an internal crisis.

Self-censorship is practised in the Beninese press. Some media engage in self-censorship because they have signed 'non-aggression pacts' with those in power. Others have strong relationships with the opposition and do not publish information against it. There is also 'economic self-censorship', which is not putting one's name to an article or investigation, however well written and researched, for fear of economic repercussions. Fear of reprisals also encourages journalists to practice self-censorship.

Salaries are low, and working conditions for journalists and other media professionals are poor. The collective agreement for media workers stipulates a minimum monthly salary of 77,000 CFA francs (USD150). Most news organisations pay only half of this. The state-owned media pay almost double. The difficult living conditions keep the media open to corruption.

The Beninese media do not give much space to women, although there is no barrier or hostile environment regarding women's access to the media. The Beninese society has societal expectations/structures that constrain women from taking on more public roles. However, more and more women are speaking out. In the Beninese state-owned media, a very small percentage of women are promoted to leadership positions. The same is true in the private sector, where few women run media organisations. The media do not make ethnic distinctions in their recruitment. However, the media does not promote equal opportunities, regardless of race or ethnic origin, social group, gender or sex, religion, disability and age.

Journalists and other media professionals are organised into trade unions and professional associations that fight for their interests, but not efficiently. The

Benin Media Professionals' Union is the umbrella for these media professionals' associations and unions. The press employers' union is gathered around the National Council of Broadcasting Employers.

Media professionals have access to training facilities that offer formal qualification programmes and opportunities to improve their skills. In the last decade, media training opportunities have increased in Benin. The National School of Information and Communication Sciences and Technologies was established in 2011 at the University of Abomey-Calavi. Students have access either by entrance examination or application review. In addition, Benin also has 14 private journalism and communication training institutes.

*This AMB panel discussion took place in Dassa-Zoumé (Benin),
27-29 August 2021*



SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

Benin's constitution guarantees freedom of expression in Article 23 and 24 (adopted in 1990 and amended in 2019).

Article 23 states:

Everyone has the right to freedom of thought, conscience, religion, worship, opinion and expression with respect for public order established by law and regulations. Worship and the expression of beliefs are carried out with respect for the secularism of the state.

As for freedom of the press, Article 24 indicates that it is recognised and guaranteed by the state. This freedom is also protected by the High Authority for Broadcasting and Communication (HACC) under the conditions set by the organic law establishing this institution (Law No. 92-021 of 21 August 1992). Article 5 of this law also states that HAAC guarantees and ensures the protection of the press and all means of mass communication in accordance with the law.

The Information and Communication Code is also part of the regulatory framework guaranteeing and protecting freedom of expression.

Article 1 (adopted by Law 2015-07 on 22 January 2015) indicates that the code:

defines the rules governing freedom of expression in the context of information and communication activities as well as the exercise of the said activities in the Republic of Benin.

Scores:

Individual scores:

[illegible]

Average score:

4.1

NB: The scores of this indicator were open to give panellists the opportunity to better understand the system. The majority scores of 4 reflected the discussions.

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

After analysing several facts and events that took place in Benin over the past three years, it is clear that freedom of expression is practiced with fear.

From trade unionists, human rights activists, journalists, dignitaries of endogenous religions, to ordinary citizens – all fear repercussions of exercising their right to freedom of expression.

For example, dignitaries of endogenous religions (considered as crossroads of all faiths) have taken political stands that did not suit some public officials. As a result, pressure was exerted on them. In 2018, after publishing an annual report on the Tofâ (the oracle of the Fâ¹ for the country), politicians exerted pressure on universities that had invited one of these dignitaries by cancelling their contracts.

Ultimately, fear sets in as soon as one takes strong stands as a dignitary of endogenous religions in a country where no legal instruments protect these traditional culture actors despite the existence and annual celebration of the national holiday of Vodoun² on 10 January.

Asserting freedom of expression, as enshrined in human rights, is completely low in Benin.

Many no longer express themselves freely within the Beninese civil society because they support the ruling power. A panellist said that asserting freedom of expression, as enshrined in human rights, is 'completely low in Benin.'

The trade union movement is not left out.

Since President Patrice Talon came to power in 2016, the general feeling of the labour movement is that, like ordinary citizens, they can express themselves but feel 'locked-in'. They are afraid of a case being drawn up against them by the authorities. Business people or entrepreneurs are also targeted through fiscal pressure or untimely checks on their company's premises.

The Court for the Suppression of Economic Offences and Terrorism (CRIET), a national jurisdiction responsible for the suppression of terrorism, offences or crimes of an economic nature, can be used for reprisals against any person *who disturbs by its critical speech toward the ruling government*.

Women are also afraid of freely expressing themselves.

1 Fâ is a divination art traditionally practised by the populations of the Gulf of Benin, especially by Yorubas of Nigeria, of Benin and the Fons of Benin. It is as much a science (geomancy) that a divinity presiding over a human being's fate over his past, present and future by teaching him his deep links with nature thanks to allegorical tales related to each arcane. (Source Wikipedia)

2 Vodoun (or vodou, or vaudou, or even voodoo) is a religion originating from the ancient kingdom of Dahomey (Benin). Sometimes assimilated to occult practices split up into multiple communities, this religion of a cosmic order resulting from African animist cults is still widely distributed in Benin and Togo. (Source Wikipedia)

After the April 2021 presidential election, it was nearly impossible for WATHI, a Citizen Think-Thank in West Africa, to organise women's group session to discuss national issues. For a panel that was to bring eight women together, all the women approached felt that given their position, they could not be part of the panel.

Arrests related to asserting freedom of expression were noted after the ratification of the Digital Code (Law No. 2017-20 of 20 April 2018). There are provisions in this code (specifically Article 550) that create such an atmosphere of fear that journalists develop self-censorship. For example, panellists cited Article 550 of the Digital Code, which includes the phrase *emotional distress* that is difficult to measure and could be used as reprisals.

It states:

Harassment through electronic communication: Anyone who initiates electronic communication that coerce, intimidates, harasses or causes emotional distress in a person by using a computer system for the purpose of encouraging serious, repeated and hostile behaviour is punished with one (01) month to two (02) years imprisonment and a fine of five hundred thousand (500,000³) CFA francs to ten million (10,000,000⁴) CFA francs, or only one of these two sanctions.

The Digital Code is a source of fear for Benin journalists. Under this code, journalist Ignace Sossou was arrested on 19 December 2019 at his house by the Central Cybercrime Repression Authority. At his trial, he was sentenced to 12-months imprisonment, six of which he served in prison, and a fine for harassment for having relayed the words of the prosecutor of the Republic of Benin during a seminar on Twitter. A panellist stated that this code allowed journalists to be arrested at home, even at 5 am.

Fear of reprisals prompts news organisations to use 'almost the same words in their articles.' Given this situation, one must carefully choose words when speaking in the media because any misplaced word during an interview can create difficulties.

A panellist said that since the advent of President Patrice Talon, even freedom on national television had been reduced. Journalists are afraid to write anything that openly criticises the government. There is a kind of psychosis that prevents journalists from asserting their freedom of speech. But this is not directly the result of threats from those in power, but a culture within press institutions that has established itself and comes from past experiences of journalists who have sometimes dared. For example, it is known that the Government of Benin rents vehicles instead of buying them. But on national television, nobody talks about it.

If a journalist seeks to free himself from this yoke, the authorities will attempt to prevent him from speaking and also try to put him in a precarious situation.

3 500,000 CFA francs equals approximately 1,000 US dollars.

4 10,000,000 CFA francs equals nearly 19,000 US dollars.

In addition, to be appointed head of the editorial staff of national television, a journalist must create propaganda in favour of the authorities. Otherwise, those who served the previous regime are assigned to production activities. The panel reports the example of a journalist from the regional branch of the ORTB in Parakou (north of the country). In an attempt to balance political information, this journalist felt it necessary to interview an opponent of the ruling party. He was recalled to Cotonou, the capital, the same night. This occurred in 2016, during President Yayi Boni's term.

Even within the university, there is a fear of freely expressing oneself. A university lecturer who spoke to *Jeune Afrique* magazine was forced to self-censorship to not offend particular sensitivities.

There are also fears concerning the use of social media. For fear of reprisals, some citizens avoid giving their points of view on social media. Individuals on WhatsApp groups no longer feel safe expressing themselves as people send a screenshot of comments in the group chat to the authorities.

In Benin, it is difficult for journalists to receive balanced information, to give voice to mayors, elected officials, and heads of decentralised services. All are afraid to speak out.

Authorisation is required to organise demonstrations and gatherings, which limits the number of demonstrations. However, it is during such occasions that the opposition manages to express itself more freely on the situation in the country. Even before the COVID-19 pandemic, authorisation for union protests was challenging to obtain. For example, a participant stressed that the Prefect of the Littoral Region (in south Benin, where Cotonou is located) declared a 'red line' not to be crossed by trade unions when organising protest marches through the streets of Cotonou.

There is ultimately a clear restriction of civic space in general, and citizens are afraid of being tapped.

Despite reprisals from authorities, panellists believe that there is often a lot of exaggeration by the general public, including the media. The urge to say something should not cause the media to publish information without a credible investigation. In such a context, the media refers to the authorities with expressions such as 'this power of thugs' and 'this power of bandits'. However, panellists believe that it is possible to say things by choosing the right words. One panellist pointed out that because of the persistence of such an attitude in certain media, the government had to pass laws to 'regulate people'.

Abuses are noted in public concerning the assertion of freedom of expression. One panellist cited the case of Angela Kpeidja, a journalist from the Benin Broadcasting Authority, who complained of sexual harassment on national television. Following this complaint, there have been many untruths about what citizens say about it or comment.

Scores:

Individual scores:

1	Country does not meet indicator					✓						✓	
2	Country meets only a few aspects of indicator	✓	✓	✓	✓		✓	✓	✓	✓		✓	
3	Country meets some aspects of indicator												
4	Country meets most aspects of indicator												
5	Country meets all aspects of the indicator												

Average score:

1.8

1.3 There are NO legal restrictions to freedom of expression or laws that interfere with the functioning of the media.

Due to abuse by the press and certain citizens, several provisions of the Digital Code have hampered freedom of expression in Benin. This could be perceived as a political stance to deter citizens from freely expressing themselves.

In addition, if Law 2017-44 of 5 February 2018 on the Intelligence Code was enforced, this would further restrict the freedom of expression. With this law, a citizen who receives information on his phone could even be targeted.

Law 2019-05 of 18 January 2019 on the organisation of national defence secrets poses another problem because it classifies art, culture and science as defence secrets, according to a panellist.

HAAC decision 21-002 (13 January 2021) regulated media activities during the pre-campaign period for the last presidential election due to COVID-19. Only a few media were selected to cover the campaign, while several others were banned. Panellists found this decision excessive as it unreasonably interfered with the functions of the media.

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
2	Country meets only a few aspects of indicator										✓		
3	Country meets some aspects of indicator												
4	Country meets most aspects of indicator												
5	Country meets all aspects of the indicator												

Average score:

1.1

1.4 Government honours regional and international instruments on freedom of expression and freedom of the media.

The African Charter on Human and Peoples' Rights, ratified by Benin in 1986, is part of the instruments that guarantee freedom of expression. This charter has been domesticated in national legislation.

Article 9 of the Charter states:

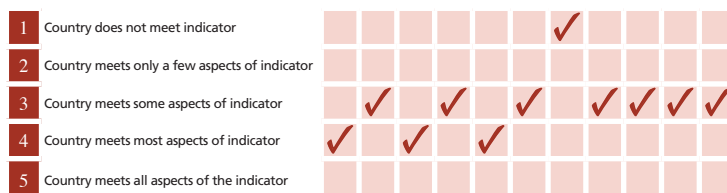
Everyone has the right to information. Everyone has the right to express and share their opinions under laws and regulations.

In general, the government abides by its international commitments in terms of regional and international instruments on freedom of expression and freedom of the press. Although panellists recognise certain compliance with these instruments, there is concern about their enforcement.

In addition, panellists noted a decline in recent years. For instance, in a letter dated 21 April 2020 to the African Union, the government withdrew the right from individuals and non-governmental organisations to directly submit complaints to the African Court on Human and People's Rights. Due to this, Benin has withdrawn from the Declaration of the Jurisdiction of the African Court on Human and Peoples' Rights.

Scores:

Individual scores:



Average score:

3.1

1.5 Print publications are not required to obtain prior authorisation to publish from state authorities.

The Information and Communication Code stipulates in Article 182:

The publication of any newspaper and periodical is free. However, for registration purposes, the edition of any newspaper or periodical is subject to prior declaration and legal deposit.

Article 183 adds: *Prior declaration must include:*

- *the subject of the publication;*

- the title of the publication and its frequency;
- place of publication;
- the name, first names and address of the publication's director;
- the surname, first names and address of the owner;
- receipt of registration fees, the amount of which is set by decree of the minister in charge of finance;
- the list of staff paid according to the provisions of the Beninese press collective agreement;
- documents relating to the business registration number (RCCM) of the publishing company.

Any modification relating to the conditions listed above is declared to the High Authority for Broadcasting and Communication (HAAC) within ten (10) days.

According to the provisions of Article 184 of the same code, prior declaration is to be submitted to HAAC on stamped paper, signed by the publication's director, for which a receipt is issued. HAAC then notifies the ministry in charge of the interior and the public prosecutor.

Panellists believe that the existence of these legal instruments discourages people from establishing a newspaper or a print publication in Benin. Legally, the country has a declaration regime, but several panellists think that this is an authorisation scheme, given the large number of formalities to be completed. Any promoter who wants his periodical to appear on the list of bodies recognised by the state must complete all these formalities. The owner is also obliged to register his magazine in Abidjan (Côte d'Ivoire), given the many formalities to be completed in Cotonou.

Even if the state does not prevent newspapers from publishing, it has developed a restrictive strategy with stringent conditions. Professional associations of journalists have demanded that the conditions be changed to clean the media sector up.

Scores:

Individual scores:

1	Country does not meet indicator									✓		✓					
2	Country meets only a few aspects of indicator								✓					✓			
3	Country meets some aspects of indicator						✓										
4	Country meets most aspects of indicator	✓		✓	✓						✓						✓
5	Country meets all aspects of the indicator		✓														

Average score:

3.1

1.6 Confidential sources of information are protected by law and/or the courts.

The Information and Communication Code has an entire chapter on the obligations of journalists and media organisations.

Article 35 of this code is devoted to sources of information. It states:

A journalist is bound by professional secrecy. He may neither disclose the sources and origins of information confidentially received, nor be compelled to do so.

While the law is very clear on the protection of sources, there have been cases where the prosecutor tried, during a hearing, to force journalists to reveal their sources. In 2019, journalist Ignace Sossou was arrested for publishing information that revealed a corporate titan's offshore accounts and shell companies. The prosecutor implicitly asked him to reveal his sources during his trial, which the journalist refused to do.

Law 2011-20 of 12 October 2011 on the fight against corruption and other related offences contains provisions that protect whistleblowers and witnesses.

Article 31 of this law highlights:

Within the framework of the repression of the offences contained in this law, whistleblowers, witnesses, experts, victims and their relatives as well as the members of the preventive bodies benefit from a special protection of the state against possible acts of reprisals or intimidation. The conditions of this special protection are defined by decree taken at the Cabinet meeting.

Article 32 adds:

Whistleblowers and witnesses may declare as their residence the address of the police station or the gendarmerie brigade. The address of these persons is then registered by the police authority that drew up the report, in a listed and initialled register that is opened for this purpose at the headquarters of the investigation service. The minutes then constitute a document of judicial investigations.

But a panellist pointed out that the institution responsible for enforcing this law was dissolved by the government and therefore believes that this law is no longer operational. Indeed, Law 2020-23 of 29 September 2020, amending and supplementing the Code of Criminal Procedure in its article 2 indicates:

This law that repeals the provisions of Law 2011- 20 of 12 October 2011 on the fight against corruption and other related offences in the Republic of Benin and all other previous contrary provisions, will be enforced as State law.

Scores:

Individual scores:

[illegible]

Average score:

4.4

1.7 Public information is easily accessible and guaranteed by law, to the public.

In a country where the Ministry of Communication was abolished and its powers transferred to the Ministry of Digital Technologies and Digitalization, and where for five years now, a law on access to information is still waiting to be passed in parliament, it is clear that public information is not easily accessible.

...any interference with the rights of access to information is punishable by administrative and/or judicial sanction.

However, Article 70 of the Information and Communication Code grants citizens the right to access public documents. It states:

Every citizen has the right to access documents or information held by a public body or by its officials in the exercise of their positions. This right is exercised over said documents or information, whether they are kept by the public body or by a third party.

Even Article 71 has warned public officials or bodies that *any interference with the rights of access to information is punishable by administrative and/or judicial sanction*.

But panellists believe that, while legislating on access to public documents, the code has many provisions that restrict such access. Many examples illustrate these restrictions. One panellist was not able to receive documents to work on the land legislation of the country; another is still struggling to obtain the decree governing higher education, and no one in the country knows the salary of the president or that of the ministers.

The panel has the strong feeling that since the enforcement of the Law on Defence Secrecy, the government has shut down specific sources of information, leaving no possibility for citizens, including journalists, to access this information.

Scores:

Individual scores:

Indicator	1	2	3	4	5
Country does not meet indicator					
Country meets only a few aspects of indicator					
Country meets some aspects of indicator					
Country meets most aspects of indicator					
Country meets all aspects of the indicator					

Average score:

2.5

1.8 Websites, blogs and digital platforms are not required to register with or obtain permission from state authorities.

In Benin, HAAC is responsible for authorising websites that provide information services. Part of Article 252 of the Information and Communication Code states: *Direct or indirect operation in the Republic of Benin, either free of charge or against payment, of a website providing audiovisual communication and print press services intended for the public is subject to the authorisation of the High Authority for Broadcasting and Communication (Haute Autorité de l'Audiovisuel et de la Communication).*

Article 254 sets the conditions to be fulfilled for *any request for authorisation to operate a website providing audiovisual communication and print press services intended for the public.*

This request must include:

- *the first and last names or denomination of the natural or legal person who operates the online service;*
- *the precise indication of the place of establishment of the site and the place of installation of the access and reception equipment;*
- *an honour pledge to abide by the specifications and the provisions of this law;*
- *a slip n° 2 of the criminal record;*
- *a morality investigation by the High Authority for Broadcasting and Communication.*

The authorisation request is made in writing on stamped paper and signed by the person who wishes to operate the site.

According to panellists, any media that wishes to launch a website backed by a print publication must also make a declaration at the personal data protection authority, and the website must be hosted with the domain name *.bj*, assigned to Benin. This allows HAAC to monitor the websites.

In July 2020, HAAC requested the suspension of all online media, pending confirming their existence through a specification book that HAAC sells. No follow-up has been given to the applications submitted thus far. Subsequently, HAAC launched a new procedure that requires applicants to provide new documents. The promoters are still awaiting a decision since early 2021.

Unlike websites, the creation or operation of blogs is not subject to any prior authorisation in Benin.

Scores:

Individual scores:

1	Country does not meet indicator			✓				✓	✓		✓	
2	Country meets only a few aspects of indicator	✓	✓			✓	✓			✓		
3	Country meets some aspects of indicator											✓
4	Country meets most aspects of indicator				✓							
5	Country meets all aspects of the indicator											

Average score:

1.9

1.9 The State does not seek to block or filter internet content unless in accordance with laws that provides for restrictions that serve a legitimate interest and are necessary in a democratic society and that are enforced by independent courts.

In April 2019, Beninese authorities cut off internet access during the parliamentary elections. In July 2018, the internet cost increased due to a surplus tax that many believe was a deliberate attempt to filter and restrict access. Panellists were not convinced of the legitimacy and legal foundations of these actions.

Decree No. 2018-341 of 25 July 2018 introduced a contribution to the consumption of electronic communication services provided by public networks. Article 3, paragraphs 1 and 2, state that the contribution is *5% of the price excluding service tax for all services (voice, SMS and internet) and 5 FCFA (0.009 US dollars) excluding tax per megabyte in the case of the internet access used to provide a service bypass (OTT platform⁵) or a social network platform.*

Law 2017-44 of 5 February 2018 on investigation is also mentioned as a source of problems concerning the tapping of certain citizens. The panel complained that tapping was usually not authorised a judge.

Scores:

Individual scores:

1	Country does not meet indicator		✓			✓	✓	✓	✓		✓	
2	Country meets only a few aspects of indicator			✓	✓					✓		✓
3	Country meets some aspects of indicator	✓										
4	Country meets most aspects of indicator											
5	Country meets all aspects of the indicator											

Average score:

1.5

5 OTT (Over-The-Top) set for platforms such as whatsapp, facebook, viber, etc.

1.10 Civil society in general and media lobby groups actively advance the cause of media freedom.

A panellist believes that the enthusiasm with which civil society mobilised to advance the cause of media has sharply fallen in recent years, and civil society is 'in the process of extinction in the country.'

Civil society is in the process of extinction in the country.

This is seemingly confirmed by the lack of engagement of civil society on important issues such as the national situation (including that of the media), restrictions due to COVID-19, preventing unions from holding public demonstrations, and the lack of clarity on the real mandate of the media.

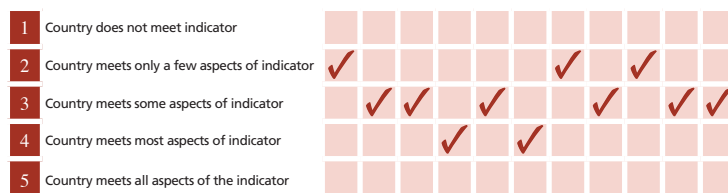
Fear often leads some unions to become less and less committed to being heard on certain issues. For example, there is a memo from a minister of education asking a certain teacher-unionist to choose between becoming a school principal or remaining a unionist.

Since the arrival of President Patrice Talon, many opinion leaders with strong personalities have accepted leadership positions in institutions, including in the media. A panellist remarked, 'When the music changes, the dance steps also change.'

Ultimately there has been a decline in commitment to the cause of the media, although panellists do recognise and appreciate the efforts of some civil society organisations.

Scores:

Individual scores:



Average score:

2.9

1.11 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Not all actors were involved in developing media laws such as the Information and Communication Code. Discussions involving some actors from civil society and the media were held when the Digital Code Act was being drafted; however,

certain consensus reached during these discussions were not included in the final code. The Benin Media Professionals' Union, the umbrella organisation of journalists' organisations and unions, was involved in developing the Digital Code, but its observations and proposals were not fully considered in the final document.

Despite this, there are generally 'protocol consultations' on laws, as was the case with the laws on information, personal data, and cyber security. However, these consultations are simply workshops consisting of media and civil society actors who share their opinions and observations, which are not largely not considered when drafting the new law.

The lack of consultation with the guardians of tradition on laws relating to society, in general, has also been noted in recent years in Benin.

Scores:

Individual scores:

1	Country does not meet indicator	✓												✓	
2	Country meets only a few aspects of indicator					✓	✓	✓	✓						✓
3	Country meets some aspects of indicator		✓	✓									✓		
4	Country meets most aspects of indicator				✓										
5	Country meets all aspects of the indicator														

Average score:

2.8

Overall Score for Sector 1:

2.6



SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, internet, mobile phones) are available and affordable to the public.

It is believed that radio is the leading source of information in the country.

On 16 March 2021, according to HAAC, Benin had 72 daily newspapers, 8 weeklies and 4 biweeklies. The country also had more than 90 radio stations, 15 television channels, including web televisions and news websites.

It is believed that radio is the leading source of information in the country, with more than 6 out of 10 citizens claiming to receive information from it almost daily.

Mobile phones are accessible in the country. In 2018, 9 million Beninese (of a population of 11 million) had a mobile phone subscription, according to a report published in 2020 on the *Evaluation of the development of the Internet in Benin: Use of UNESCO's ROAM-X indicators on Internet Universality*.

Mobile phones with internet access are also a source of information. However, panellists felt internet access remained a challenge for ordinary Beninese. A month of unlimited internet access costs approximately half of the minimum wage. MTN charges 20,000 CFA francs (USD36), for a month of unlimited data, with a reduction in speed after using 35GB. MOOV charges 15,000 CFA francs (USD27) for a month of unlimited data, with a reduction in speed after using 15GB.

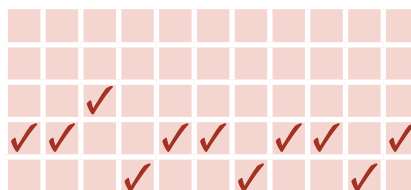
Despite the cost, a large proportion of the population is prepared to pay. In March 2021, the Benin Regulatory Authority for Electronic Communications and Posts indicated that 70.40% of the population had access to mobile internet through the two providers (MTN and MOOV). Some panellists questioned the fairness of this penetration and the integrity of the figures reported concerning urban centres as opposed to rural and disadvantaged areas.

Social media and the many online news sites are also sources of information for Beninese.

Scores:

Individual scores:

1	Country does not meet indicator
2	Country meets only a few aspects of indicator
3	Country meets some aspects of indicator
4	Country meets most aspects of indicator
5	Country meets all aspects of the indicator



Average score:

4.2

2.2 The public access to domestic and international media sources is not restricted by state authorities.

According to the Information and Communication Code, everyone has the right to access the media in order to be freely informed and enjoy their freedom of expression. Moreover, the law grants the president of Benin the prerogative to communicate without limitation and without any restriction on state-owned media.

However, his interventions as party leader are counted in a monthly time slot allocated to his political party and treated as such.

HAAC also ensures fair access for political parties and alliances of political parties to state-owned media that are entitled to, in addition to the monthly time slot, an extra quota determined by the number of their parliamentarians in parliament.

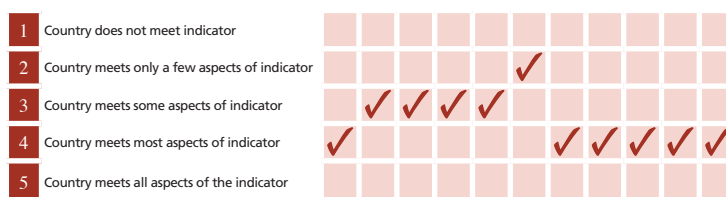
This apparent advantage hides a certain restriction among ordinary citizens. In recent years, citizens' access to several media has been restricted. Indeed, since December 2019, *Soleil FM*, a private radio station, no longer transmits because HAAC did not renew its license. *Soleil FM* (owned by Mr Sébastien Ajavon) had a reputation of broadcasting critical opinions against the government.

The private television channel, *Sikka TV*, also owned by Mr Sébastien Ajavon, was accused of broadcasting without prior authorisation and violating the authorities' requirements. *Sikka TV* has also been withdrawn from Benin's satellite space and is currently inaccessible in the country. However, it can be watched outside Benin on its YouTube channel.

In recent years, no signal from any international media has been cut by the authorities.

Scores:

Individual scores:



Average score:

3.5

2.3 The editorial independence of the print media published by a public authority is adequately protected against undue political interference.

The editorial independence of the state-owned print press is not adequately protected. Founded more than 50 years ago, *La Nation* newspaper is the only daily newspaper. There is also the Benin Press Agency (ABP).

La Nation has lost its editorial neutrality.

The panellists think that *La Nation* has lost its editorial neutrality and has had two clear editorial trends in recent years. Until 2016, under President Thomas Boni

Yayi (in power from 2006 to 2016), the newspaper appeared to have editorial neutrality. But since the advent of the current regime, *La Nation* seems to publish articles deemed to be propaganda and in favour of the government. This has been accentuated with recent changes in its management and editorial team.

Ultimately, the newspaper is beginning to lose the confidence of a large part of the public who perceive its editorial policy to focus on promoting government action, praising the president and discrediting critical opinions.

Scores:

Individual scores:

1	Country does not meet indicator		✓	✓	✓	✓	✓		✓		✓	
2	Country meets only a few aspects of indicator	✓						✓		✓		✓
3	Country meets some aspects of indicator											
4	Country meets most aspects of indicator											
5	Country meets all aspects of the indicator											

Average score:

1.4

2.4 Transparency of news media ownership is guaranteed by law and enforced.

The issue of transparency of media companies, from newspapers to radio and television channels, seems to be covered by the law.

Under Article 187 of the Information and Communication Code, each edition of any newspaper or periodical must bear the first and last names of the publication director and the owners, the full address of the newspaper's head office, its frequency, place of publication, price and number of copies printed.

In addition to this, the names of the editorial staff, the International Standard Serials Number (ISSN), the name of the publication and the full address of the printing house where the newspaper is printed.

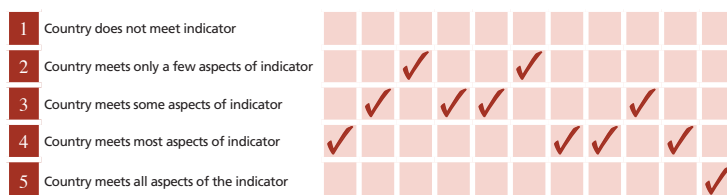
For a private non-commercial sound broadcasting company to be authorised, it must belong to an association or a natural or legal person, according to the terms of Article 235 of the Information Code.

According to a provision of Article 238, to be authorised, a private commercial television broadcasting programmes by terrestrial Hertzian waves must be a company under Beninese law, having a capital of at least fifty million CFA francs (USD90,000).

But in practice, panellists feel there are a lot of figureheads in the ownership of private media companies.

Scores:

Individual scores:



Average score:

3.4

2.5 Adequate legislation/regulation seeks to promote competition and prevent media concentration and monopolies.

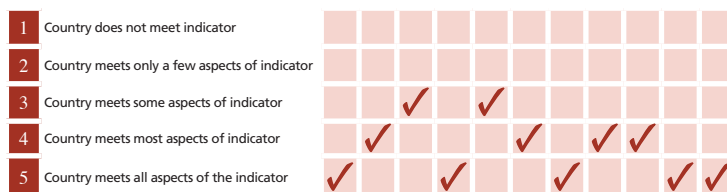
Due to legislation, media concentration and monopolies do not seem to be a problem in Benin.

In Article 16 of the Information Code, a natural person or a private legal person cannot own more than one outlet of the same category at the same time. However, they may own several media outlets of different categories.

In other words, vertical concentration is allowed, but horizontal concentration is not. Therefore, it is legal to own a television, radio station and print media simultaneously. But not to own several print media outlets, several radio stations, or several television stations simultaneously. The law does not prohibit media companies from owning advertising and communication agencies.

Scores:

Individual scores:



Average score:

4.3

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

Funding of state-owned media has been a practice for more than two decades. State aid to the private press has been legislated through the Information and Communication Code. However, the media have not received any state help for the past five or six years.

According to Article 37, the state grants aid to private media outlets through the general state budget. This aid can be direct or indirect. The following media are entitled to it: dailies or periodical publications, sound or television broadcasting channels, online media, and projects of common interest.

The Information and Communication Code adopted in 2015 also instituted a Media Development Support Fund (FADEM). FADEM is managed by a committee composed of a representative of HAAC, a government representative, and three representatives of professional media unions. All committee members have been assigned; however, FADEM is not yet fully operational.

Legally, facilities can be granted to private press companies through a special favourable tax regime that can be a tax waiver, reduction or exemption. But to enjoy it, the press company must provide proof of the enforcement of the collective agreement provisions applicable to the personnel of the private media.

The state-owned media, *Agence Bénin Presse* (national television and radio), and *La Nation* (daily newspaper) fall under the supervision of the Ministry of Digital Technologies and Digitalization (formerly the Ministry of Digital Economy and Communication). Its 2019 management budget increased by 17.71%, amounting to 25,742,805,000 CFA francs (USD47 million).

Despite the budget increase of their umbrella ministry, state-owned media are underfunded, although no one knows the exact budget of ORTB. Three years ago, parliament pleaded for an increase in its budget.

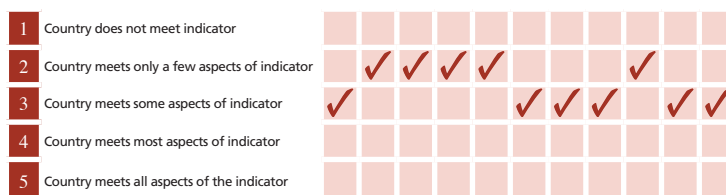
Moreover, one of the recommendations of the special report of the second session of the 2018 National Assembly to the former ministry of the Digital

Economy and Communication was 'to strengthen the budget allocation of the ORTB, in order to enable it to guarantee good media coverage.'

In addition, the law established the financing of state-owned media through state subsidies, royalties submitted annually for approval by the National Assembly, advertising revenues, donations and bequests.

Scores:

Individual scores:



Average score:

2.5

2.7 All media fairly represent the voices of all gender.

The impression that emerges from observing the Beninese media is that men are given more coverage than women, although this trend has started to change in recent years.

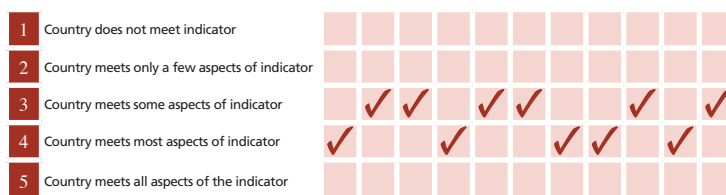
Beninese society has generally conditioned women to avoid showing themselves too publicly. But according to panellists, this is a cultural way of showing respect towards the sacredness of women.

There is no hostile environment towards women's access to the media. Radio, television and newspapers cover activities linked to women and develop related programmes.

However, a panellist stated that female leadership in civic space remains a challenge in the country, as highlighted by Social Watch-Benin's reports list.

Scores:

Individual scores:



Average score:

3.5

2.8 All media fairly represent the voices of minorities in society in their ethnic, linguistic and religious diversity.

Some media avoid LGBTI content.

In a society that has not yet fully integrated minorities such as homosexual, bisexual, transgender or intersex (LGBTI) people, it is difficult for the media to give them comprehensive coverage. The main reason is the

widespread hostility towards the LGBTI community, and according to panellists, some media avoid LGBTI content.

Thus, LGBTI communities are sceptical when they receive invitations from the media. However, online media have occasionally published information from LGBTI people who have successfully expressed their views. Even then, other journalists may lash out at their colleagues. Thus, for example, in a WhatsApp group of the UPMB *Forum Café Média*, journalists openly criticised others who had published information on lesbians.

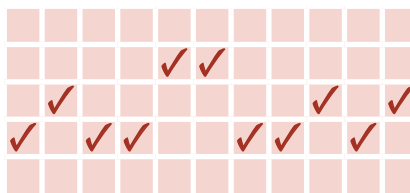
Compared to other minorities, the media generally provide pay-per-view coverage, which panellists feel is unfair. For example, they can host a show about people with albinism on World Albinism Day or one about people with disabilities on World Disability Day.

Radio stations broadcast information and programmes in local and national languages and take linguistic minorities into account. However, followers of endogenous religions believe that their voices are not sufficiently represented compared to imported religions.

Scores:

Individual scores:

1	Country does not meet indicator
2	Country meets only a few aspects of indicator
3	Country meets some aspects of indicator
4	Country meets most aspects of indicator
5	Country meets all aspects of the indicator



Average score:

3.4

2.10 Private broadcasters deliver a minimum of quality and public interest programmes.

There are quality programmes on private radio stations. Panellists feel that most private radio stations are more open to the public than the state-owned media, as they adapt their content to the citizens' profiles and interests.

Cited as examples, private radio station *Radio Bénin Culture* of Porto-Novo and radio *Tokpa* both offer quality programmes, including large-format debates and a forum for discussing the news.

Scores:

Individual scores:

[illegible]

Average score:

3.7

2.11 The country has a coherent and comprehensive ICT policy framework, and/or the government promotes and implements measures that meet the public's information needs, including underserved communities.

Benin has a policy and legislation on Information and Communication Technologies (ICT) and their usage.

Article 2 of the Digital Code, adopted in June 2017, states:

The purpose of this Digital Code is to govern:

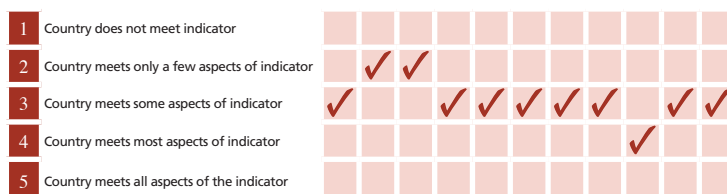
1. activities relating to electronic communications networks and services;
2. electronic tools;
3. digital economy trust services;
4. electronic commerce;
5. protection of personal data, and cybercrime and cyber security.

Panelists feel that the implementation of the ICT policy poses a problem as the national strategy to implement it is not coherent. Communities remain underserved by ICTs, and there is a worry that authorities will misuse the law on personal data.

In addition, the institutional architecture has changed with the creation of the Ministry of Digital Technologies and Digitalisation in 2019.

Scores:

Individual scores:



Average score:

2.9

2.12 The Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

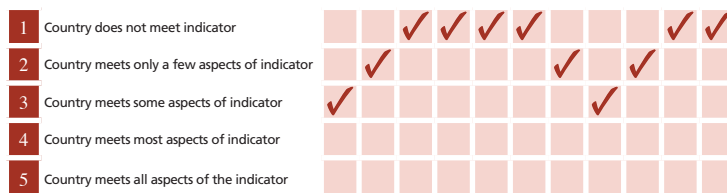
Any media that openly criticise the government could be refused state advertising in a country where this market is already very small. Private companies who advertise with media critical of the government also risk tax adjustments. This is the current practice in the country.

Community radios are no exception. Community radio station, *Deeman* in Parakou (North), was deprived of advertisements due to conflict with a former mayor. The conflict was because the municipality owed 15,000,000 CFA francs (USD27,000) to the radio station.

To get around the scarcity of available advertising and possible repercussions from the state, certain media companies, particularly radio stations, have set up what they call a 'triangular norm economic model'. This model begins with creating a satisfied audience for the programmes. Then the radio stations try to understand the needs of their listeners. Finally, they ensure that listeners continue to listen with a participatory approach so that advertisers come forward.

Scores:

Individual scores:



Average score:

1.6

2.13 The advertising market size can support a diversity of media outlets.

The size of the Beninese advertising market is unknown. There is no mechanism or agency dedicated to developing and evaluating it. The country does not have a specific law that organises and regulates advertising, and there is only one chapter in the Information and Communication Code that deals with advertising in the media.

Article 177 reads:

The High Authority for Broadcasting and Communication controls the content of advertising messages. To this end, an advertisement verification authority is established by regulation under the High Authority for Broadcasting and Communication authority. It is responsible for ensuring the application of legal provisions relating to advertising and broadcast sponsorship.

Advertisement broadcasts are authorised if they comply with the constitutional order, all specific legislative and regulatory provisions in force, and competition rules.

The media that generally receive more publicity are ORTB, *La Nation*, *Matinal*, *Fraternité*, *Matin Libre* and *Canal 3*. *La Nation* seems to receive the largest share of advertisements in the print press, with calls for tenders from almost all companies, even though it has the highest advertising rates (about double that of other newspapers).

Some community radio stations receive advertisements, but this must not exceed 10% of their revenue. Media located outside the capital do manage to receive some advertising. In Parakou, *Radio Parakou* receives the biggest share of advertising, followed by *Fraternité*.

Given the sizeable local audience for international television and radio channels, certain media such as *RFI* (*Radio France Internationale*) and *Canal Plus* manage to get advertisements directed towards the country.

Scores:

Individual scores:

[illegible]

Average score: 1.8

Overall Score for Sector 2: 3.0



SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation is passed and implemented and provides for a conducive environment for public, commercial and community broadcasting.

HAAC governs public, private and community broadcasting in Benin under the Information and Communication Code.

A radio and television installation and operation agreement is signed between the person who requests it and HAAC on behalf of the state.

The law also regulates broadcasting content, and broadcasters must include multiple quality public interest programmes. In addition, they must promote democratic debate, citizen training, exchanges between various components of society, social integration and development at all levels, including the promotion of values contributing to building the nation.

Although there are regulations, implementation is lacking.

In general, panellists believe that although there are regulations, implementation is lacking.

Scores:

Individual scores:

[illegible]

Average score:

4.2

3.2 Broadcasting is regulated by an independent body adequately protected against interference by law and whose board is appointed in an open and transparent manner involving civil society and is not dominated by any particular political party.

The broadcasting sector is regulated by HAAC, which consists of nine members, appointed as follows: three by the Bureau of the National Assembly, three by the president of the Republic, and three by the corporation of Professional Journalists and Broadcasting and Telecommunications Technicians. The term of office is five years, which is renewable.

The board has a president, a vice-president and two rapporteurs assisted by an administrative secretariat. While the president of HAAC is appointed by decree during a cabinet meeting, after consultation with the president of the National Assembly, the other board members are elected by their peers through a secret ballot and by absolute majority.

To be a member of HAAC, you must be of Beninese nationality, enjoy all your civil and political rights, have resided in the territory for at least one year, and have relevant professional experience of at least ten years.

Panellists recognised that some members of HAAC displayed independence in recent years, but panellists are reserved on the independence of others, including the current president.

Panelists believe that articles within the law that relate to the composition of HAAC members are not balanced. They provide for three professional journalists and 'six politicians' who are essentially members of the 'monochrome presidential majority'.

Scores:

Individual scores:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator	
5	Country meets all aspects of the indicator	

Average score:

2.1

3.3 The body that regulates broadcasting services and licensing does so in the public interest and ensures fairness and diversity of views representing society at large.

HAAC assigns authorisations for broadcasting and frequencies under Article 35. It stipulates that frequency allocation permission for sound broadcasting, terrestrial Hertzian television, or satellite are issued to private persons following the agreement's provisions already signed and based on a technical report presented by the minister in charge of communications.

Apart from the license renewal rejections of *Soleil FM* and *Sikka TV*, the panel made no reference to any other license rejections or license suspensions in recent years by HAAC.

Scores:

Individual scores:

1	Country does not meet indicator		✓			✓	✓	✓						✓
2	Country meets only a few aspects of indicator	✓							✓	✓	✓			
3	Country meets some aspects of indicator				✓								✓	
4	Country meets most aspects of indicator													
5	Country meets all aspects of the indicator													

Average score:

1.7

3.4 The public/state broadcaster is accountable to the public through an independent board that is representative of society at large and selected in an independent, open and transparent manner.

Law 20-2020 of 2 September 2020 on the creation, organisation and operation of state-owned enterprises now governs the Benin Broadcasting Authority (ORTB). According to its by-laws, it aims to control state broadcasting.

Article 11:

Public institutions and state-owned companies are administered by a board of directors composed of at least three (03) members and at most seven (07) members, subject to the exemption provided for by the Uniform Act of the Organisation for the Harmonisation of Business Law in Africa, in the event of a merger. The composition of the Board of Directors includes:

- *the representative of the ministry in charge of the company's business sector;*
- *the representative of the ministry in charge of economy and finance;*
- *representatives of other ministries, organisations or institutions provide for in the by-laws.*
- *The number of members of the Board of Directors is specified in the company's by-laws.*

Article 12 states:

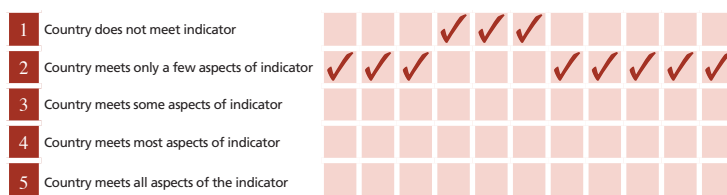
The members of the boards of directors of public institutions, state-owned companies, and representatives of the state within the boards of directors of semi-public companies are civil servants or non-civil servants appointed by decree taken at a Cabinet meeting. They must demonstrate proven experience in the relevant fields of the sectors or institutions they represent. They must carry out their missions in close collaboration and under the supervision of the heads of the state-owned institutions they represent. Before being appointed directors, non-civil servant executives must be in a contractual relationship of subordination with the public administration.

The new law reduced the number of ORTB board members from seven to five. As with all other state-owned companies, the board includes representatives from the Ministry of Digital Technologies and Digitalisation, the Ministry of Economy and Finance and three others. Representatives of employees no longer sit on the board. Workers and their unions, including the ORTB journalists' union, are not represented.

Panellists feel that reducing board members and removing workers and journalists, has removed openness, independence and transparency. At the very most, it is a Board of Directors that only defends the government's interests.

Scores:

Individual scores:



Average score:

1.7

3.5 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised to ensure balanced and fair news and current affairs programmes.

ORTB is under powerful political influence. Each director-general appointed must be able to accept 'the mood swings' of the president of the Republic who, according to a participant, is the editor in chief.

The president's collaborators 'come in any time with an element relating to his activities to be broadcast.' It will be prominently broadcast in the next newscast. Any delay in disseminating the press release of the weekly cabinet meeting is not tolerated.

ORTB journalists believe they are not influenced in their work. However, a journalist said, 'Things like that were not liked at the top-level.' A participant reported that, in the context of the production of a documentary on traditional hunters, a reporter was 'kindly' told not to approach the topic 'at this angle'.

Some panellists believe that it is necessary to reflect on the presidency's communication division to clarify its relationship with state-owned media. Currently it seems to dictate to state-owned media, especially regarding television news content. It is also necessary to clarify the statutes between state media and state-owned media.

Scores:

Individual scores:

1	Country does not meet indicator				✓		✓							
2	Country meets only a few aspects of indicator		✓	✓		✓		✓	✓	✓	✓	✓		
3	Country meets some aspects of indicator	✓												✓
4	Country meets most aspects of indicator													
5	Country meets all aspects of the indicator													

Average score:

2.0

3.6 The state/public broadcaster is adequately funded in a manner that protects it from political interference through its budget and from commercial pressure.

The exact budget of the ORTB is not known. The company's budget information is not available, and there is no official figure. Rumours that are difficult to verify have alleged a budget of about 6 billion CFA per year (about USD10 million).

Panellists recommended reviewing the mode of financing to make it more transparent. For five years, the government has not provided the financial means for ORTB to purchase quality equipment. For example, the ORTB has not purchased any vehicles during the new regime. There are social security and health insurance payment arrears. Nevertheless, an ORTB investment and financing project is currently underway.

The majority of ORTB workers are not civil servants. At most, the government pays the salaries of the civil servants of the ORTB, and the company pays bonuses through advertising revenue.

Scores:

Individual scores:

1	Country does not meet indicator		✓		✓						✓			
2	Country meets only a few aspects of indicator	✓				✓	✓	✓	✓			✓	✓	
3	Country meets some aspects of indicator				✓									
4	Country meets most aspects of indicator													
5	Country meets all aspects of the indicator													

Average score:

1.8

3.7 The state/public broadcaster offers diverse programming and formats that cater for all interests, including local content and quality public interest programmes.

On national television, news broadcasts and certain programmes are propaganda, according to some participants. The 8 pm daily TV news remains tiring for the public, especially on Wednesdays, the day of the weekly cabinet meeting. The

The news report ... Wednesday evening's cruel asthenia.

news report on Wednesday is therefore very long and described by a panellist as 'Wednesday evening's cruel asthenia.'

This shows that the 8 pm daily TV news has been 'desecrated because ORTB's programmes do not take the concerns of everyone [into account], especially opponents of the current regime.' Moreover, from the point of view of endogenous cultures, much remains to be done for adequate programming.

However, the morning shows remain well produced and are broadcast on the ORTB main channel, leading panellists to say that there has been a lot of effort in the last ten years. Two other quality programmes on national television are those devoted to women, called *Gnonouho* (Women's issues) and *Boulevard des femmes* (Women's boulevard). In addition, the second TV channel, *BB 24*, also has quality programming.

The national television has a social media presence, including Facebook. As for the national radio, it broadcasts quality programmes and has new programmes that highlight efforts of diversification and addressing listeners' concerns in the main national languages.

Scores:

Individual scores:

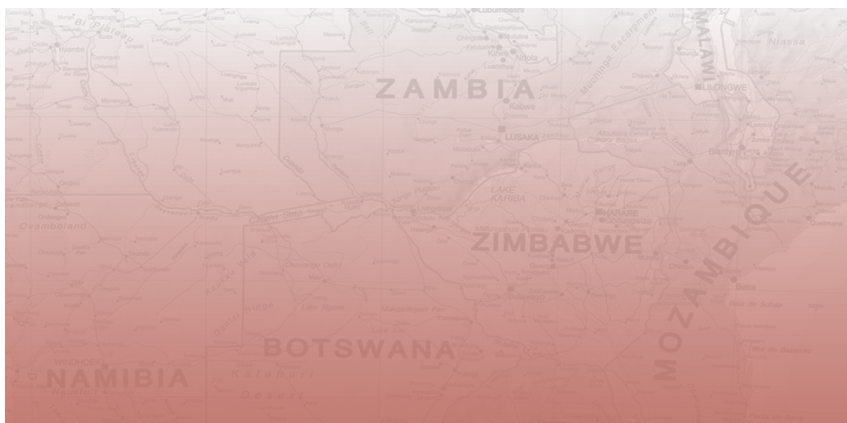
[illegible]

Average score:

3.0

Overall Score for Sector 3:

2.4



SECTOR 4:

The media practise high levels of professional standards.

4.1 The standard of reporting follows the basic principles of accuracy and fairness.

Information published by online media, except for a few such as *Banuto* news, is often unbalanced with notorious violations of ethical rules.

When reading information published by online media, a reader would first wonder about the source and the level of credibility. Sometimes 'readers are afraid' when they read certain headlines and content on online press.

...single source, unjust source and zero sources...

The formula 'single source, unjust source and zero sources' was also used by a participant to describe the lack of cross-checking of information generally published by online media with excessive use of the conditional mode that demotivates the reader. Additionally, most of these media monetise their content with Google to earn money.

The strong desire to have exclusives pushes the media to publish false and unverified information only to publish an apology later. For example, someone relayed information from *Benin Web TV* that CRIET had summoned journalist Angela Kpeidja. The information was subsequently deleted. The truth was that Angela Kpeidja had filed a complaint against her publisher, who would have circulated the electronic version of her novel.

This led panellists to accept that the media tend to disregard basic principles of accuracy and fairness in handling information. They put 'pieces of information' in the headlines without the necessary verification effort. Even newspapers reputed to be credible do it without publishing an apology or correction the next day.

Panellists said that certain newspapers had turned the act of publishing inaccurate information into a business model. A participant mentioned that two newspapers who follow this practice (*Le Potentiel* and *Béninois Libéré*) often do so with the intention of causing harm. Another apparent motivation for this is to extort money from a person about whom fake news has been written in order to apologise the next day.

According to the participant, *Le Potentiel* once published on its front page that the dean and the vice-dean of the public university of Abomey-Calavi refused to sign the certificates of achievement of the students. This was fake news, and the newspaper published an apology the next day.

Béninois Libéré also published a piece of information that unjustly accused a person, and the next day, they simply apologised.

Matin Libre, a popular and well-known newspaper, once wrote that soldiers had invaded a campus. Another fake news article that the newspaper did not withdraw in its next issue.

Panellists strongly objected to HAAC-authorised newspapers freely accusing honest citizens. As further proof, they mentioned at least five newspapers that are regularly accused of defamation. They are followers of what one participant calls 'deliberate defamation'.

Often, the workers are not qualified journalists with proven professional practice but rather 'mercenaries of the pen and the microphone, information bargainers who have no mercy.'

In addition, it is often noted that when covering an event, several journalists will ask the organisers what they would like them to write. As professionals, journalists should focus on giving an accurate account. In addition, the treatment of political subjects reveals high levels of mass manipulation.

However, panellists believe that there are success stories and mentioned editors who write professionally and are concerned with accuracy and reporting the truth.

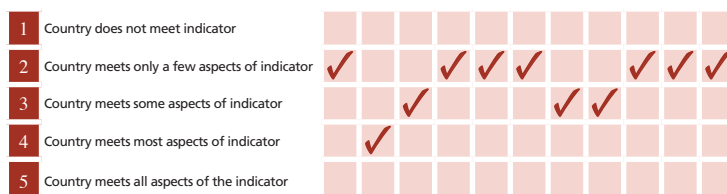
Concerning broadcasting, panellists believe that the issue of inaccuracy is not the same as in newspapers because sound elements are used and, therefore, more difficult to manipulate.

Regarding fairness of information, some newspapers offer themselves 'to the highest bidder who will therefore be the most present in their columns.' As for community radios, the most covered seems to be the mayor of the locality. The microphone is always handed to him when there is either a religious or sporting event, even though there are other voices of interest available.

On national television, the lack of fairness is perceptible in political news coverage. For example, when the opposition organises a press conference, the television station does not always cover it. But as soon as the followers of the government respond, the national television broadcasts it.

Scores:

Individual scores:



Average score:

2.5

4.2 The media follow voluntary codes of professional standards, that are enforced by independent/ non-statutory bodies that deal with complaints from the public.

Established on 3 May 1999, Media Ethics Observatory (ODEM) is a peer tribunal that promotes professionalism and ensures that the media respect the code of ethics that governs their profession under the Information and Communication Code.

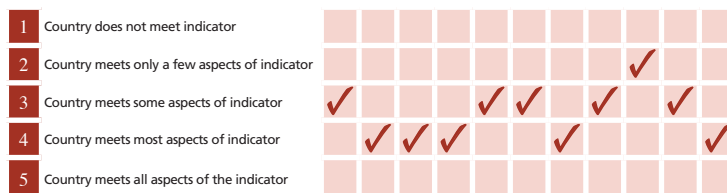
There is a national code of ethics for journalists implemented by ODEM. The observatory quite often receives complaints from the public.

However, ODEM has gone through a structural crisis during the past three years following the revealing of certain misconducts. The president of ODEM resigned, and the vice-president took over. For six months now, ODEM has not rendered any decisions on violations of the standards of the journalist profession. Panellists feel that ODEM is struggling to take off again because of financial issues that prevent it from even paying the rent of its offices. A panellist reassuringly said, 'The crisis will end soon.'

Événement Précis is the only newspaper known to have an editorial charter.

Scores:

Individual scores:



Average score:

3.4

4.3 Salary levels and general working conditions, including safety, for journalists and other media practitioners, are adequate.

According to the Collective Agreement of Media Workers, the minimum monthly salary of a journalist and other media professional is 77,000 CFA francs (USD150). However, a journalist or media professional employed by state-owned media can expect to earn double this amount (150,000 CFA francs, about USD280).

To help press companies cope with certain social expenses, an aid of 500,000 CFA francs (approximately USD900) was granted to each recognised media organisation that applied to receive the aid.

In addition, the government offered a grant of 3-20 million CFA francs (between USD5,500 and USD36,000) available subject to a call for applications. Among the application requirements, media companies needed to demonstrate that they were up to date with accurate and regular payslips, tax declarations, payment slips and employee social security payment certificates. Barely a quarter of the existing media companies met these requirements. To enjoy this subsidy, some companies made false declarations and forced their employees to play the game.

Unfortunately, over the last five years, state aid to the private press has not been allocated and has fallen under the umbrella of FADEM, which is not yet operational.

In addition, for more than eight years, HAAC has made radio station renewal agreements subject to the payment of social security and taxes. Radio stations had to pay arrears to renew their agreements.

Scores:

Individual scores:

[illegible]

Average score:

1.9

4.4 Journalists and other media practitioners are organised in trade unions and/or professional associations, that effectively represent their interests.

The Benin Media Professionals' Union is an umbrella for associations and unions of media professionals. It even has a women's unit.

In the public service, *Agence Bénin Presse* has two workers' unions, and the daily *La Nation* has one. ORTB also has a union, Benin Broadcasting Workers' Union, a member of the Benin Confederation of Autonomous Trade Unions. The state-owned company also has a women's unit. The country has a branch of the Women Journalists' International Network.

Even if their missions are to protect the rights of journalists, promote solidarity and defend the cause of freedom of the press, panellists feel that unions do not fight for the interests of journalists. They also do not use the opportunities offered to them to build the capacity of journalists.

Press employers are also organised as the National Council of Broadcasting Employers.

Scores:

Individual scores:

1	Country does not meet indicator												✓		
2	Country meets only a few aspects of indicator														
3	Country meets some aspects of indicator			✓		✓	✓		✓			✓			
4	Country meets most aspects of indicator	✓	✓		✓			✓						✓	
5	Country meets all aspects of the indicator														

Average score:

3.3

4.5 Journalists and media houses have integrity and are not corrupt.

In Benin, the socio-political environment seems to favour corruption in the media. One participant referred to the media sector as a 'fraudulent environment' to describe and show the level of perversion in the sector.

There is also the persistence of 'non-aggression pacts' in the media sector, a kind of gentleman's agreement that ensures that a media house does not publish negative information about companies or personalities who advertise with it. This situation confirms that journalists and companies do not necessarily have integrity.

The media face survival corruption because the hand that gives is the hand that commands.

The difficult living conditions also keep the media open to corruption and lack of integrity. As one participant said metaphorically, 'It's

hard to expect a tiger to be vegetarian by throwing a piece of meat at it every morning.' This means that the media face 'survival corruption because the hand that gives is the hand that commands.'

Scores:

Individual scores:

1	Country does not meet indicator			✓								✓		✓	
2	Country meets only a few aspects of indicator	✓	✓		✓	✓	✓	✓	✓		✓				
3	Country meets some aspects of indicator														
4	Country meets most aspects of indicator														
5	Country meets all aspects of the indicator														

Average score:

1.7

4.6 Journalists and editors do not practice self-censorship in the private broadcasting sector and in the private print press.

Self-censorship is practised in the Beninese press.

Some media engage in self-censorship because they have signed 'non-aggression pacts' with those in power. Others practice self-censorship because they have strong relationships with the opposition and do not publish unfavourable information against it.

A panellist used the expression 'economic self-censorship' to illustrate that many journalists prefer to have their byline removed from an investigation or a programme, even if it is well-prepared and cross-checked because they fear repercussions. A journalist once requested that his name be removed from the bottom of an article 'because the children at home must eat.'

The fear of reprisals on their physical safety also pushes some journalists to practice self-censorship. Several media refrain from publishing facts of serious sensitivity, which is not only for ethics but also social responsibility.

Scores:

Individual scores:

1	Country does not meet indicator			✓						✓	✓	
2	Country meets only a few aspects of indicator	✓	✓			✓						✓
3	Country meets some aspects of indicator						✓	✓				
4	Country meets most aspects of indicator				✓				✓			
5	Country meets all aspects of the indicator											

Average score:

2.3

4.7 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

During the last decade, media training options have increased in Benin. This offers a variety of choices in terms of continuing education for journalists who are already practising, students or baccalaureate holders.

One of the most highly rated training schools for journalists is the National School of Information, and Communication Sciences and Technologies (ENSTIC), established in 2011 at the University of Abomey-Calavi. Students enter ENSTIC after an entrance examination or a review of their application documents.

According to the baccalaureate holders' orientation guide, Benin has 14 private journalism and communication training institutes. Among them are the Higher

School of Administration and Economics, the Higher Institute of Media and Broadcasting, the Higher School of Management and Technology, and the Higher School of Management and Journalism.

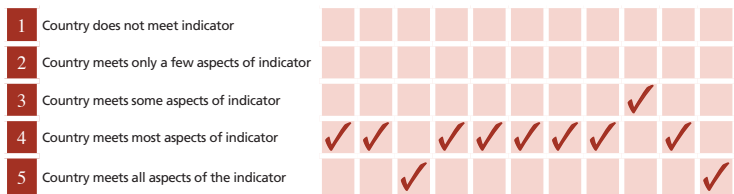
Panelists were enthusiastic about the diverse training available for journalists and communication professionals in Benin. In general, the curriculum has strongly progressed with an emphasis on practice. In this context, some schools or institutes are building partnerships, for example, to set up a ‘radio as school’, or ‘newspaper as school’. The Higher School of Administration and Economics has a web television, a radio and a newspaper.

All this enables the training of fairly versatile professionals, such as journalists, who can also learn to edit or do computer graphics.

At the *Maison de la Presse*, journalists can strengthen their capacities under the ‘Café Média Plus’ initiative. There is also a project called ‘Dialogue Citoyen Benin’ facilitated by *Canal France International* and community radios over the last four years in the management of radios and continuing training of journalists and whose logistics operator is the CSID6 Benin located in Parakou.

Scores:

Individual scores:



Average score: 4.1

4.8 Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media house.

In the Beninese state-owned media, a very small percentage of women are promoted to leadership positions. On national television, there are only three women out of the 11 department heads. On national radio, there are only two women in leadership positions.

In the private media, the situation is hardly better.

The newspaper *Kinikini* (Le Lion) is led by Mrs Evelynne Quenum, its publication director. The promoter of *Canal 3* television is Mrs Berthe Kapossa, the director of the channel is Mrs Abiath Oumarou. Radio *Tado FM*, located in Abomey-Calavi,

6 Center for Solidarity and Initiative for Development (Centre Solidarité et Initiative pour le Développement) (<http://csidafrika.org/benin/>)

is run by a woman. The online media *Reporter Benin Monde* is led by Peace Hounyo.

But in general, panellists believe that the situation is set to change in almost all media houses because, within three years, women will be the majority of those who graduate from journalist training schools.

In the media, the issue of sexual harassment is a concern. ORTB journalist Angela Kpeidia and two other female journalists claimed to have been harassed. A group of female members of an organisation mobilised for Angela Kpeidia. However, the reality is that when a harassed female journalist refuses to give in, she will not have the chance to enjoy advancement in the profession.

The UPMB has also set up a legal support unit to assist women victims of sexual harassment. A tool for monitoring cases of violence has also been put in place. On 3 March 2021, the UPMB began to implement its action plan to combat this with the support of Dutch cooperation.

The media does not seem to practise ethnic distinctions in their recruitment; however, most faith-based radios only recruit journalists of the same religion as the denomination for which the radio is established.

Scores:

Individual scores:

[illegible]

Average score: 3.1

Overall Score for Sector 4: 2.8



FOLLOW-UP QUESTIONS

1. What were the developments in the media environment in the last three to four years?

Positive Developments

- Improvement in basic education, training and further education for journalists.
- Increase in the mobile internet penetration rate (70.40% as of 31 March 2021), according to ARCEP.
- Improvement in coverage of emerging issues by media (such as climate change, agriculture, entrepreneurship, violent extremism and gender).
- A tendency towards the specialisation of journalists.
- An increased presence of women in decision-making positions in the media.
- The emergence of online media.

Negative Developments

- High cost of the internet.
- Restriction of civic space through the passing of new laws and decisions (for example, the law on defence secrecy, decision 21-002 / 13 January 2021 regulating media activities during the pre-campaign of the 2021 presidential election).
- Decrease in media funding, absence of aid to the private press since 2015, non-application of the Journalists' Collective Agreement, lack of organisation of advertisements and the absence of an economic model guaranteeing the independence of the media.
- Increase in fake news in the media.
- Abolition of the Ministry of Communication.
- Increase in attacks on freedom of the press (arrests of journalists, weak protection of freedom of the press by HAAC).

2. What kind of activities are needed over the next three / four years?

- A workshop to launch and disseminate the 2021 African Media Barometer report in Benin.
- Workshops on the economic model of the media (advertisements, messaging, media sustainability).
- Code of ethics review workshop.
- Scientific investigation into the freedom of the press in Benin.

Panellists:

Media (list in alphabetical order of surname):

1. Armel Dossou-Kago, Journalist and trade unionist
2. Dorice Djeton Goudou, Journalist, media and information literacy expert
3. Gaston Yamaro, Journalist, community radio expert
4. Gerard Guedegbe, Journalist, communication and media strategies expert
5. Jean Claude Dossa, Journalist, head of Media Professionals' Union
6. Dr Wenceslas Mahoussi, Digital media expert, lecturer of Information and Communication Sciences

Civil Society (list in alphabetical order of surname):

7. Ayabavi Aubierge Glonou Agbozognigbe, Union leader
8. Brice Houssou, Media law lawyer
9. David Koffi Aza, Leader of National Council of Endogenous Cults of Benin
10. Dr Alix Ahlonsou, Head of Health and Environment Union
11. Ralmeg Gandaho, Head of Human Rights' Association

Rapporteur: Sadibou Marong, Journalist

Moderator: Gabriel Baglo, Journalist, media and communication expert, consultant

**This AMB panel discussion took place in Dassa-Zoumé (Benin),
27-29 August 2021**