



Freedom of the Press 2016 - Benin

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Press Freedom Status: Partly Free

Legal Environment: 13 / 30 (↑1) (0 = best, 30 = worst)

Political Environment: 12 / 40 (↓1) (0 = best, 40 = worst)

Economic Environment: 13 / 30 (0 = best, 30 = worst)

Press Freedom Score: 38 / 100 (0 = best, 100 = worst)

Quick Facts

Population: 10,583,034

Freedom in the World Status: Free

Internet Penetration Rate: 5.3%

Overview

Benin remains one of Africa's more open press freedom environments, but a number of disturbing trends have emerged since the 2006 election of President Thomas Boni Yayi, particularly regarding the intimidation of critical reporters and restrictions imposed by the principal media regulatory body, the High Authority on Audiovisual Media and Communication (HAAC). The passage of a new communication code in 2015 was considered a promising development.

Key Developments

- In January 2015, the National Assembly passed the Information and Communication Code of Benin, which helped to clarify the rights and freedoms of journalists. The new code eliminated prison sentences for defamation, though it retained criminal penalties for a number of press offenses, including fines for defamation.
- In late October and early November, the president of the HAAC, a Yayi ally, suspended the publication of two newspapers, including the country's largest private daily, over articles that were deemed "abusive" to government figures. The suspensions were lifted by the end of November.

Legal Environment: 13 / 30 (↑1)

Freedom of speech is protected by the constitution and generally respected by the government in practice. However, until early 2015, the regulatory framework for the media had been governed by a diverse set of laws that observers criticized as vague and confusing. Following a period of active consultation with the journalistic community and civil society in 2014, the National Assembly in January 2015 passed the Information and Communication Code of Benin; the bill was signed into law in March. The new code was praised by representatives of media organizations for the collaborative process that brought it about and for its clarification of the rights of journalists.

The new code establishes procedures for accessing government information and for creating a media outlet, and defines who is considered a journalist under the law. It also eliminates custodial sentences for most press offenses, including defamation, though it sets significant financial penalties for defamation of the president, heads of foreign governments, Beninese officials, the courts, the army, and corporate or public organizations. Previously, criminal defamation had been governed by a 1997 press law, and although some judges were hesitant to pursue prosecutions, there had been an increase in defamation cases in recent years; journalists had been jailed on defamation charges in 2014.

Some custodial penalties for press offenses were retained in the 2015 Information and Communication Code, including the possibility of two to five years in prison for incitement to violence or property destruction, or for threats to the "internal security of the state." The publication of false news that could threaten the peace or "undermine the discipline or morale of the armed forces" carried a possible punishment of between six months and three years in prison.

Many elements of the code would be enforced by the HAAC, which was created in 1992. Although it was considered the first independent media regulator on the continent, the authority's reputation has deteriorated along with its de facto autonomy in recent years. Among other provisions, the new code tasks the HAAC with allocating broadcast frequencies, accrediting journalists, overseeing the creation of new media outlets, and sanctioning members of the press for unethical behavior.

Actions taken by the HAAC continued to attract criticism from press freedom advocates after the passage of the new Information and Communication Code. In early November, HAAC president Adam Boni Tessi, a Yayi ally, unilaterally suspended the country's largest private daily, *Le Matinal*, for publishing material that was "abusive" of the head of state and a member of parliament. The move came a week after the suspension of another newspaper, *L'Enquêteur*, on similar grounds. The decisions were met with protests from members of the media and, according to some reports, from board members of the HAAC itself, who chastised Tessi for making the decision without consulting his colleagues. The HAAC lifted both suspensions on November 26 after the publications participated in hearings before the body.

In February 2015, ahead of legislative and local elections that were held in mid-2015, the HAAC issued a set of directives about media conduct before the polls. The media were instructed to "privilege factual coverage of news" about the campaigns, and to provide free and equal coverage to political parties. Reporting on the results of preelection opinion polls was restricted.

Political Environment: 12 / 40 (↓1)

Private media outlets have a history of aggressive reporting on both the government and opposition leaders, and the media environment is generally pluralistic and unrestrained. However, it also tends to be polarized, with political considerations affecting coverage. The state television broadcaster functions as a tool of the government, which exercises substantial editorial control and bars meaningful criticism on the outlet. Nevertheless, the HAAC ordered the public broadcaster to grant equal access to all political parties in the 2015 legislative elections, and it generally complied.

While Benin's private media usually operate with few encumbrances, the HAAC's willingness to suspend outlets for politically sensitive reporting threatens that freedom. There is some self-censorship, though the motives vary.

Physical attacks and harassment of journalists are rare in Benin. However, the Media Foundation for West Africa reported in May that members of a Golfe TV crew at the site of the renovation of a cultural center had been physically threatened by a construction foreman who tried to grab their camera. The attacker may have been retaliating for a negative story about the project that Golfe TV had aired two weeks earlier.

Economic Environment: 13 / 30

There are some 100 dailies and more than 50 other periodicals operating in Benin, a particularly high number for a country with a fairly low literacy rate, though many print outlets are economically vulnerable and do not publish regularly. Radio has the highest penetration of any medium, but most stations are small and serve local audiences. The state broadcaster is the only outlet with national reach, as it has access to the best transmission equipment. Government influence over content is a particular problem at the state-controlled

television station. The three state-run radio stations and the state-owned newspaper, *La Nation*, are believed to operate somewhat more independently.

Most private media enterprises rely on direct funding from their political and corporate backers, and despite the diversity of outlets, concentration of ownership is becoming a concern as large "press groups" develop holdings across multiple platforms.

While Benin was the first West African country to obtain internet access, the penetration rate was still less than 7 percent in 2015, and the internet cannot yet be considered a primary source of news and information for most citizens. Despite the low usage, there has been a notable increase in media activity online in the last two years.

Journalists in Benin are susceptible to bribes from politicians and other influential actors, and many provide favorable coverage in return. The government and private companies alike are known to use advertising contracts – and the threat of withholding them – to influence media content, though the government appears to distribute subsidies fairly.

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