



Freedom of the Press 2015 - Benin

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2015 Scores

Press Status: Partly Free

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

Legal Environment (0 = best, 30 = worst): 14

Political Environment (0 = best, 40 = worst): 11

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

Although Benin still ranks among the better-performing African countries with respect to press freedom, a number of disturbing trends emerged after the 2006 election of current president Thomas Boni Yayi and persisted during 2014. These included increases in the use of laws and regulations to restrict media freedom and intimidation of journalists who criticize the administration.

Legal Environment

Freedom of speech is protected by the constitution and generally respected by the government in practice. The constitution and other laws also provide for freedom of information, but no specific procedures have been created for releasing or obtaining public documents, and journalists typically have difficulty accessing official information. The penal code prohibits civil servants from divulging "professional secrets." The 1992 act creating the High Authority for Audiovisual Media and Communication (HAAC) also provides for a number of vague exceptions to the right to freedom of expression, citing priorities such as "national defense" and the "safeguarding of cultural identity."

The 1997 Press Law criminalizes defamation, and although some judges are hesitant to pursue prosecutions, there has been an increase in cases against journalists in recent years. In May 2014, the editor of the daily newspaper *Libération*, François Yovo, was arrested and taken to jail to serve his three-month sentence for a November 2013 defamation conviction. Yovo was allegedly never informed of the verdict, and the handing of the case was criticized by rights groups. Yovo was released the following month after the complaint against him was withdrawn. Also in June, the newspaper *L'Indépendant* was harshly penalized for an article about controversial funding for the president's foreign travel on the grounds that it offended the head of state. The paper was suspended for three months; the article's author, Prudence Tessi, was sentenced to two months in jail; and the publisher, John Akintola, received a suspended three-year prison sentence.

During 2014, the parliament debated a proposed bill that would reform the information and communication code. The legislation, which was the subject of controversy in the political establishment and civil society, was intended to clarify Benin's media regulatory environment, which is currently governed by a diverse and obscure set of laws that observers have criticized as vague and confusing. However, it had the potential to enable further crackdowns on critical reporting, with provisions that would increase prison sentences and fines and expand the power of the HAAC. In a positive sign, legislators actively consulted members of the public and civil society, including the main journalists' union, about these and other concerns, and the bill remained in the draft stage at year's end.

The trend of growing state interference in media content has been particularly evident in the behavior of the HAAC. Although it was considered the first independent media regulator on the continent, the authority's reputation has deteriorated as it has lost autonomy from the government. Théophile Nata, president of the HAAC and a Yayi ally, was replaced by another presidential crony, Adam Boni Tessi, when the former's term expired in mid-2014. Under the new HAAC leadership, two private television stations, Golf TV and Carrefour TV, were suspended in October 2014 for failing to renew their licenses; regulations require that media outlets submit their applications for renewal to the HAAC three months prior to the license's expiration. However, this was the first time in the authority's history that suspensions were issued for this reason. Following a public hearing at the HAAC in early November, Golf TV was allowed to resume broadcasting.

Political Environment

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 from its airwaves.

Although Benin's private media usually operate with few encumbrances, on several occasions the HAAC has reacted to politically sensitive reporting by sanctioning and even suspending critical outlets. No such actions were taken in 2014, and no newspapers or television stations have been suspended by the HAAC for content-related reasons since 2011 and 2012, respectively. Nevertheless, the persistent threat of retaliation has intimidated journalists in the country, and self-censorship is reportedly common, particularly at print outlets.

Physical attacks against journalists are rare in Benin, with the last reported incidents in 2011. Harassment of journalists in the course of their reporting is similarly uncommon, with the most recent incident reported in 2013.

Economic Environment

There are now nearly 100 dailies and more than 50 other periodicals operating in Benin, a particularly high number for a country with such a 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.

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 "press groups" increasingly operate holdings across multiple platforms.

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 state-run radio stations, of which there are now three, and the state-owned

newspaper, *La Nation*, are believed to operate somewhat more independently. Journalists in Benin are also 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.

While Benin was the first West African country to obtain internet access, the penetration rate had reached only about 5 percent as of 2013, 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 year.

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