

LONDA



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Benin Digital Rights and Inclusion Report

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BENIN DIGITAL RIGHTS AND INCLUSION 2021 REPORT

A PARADIGM INITIATIVE PUBLICATION

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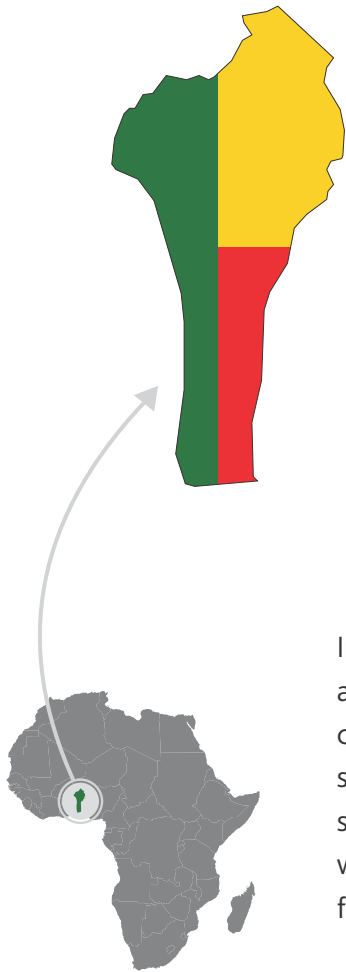
EXECUTIVE SUMMARY

Between the reforms of the digital code and the risk of internet connection cuts during the elections, 2021 has been an eventful year on the Beninese web.

This report presents the state of digital rights in Benin in 2021. It reveals the risks of the current digital code on opinion leaders and journalists. It also highlights the difficulties of accessing the network due to the cost of the internet as well as a significant mobilization to counter the shutdowns of the web during the election period.

These challenges must push the authorities to organize a real collective reflection with all the parties around the legal text, which the digital code represents. The government must also ensure greater transparency around the tariff schedule of telephone operators.





INTRODUCTION

DIGITAL RIGHTS AND INCLUSION IN BENIN

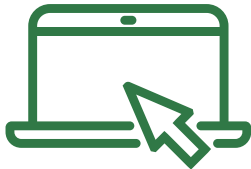
In several African countries, the massive use of social networks by citizens is accompanied by increasingly restrictive legal standards. In Benin, the debates concerning the digital code are tense, around which many civil society associations are asking for a revision. In this context, it has been summarily laid out, but questions continue to arise. The key concern is whether this digital code is positive for freedom of expression and there is fear that it can be used to restrict the rights of journalists.

The digital code in the Republic of Benin established by Law No. 2017-20 is not the only issue of the past year. During this election year, users of digital services tried to warn against an abusive shutdown of the network. In addition, everyone should be able to have equitable access to the internet when looking at the cost concerned.

THE DIGITAL CODE IN QUESTION

The year 2020 was marked by the arrest of two journalists following their online activity and the launch of more than 250 e-services which raised numerous issues (security, protection of personal data, etc.) that we mentioned in the previous 2020 report.¹

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**E-SERVICES RAISING
NUMEROUS ISSUES**

To assess the year 2021, there is a need to look briefly at incidents in 2020. On December 10, 2020, the Beninese parliament deliberated and adopted Law No. 2020-35 amending the Digital Code in the Republic of Benin. It modifies and completes the provisions of Law No. 2017-20 of April 20, 2018 on the Digital Code in the Republic of Benin in its articles 121, 125 and 464.²

1. <https://paradigmhq.org/report/londa-benin-haki-za-digitali-na-ujumuishaji-2020-ripoti/?lang=fr>

2. <https://www.afapdp.org/wp-content/uploads/2018/06/Benin-Loi-2017-20-Portant-code-du-numerique-en-Republique-du-Benin.pdf>

The amendments relate to the reduction from nine to five of the number of advisers to the Electronic Communications and Postal Regulatory Authority (Arcep), the reduction from eleven to eight of the number of members of the Data Protection Authority to personal character (Apdp) and the replacement of the name “Minister of Electronic Communications and Post” by “Minister in charge of Electronic Communications.”

Officially, this is a favourable legal framework for digital development.

However, Amnesty International Benin in its report of December 10, 2021 on the situation of human rights in Benin in 2021 deplored the fact that journalists continue to be prosecuted on the basis of the digital code. Amnesty specifies that a revision is essential in particular of the provisions which restrict the freedom of expression. Indeed, accused of electronic harassment, journalists Patrice Gbaguidi and Hervé Alladé (respectively editor-in-chief and owner of the private daily Le Soleil Benin Infos) have been in prison since November 2021. CPJ said:



They are accused of having violated the Beninese digital code, which came into effect on April 20, 2018, because their report on alleged wrongdoing by a public official was shared on social media.”

Published on August 25, 2021, this report was subsequently the subject of a complaint filed by the person concerned, Marcellin Laourou, a Beninese customs official.

On December 21, the Beninese Human Rights Commission released its 2020-2021 activity report to deputies. In the latter, she points to a decline in freedom of expression. In question, the digital code which she asks parliamentarians to read again. “Several repressive provisions of this law jeopardize freedom of expression and freedom of the media in Benin,” says the commission.

Benin occupies the 114th position out of 180 countries in the World Press Freedom Index published by Reporters Without Borders (RSF) in 2021. The country has lost 36 places since 2016. In this same ranking, Nigeria has also fallen from 5 places compared to 2020.



On May 3, 2021, World Press Freedom Day, RSF called on the Beninese authorities to reform the Digital Code. “This text should not be used to arbitrarily detain journalists, a practice that has largely contributed to Benin’s free fall in the World Press Freedom Index in recent years,” RSF notes on its website.

The Digital Code was adopted to offer companies and investors strong legal certainty while guaranteeing citizens high protection in order to build their trust in digital services. It is a major text that is a novelty on the African continent.

While the Code has entered into force, the prospects it allows to consider do not exclude that its application is surrounded by difficulties, observes the jurist Julien Comlan Hounkpè in Ciomag.³

Also, for the latter, *“the intervention of the legislator did not consider the calls of human rights organizations and media professionals, for a re-reading of the Digital Code.”* For Harold Adjaho, president of the Beninese chapter of the Internet Society, *“the latest modification of the digital code is of little importance. It had no significant impact on the state of affairs.”*

ELECTIONS WITHOUT INTERNET SHUTDOWNS

In 2020, Access Now’s #KeepItOn coalition documented 155 shutdowns in 29 countries, including 10 in Africa. In Benin, two months before the presidential elections in April 2021, the Beninese chapter of the Internet Society mounted a campaign with the hashtag #CoupezPasInternet (#DontCutInternet) to avoid another shutdown of networks on election day. During the elections, the Beninese chapter used various tools to monitor Internet traffic and connectivity. No disturbances were observed on election day. *“I, for one, think we stopped them from suspending the service [and made them think]. We focused on the economic consequences that a cut could have. The government is pushing for economic reforms... and, I think they understood that if they had shut down the internet this time it would have been disastrous,”* says Harold Adjaho, president of the Beninese chapter of the Internet Society.



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SHUTDOWNS IN
29 COUNTRIES



CHEAPER INTERNET ACCESS

On November 8, 2021, young Beninese activists supported by artists musicians like Crisba and Siano Babassa, called on social networks for lower internet connection costs in Benin with the #1gigafavi campaign. The call was addressed to telephone operators and regulatory authorities.

The request is clear: the billing of 1 Giga of data at 500fcfa (a little less than 1 euro). According to the estimate of several users, today when you pay 500 fcfa, you have an average of 400 MB to browse the internet. The latter therefore want the double in order to have more time to train, publish forums or simply to do e-commerce.

Many Internet users were quick to denounce the price of the packages. One of them writes: *“Because internet packages are expensive, we can no longer work properly. Internet packages being expensive, we are no longer able to carry out our online activities. Because internet packages are expensive, we are sometimes unable to support our artists by viewing and sharing their work. Review your rates and speeds”.*

3. <https://cio-mag.com/code-du-numerique-au-benin-decryptage-du-specialiste-julien-coomlan-hounkpe-sur-la-loi-modificative/>



A petition published by Joachim Sehonou, one of the participants in the campaign, collected more than 3000 signatures. *“We want prices to come down. May the authorities at different levels support us in this fight,”* he wrote on the petition page.

Internet users have also called for a pure and simple boycott of operators in order to force them to review their price list.

In response to a publication by an Internet user who criticized the high cost of the Internet connection, the country’s leading telephone operator suggested that the change in tariffs was the responsibility of the telecommunications regulatory authority. He acknowledged, a few days later, that he was free to apply the rates of his choice.

According to Ramanou Biaou, specialist in cyber-intelligence and former president of the Beninese chapter of the Internet Society, *“We must ensure that the fall in the cost of the Internet connection does not degrade the quality of the networks.”* As stated by the former manager of Beninese members of the Internet Society, users and organizations for the defence of digital rights must come together in coalition to address a plea to economic and political actors to reduce the high cost of accessing the Internet.

Indeed, it is essential to lower the costs of the internet, how do we justify charging a Gigabyte at 500 FCFA. What is going to happen with the price tomorrow?

“We need to know the real costs of an Internet connection worthy of the name, the share collected by the State, the operators and the fixed costs linked to the maintenance and proper functioning of the network.”

In 2018, with the [#TaxePasMesMo](#) campaign, the Benin Bloggers Association and civil society have already called for lower internet connection costs.

Compared to the year 2020, we have witnessed in Benin in 2021 a political will to improve the legal framework related to the use of digital technology and the digital code precisely.

**It is essential to lower
the cost of the internet.**

RECOMMENDATIONS TO CONSIDER

Despite these efforts, as in 2020, Beninese journalists have been prosecuted in the exercise of their activity. It is therefore urgent that:

- A real reform of the digital code takes place in consultation with civil society organisations.
- In order to make the digital code better known, it would be necessary to train and raise the awareness of the various players in the ecosystem and the population.
- There is a need to adopt less restrictive laws on freedom of expression to avoid internet disruptions during election periods.
- Civil society organisations must also create links with the media in order to support them and make their actions better known.
- The very high cost of digital connectivity has been for several years a real problem in Benin. Telephone operators must therefore review their tariff schedule in order to allow easy and equitable access to the network and work towards increased broadband access.
- The National Assembly is also urged to pass a law to promote, guarantee and strengthen Internet access for all.



There is a need to adopt less restrictive laws on freedom of expression to avoid internet disruptions during election periods.

Londa 2021 expands on last year's report with findings from 22 countries, examining themes of privacy, freedom of expression, access to information, segmentation and exclusion, digital transformation, affordability, gender and others within existing legislative frameworks, and against the backdrop of a widening digital divide. This edition captures the gaps and proffers recommendations to achieve a digitally inclusive and rights - respecting Africa.



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