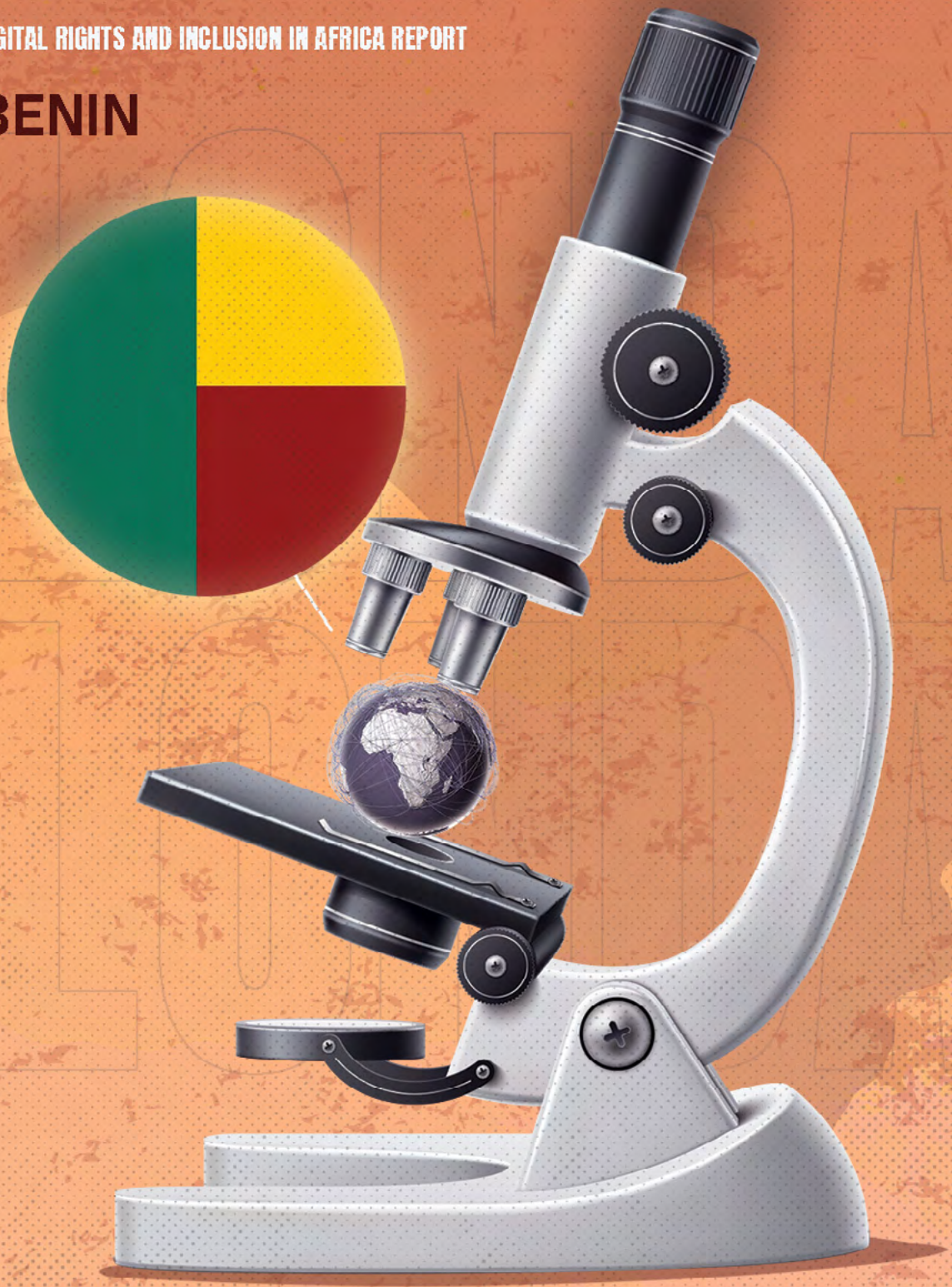
LONDA

DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT

BENIN



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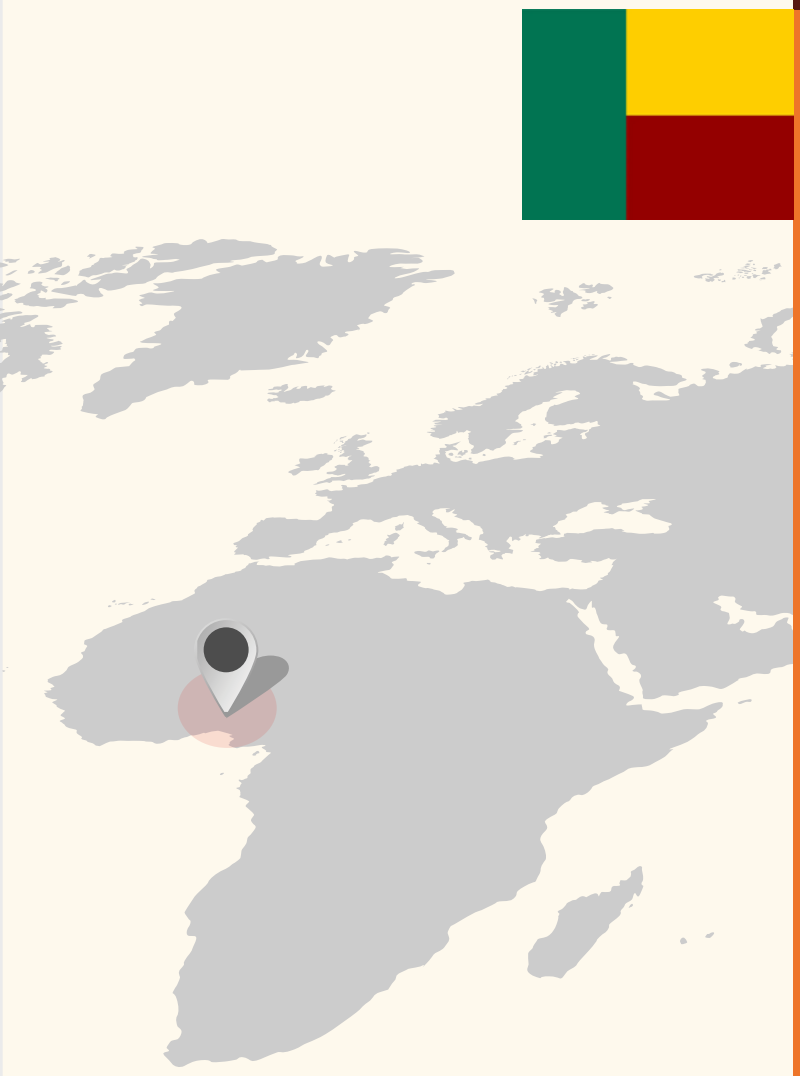
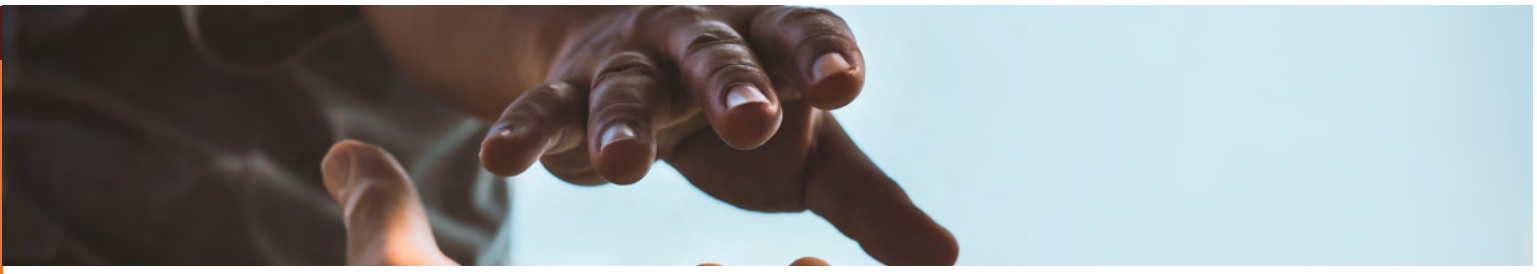


Benin

Executive Summary

Benin Republic is currently undergoing a digitisation reform that aims to enable easy transmission of communications in society. By encouraging the use of online portals as intermediary platforms between public authorities and the population, the government is generating new mechanisms of communication that have recorded early successes. This report analyses some of the actions carried out by the Government of the Benin Republic in the Information and Communication Technology sector. These actions are part of the Government Action Programme (GAP) called Bénin Révélé (Benin Revealed) and therefore deserve significant public controversy and criticism. For this very reason, although the actions currently deployed are promising, this contribution highlights the need for a stronger and more transparent conceptual and regulatory framework. Such a framework is important as it can protect against malicious abuse of personal data for private gain or public control. In addition to the possibility of avoiding privacy breaches, a more transparent regulatory framework will help to reduce the political influences which can limit the use of freedom of expression in Benin.



Introduction

Over the past three years, Benin has made remarkable progress in digital transformation, designing national e-government frameworks, and developing e-services for citizens and businesses. Although the government clearly defined a strategy for electrification, the country proved incapable of driving the process.[1].Thus, pitfalls can be encountered with digital deployment if sufficient attention is not paid to the electrification issue. Thirty-three years ago, Benin was seen as a model of democracy in Africa. The country was known as a peaceful place where smooth administration transitions and media freedom had been the norm since 1990. In recent years, this has changed as Benin is now following a repressive trend in terms of freedom of expression. For instance, journalists' freedom of expression has been severely weakened. Beninese journalist Virgile Ahouansè, faces charges of spreading false news to disturb the peace that stems from his December 14, 2022 investigation which accused police of carrying out extrajudicial killings. Given the issue's complexity, the people whose statements were relayed by Ahouansè have changed their versions of the stories. In this regard, it is worth bearing in mind that the people who spoke to Ahouansè may fear reprisal attacks.

Furthermore, the country has adopted a digital law presented as an instrument that was supposed to fight online abuse. In practice, it seems that the new law creates a chilling effect on media freedom, both offline and online[2]. According to Amnesty International, at least 17 journalists, bloggers and political opponents have been prosecuted in less than two years under this digital law[3]. Two years ago, a Beninese investigative journalist spent six months in prison for harassment through electronic communication. He was arrested and jailed in violation of international laws after a government prosecutor alleged that the journalist had posted libellous and defamatory posts on Twitter. Such examples show that after three decades of peace and progress, the West African nation is facing a democratic recession.

1 See https://energypedia.info/ Benin Energy Situation and Key problems hampering access to electricity https://energypedia.info/wiki/Benin_Energy_Situation#Key_Problems_Hampering_Access_to_Electricity (accessed on December 3rd 2022).

2 See https://rsf.org/ Bénin : RSF appelle les autorités à réformer le Code du numérique, menace pour le journalisme dans le pays https://rsf.org/fr/b%C3%A9nin-rsf-appelle-les-autorit%C3%A9s-%C3%A0-r%C3%A9former-le-code-du-num%C3%A9rique-menace-pour-le-journalisme-dans-le (accessed on December 8 th 2022).

3 See https://www.amnesty.org/ Bénin. Opposants et voix critiques en détention à l'approche de l'élection présidentielle https://www.amnesty.org/fr/latest/press-release/2021/03/benin-opposants-et-voix-critiques-en-detention-election-presidentielle/ (accessed on 09 December 2022).

Country Analysis

INTERNET FREEDOM

Until recently, Benin was held in high esteem by the world's democracy watchers, ranking near the top of several well-regarded indexes on governance, freedom of the press, political participation, and more. In December 1995, Benin was connected to the Internet to cover the sixth Sommet de la Francophonie[4]. During this event, the initial internet bandwidth was 1Mbps, which allowed the country to start with basic services such as e-mail and access to the web. In January 2002, the bandwidth was increased to 2Mbps. On May 6, 2003, the bandwidth capacity of the country was increased and the change was favoured by the inauguration of the SAT-3 cable. After it went live, the fibre optic cable provided a 45Mbps international connection to the existing 2Mbps, bringing the national bandwidth managed by Bénin Télécoms SA, to 47bps. Until 2004, this bandwidth was only available in the southern part of the country, in Cotonou, and Parakou in the North. Later in 2007, this bandwidth was increased to 155 Mbps. To improve teledensity, the State decided to mobilise new investments. The idea behind this strategy was to acquire investments to expand and upgrade the existing networks.

INTERNET SHUTDOWNS

Despite an overall global increase of internet shutdowns in Africa, civil society organisations in Benin drove collaborative efforts to prevent the government from cutting access to the Internet in 2022. According to NetBlocks and the Internet Society, two non-profit organisations focused on internet freedom, a one-day shutdown cost the country $1.54 million in 2019. This year, successful collective actions carried out by civil society organisations in Benin against internet shutdowns offered a model to counter any blackout of Internet services that may happen in the future.

FREEDOM OF SPEECH AND MEDIA FREEDOM

Freedom of expression is not only a fundamental human right but also constitutes one of the essential elements in the establishment of a democratic society. Freedom of expression also enables citizens to question their government, which helps to keep them accountable. In Article 23 of Benin's Constitution, freedom of expression is expressly guaranteed as a constitutional right. Additionally, several instruments which guarantee the right to freedom of opinion have been ratified by Benin, such as the International Covenant on Civil and Political Rights (Article 19) and the African Charter on Human and Peoples' Rights, which embraces free expression (Article 9).

According to Article 25 of the Constitution of Benin, the State must recognise and guarantee, under conditions fixed by law, freedom of expression. Furthermore, Benin is a State party of the Universal Declaration of Human Rights, and the African Charter on Human and Peoples' Rights. The two legal documents promote freedom of expression including the right of all to seek, receive and impart information and ideas through any media and regardless of frontiers.

At the time of concluding this report, Virgile Ahouansè, the director of a web radio, was placed under judicial supervision[5]. Arrested on December 20, 2022, Ahouansè spent two days in custody at the police station. After a long hearing by a special court named ECTRC (Economic Crimes and Terrorism Repression Court), he was released, but his trial is scheduled for February 13, 2023. Ahouansè was

4 See https://paradigmhq.org/ Benin Digital Rights Inclusion 2020 Report https://paradigmhq.org/wp-content/uploads/2021/05/lr-Benin-Digital-Rights-Inclusion-2020-Report.pdf accessed on December 05 2022).

5 See https://www.afro-impact.com/ Beninese journalist Virgile Ahouansè is in custody at the criminal brigade https://www.afro-impact.com/en/beninese-journalist-virgile-ahouanse-is-in-custody-at-the-criminal-brigade/ accessed on December 10, 2022).

arrested after the publication of a radio piece online where he referred to a case of summary execution, implicating the Republican police. The journalistic production is entitled "Panic in Porto-Novo: the Republican Police carries out summary executions in a school.[6]" The radio programme, which was made available to the public on December 14, 2022, has drawn out many social media reactions. In February 2022, two journalists from Benin and The Netherlands experienced media censorship; the two media professionals were arrested in the northern town of Tanguieta for not notifying local authorities of their presence.[7] In the Press Freedom Index published by Reporters Without Borders, Benin fell to number 121 in 2022. In 2016, before President Talon took office, the country was in position 78 and ten years earlier in the top 25.[8]

PRIVACY AND SURVEILLANCE

In Article 5 of the Constitution of Benin, the right to privacy is guaranteed. In 2007, the Heads of State and government within the Economic Community of West African Countries (ECOWAS) adopted the Supplementary Act A/SA.1/01/07. This document addresses the Harmonisation of Policies and the Regulatory Framework for the ICT Sector. The 2007 Act formed the basis for a 2010 Supplementary Act on personal data protection to regulate the collection, processing, transmission, storage and use of personal data by public and private entities within West Africa. Before adopting the ECOWAS Act, Benin had enacted its national data protection laws without any influence from the ECOWAS. Nevertheless, even though the country is witnessing a rapid rise in digitisation, Benin has not yet ratified the African Union Convention on Cyber Security and Personal Data Protection. Also known as the Malabo Convention, the Convention is yet to take effect because it requires 15 ratifications to come into force on the continent. In Benin, mobile phones are helping to advance capacities by providing new opportunities for citizens to share information and ideas, and to participate in public life. According to the World Bank, mobile phone penetration reached 91.9 per cent of the population in 2020 in the west African nation.[9] However, if mobile connectivity can accelerate Benin's digital transformation, realising this potential also has some privacy implications for consumers.[10]

	T1_2021	T2_2021	T3_2021	T4_2021	T1_2022
SPACETEL BENIN	4 921 953	5 186 193	5 308 136	5 637 731	5 972 148
MOOV AFRICA BENIN	3 864 349	2 647 950	2 655 488	2 786 565	2 928 956
PARC INTERNET MOBILE	8 786 302	7 834 143	7 963 624	8 424 296	8 901 104
Dont FEMMES	-	35,15%	37,27%	32,97%	32,89%
PENETRATION INTERNET MOBILE	70,25%	62,64%	63,68%	67,36%	68,92%

Source : (Données opérateurs, 2022; Population estimé à 12 915 002 en 2022, INStaD)

Table 1: Evolution of the mobile Internet users data by quarter[11]

Furthermore, this situation fosters a sea change in data collection. It is therefore important for Benin to avoid backlash by protecting the privacy of messages, phone calls, and emails due to new threats. This is tied to the fact that some companies are now interested in making a profit as they mainly focus on what users are searching for and their whereabouts. For many Beninese, cheap mobile handsets are central to

6 See https://www.crystal-news.net/ panique a porto-novo, la police republicaine procede a des executions sommaires dans une ecole https://www.crystal-news.net/panique-a-porto-novo-la-police-republicaine-procede-a-des-executions-sommaires-dans-une-ecole-enquete/ (accessed on December 1, 2022).anique

7 See https://afriquexxi.info/ Au Benin la folle garde a vue de deux journalistes espions https://afriquexxi.info/Au-Benin-la-folle-garde-a-vue-de-deux-journalistes-espions accessed on December 10, 2022).

8 See https://hrwf.eu/ Report on Human Rights and Political Repression in Benin https://hrwf.eu/wp-content/uploads/2022/09/HRWF-Benin-Human-Rights-and-Political-Repression-September-2022.pdf (accessed on December 3, 2022).

9 See https://www.helgilibrary.com/ Mobile Phone Penetration in Benin https://www.helgilibrary.com/indicators/mobile-phone-penetration-as-of-population/benin/ (accessed on December 1, 2022).

10 For instance, the history of mobile telephony is now linked to many application privacy controversies. These controversies are ranging from mobile phone operators downloading the contents of people's address books to applications selling the user's location data. Furthermore, this situation fosters a sea change in data collection.

11 See https://arcep.bj/ website of the Regulatory Authority for Electronic Communications and Post Office responsible for defining standards and regulations for telecommunications producers, granting licenses and permits to operators, and arbitrating disputes between consumers and operators. " (accessed on December 9, 2022).

their life as they bring together their landline, ATM and email in one device. Among mobile phone owners, taking photos and videos, mobile money, voice, social media and text messaging stand out as the most common mobile activities. Despite this positive point, mobile phone usage in Benin raises concerns regarding the privacy and security of users' data. This issue refers to how well governments can secure public information and maintain the privacy of citizens' personal data and other confidential information. Ensuring the security and privacy of citizen information is vital in maintaining trust, as citizens will not adopt and use e-government websites that pose a security threat to their privacy. In such a context, the need for governments to continuously monitor and improve the security and privacy of their websites is crucial. In 2007, the heads of state and government within the ECOWAS adopted the Supplementary Act A/SA.1/01/07 on the Harmonisation of Policies and the Regulatory Framework for the ICT Sector. This Act is supposed to harmonise the existing regulatory framework and policies on information and communications technology (ICT) within the ECOWAS region. Before adopting the ECOWAS Act, Benin had enacted its national data protection laws without any influence from the ECOWAS region.

DATA GOVERNANCE

In digitalisation, laws must be adapted to protect and safeguard fundamental rights. Given this situation, Benin has adopted the Digital Code. Approved in 2017, the Digital Code of Benin provides a good basis for regulating the digital landscape. Moreover, it creates a legal framework designed to aid the development of a digital economy. The Digital Code provides a comprehensive suite of laws and regulations governing the collection, treatment, transmission, storage, and use of personal data by individuals, the State, local authorities, and companies. These laws have provisions similar to regulations like the European General Data Protection Regulation, for example the right to object to the processing of personal data, the right to rectify personal data, and the right to be forgotten. The elaboration of the Digital Code is of significant importance in Benin for many reasons. Firstly, the emergence of digital technologies and increased usage of internet-based platforms are rapidly changing how individuals, businesses and governments operate in the country. This has not only contributed to advancements in how data and information are collected, analysed, used and distributed, but also to the importance attributed to data as a valuable resource. Secondly, due to the growing need for countries to safeguard national sovereignty and individuals' human rights over their data, Benin is grappling with developing adequate measures on how data production could be governed. Africa now accounts for 70 per cent of the $1 trillion transacted through mobile money globally. Thus, security and trust are central to the concept of data governance.

Since Benin is experiencing a surge in digital transactions via mobile phones, a structured

data governance agenda enables the country to maximise gains from digital trade, particularly because reported cases of data threats are now on the rise, and include: online tax and benefits fraud, cyber-attacks causing public service disruption, data leaks from servers of government, etc.

Désignations	T2-2021	T3-2021	T4-2021	T1-2022	T2-2022
Nombre de comptes SFM actifs	5 615 631	5 857 053	6 360 525	5 559 271	6 836 690
Nombre de comptes SFM dormants	9 865 405	10 654 852	11 497 165	3 775 975	12 500 463
Part de marché MTN Mobile Money	70,57%	71,12%	72,27%	66,68%	70,77%
Part de marché MOOV Money	29,43%	28,88%	27,73%	32,32%	29,23%
Taux de pénétration SFM	44,90%	46,83%	50,86%	43,82%	52,94%
Taux d'activité	36,27%	35,47%	35,62%	59,55%	35,36%

Source: (Données opérateurs, 2022).

Table 2: Evolution of financial services on mobile devices by quarter.[12]

DEVELOPMENTS IN ICT AND EMERGING TECHNOLOGIES

For a few years, innovation in Benin's technological environment has flourished and new technologies have been developed to revolutionise various economic sectors. Regarding visa administration, the country emphasised its policy of innovation. This decision followed the launch of the African Union passport meant to ease travel among member states by allowing visa-free entry or streamlining the visa process. Since 2020, Benin has been able to issue an increasing number of e-visas to nationals of more than 50 countries. Once connected to the portal, the traveller must fill in some personal data such as name and date of birth etc. After this step, the traveller will be asked to choose the type of e-visa with the possibility of getting the visa stamped on arrival in Benin. Among other requirements, the traveller will need to enter the information concerning the trip such as dates, duration, and place of accommodation etc. It is also mandatory to enter the passport's data (number and dates). Finally, the traveller is asked to pay the visa fees online by credit card. Benin's e-visa application platform allows international travellers to apply for single or multiple-entry tourist visas. Single-entry visas are valid for 30 days and multiple-entry visas for 90 days. The response time from the Benin authorities is 48 hours and the e-visa is sent by email.

While the introduction of an electronic visa system is an important achievement, the modernisation of such identification documents raises many issues. For example, the processing of a biometric photo is a deductive framework that can create a supply-led approach to 20 medical conditions. On a global scale, this information attracts a wide range of pharmaceutical companies. It is a public secret that this information is so precious that some companies are willing to pay large sums of money to get them. According to the Beninese government, this decision optimises the fight against organised crime through the prevention, investigation, recording or prosecution of criminal offences, the execution of criminal sentences or security measures. The government had also mentioned that the opinion of the Authority for the Protection of Personal Data was sought before this decision was taken.

Furthermore, the authorities have stated that this innovation will not erode the privacy of the country's citizens. If the surveillance cameras are supposed to be placed on the public highway, in places open to the public, in infrastructure and public buildings, exploitation of digital tools by leaders with authoritarian tendencies threatens to take democracy backwards in Benin. In the long term, using information technology by authoritarian leaders to survey, repress, and manipulate the population may corrupt the foundational principles of democratic societies. Therefore, if the adoption of surveillance products in Benin can help to decrease crime risks, there is also a possibility that these products can serve as a tool for political repression.

Similar concerns have emerged across the continent as many African countries have deployed surveillance devices in recent years. In 2019, Kampala police procured $126 million of closed-camera surveillance technology from telecommunications giant, Huawei. Like Benin, the agreement was made to control the

12 See https://arcep.bj/ website of the Regulatory Authority for Electronic Communications and Post Office (ARCEP) responsible for defining standards and regulations for telecommunications producers, granting licenses and permits to operators, and arbitrating disputes between consumers and operators. " accessed on December 9th 2022).

city's growing crime problem. Unfortunately, Ugandan civil society and opposition leaders contended that the surveillance cameras, which rely on facial recognition technology, are used to track and target government critics.

In Chad, the government has also deployed some surveillance devices, procured for €8 million, from IGN France International.[13] Initially, IGN France presented the importance of this project as an aid to urban development. In practice, the tools and devices sold by the French company are a great help to the security forces to close the civic space, ban demonstrations and violently repress public protests in Chad. If the digital sector in Benin has developed considerably in recent years from a very low starting point, a well-developed policy framework endorsed by the government, NGOs, and the tech sector must be sustained. This will help prevent a profound impact not just on individuals but also on society, to the point of endangering democratic systems.

In the education sector, the e-Results platform is now operational. It has revolutionised how national examinations and competition results are available to the public. Soon after the platform's launch, more than four million searches were performed in less than six months, with a peak of 710,000 searches during the announcement of the results of the 2020 baccalaureate. After this change in the way the results are announced, Beninese students are also able to get accurate information and career guidance for school. For instance, the apresmonbac.bj platform has been made available for such purpose. Thanks to the ranking methodology integrated into this platform, nearly 20,000 scholarships have been awarded following a completely dematerialised procedure. At the same time, internet penetration rate has increased in recent years[14].

According to a sub-indicator of the UN e-Government Development Index (EGDI), Benin is now the West African leader in providing online public services. Through www.service-public.bj, a public services portal, it is now possible for internet users to access complete information on more than 560 public services. Citizens of Benin can also get access to more than 72 government services delivered online, including ten completely dematerialised e-services. Available 24/7, www.service-public.bj, is a single entry point to all public services. The development of the portal is part of the modernisation of public administration in Benin, led by the Ministry of Digitisation. Inspired by the success of the Estonian e-government model, the Beninese e-service portal's ambition is to reduce face-to-face contact between citizens and officials. The national e-service portal, www.service-public.bj, has been used to deploy governmental interoperability by implementing a catalogue of interoperability solutions. However, it is important to highlight that interoperability among ministries and departments is difficult to achieve. This could make relationships unequal in Beninese society due to the influence of politics.

One of the most widely recognised public values of e-government websites is their accessibility. This refers to making websites accessible to a wide array of possible users regardless of their technical aptitude or possible disabilities, thus ensuring that all users have equal access to information and functionality. E-government websites are, therefore, expected to be inherently accessible as their primary goal is to provide government services and information to the general public without any exceptions. However, the accessibility of e-government websites is quite questionable in Benin. Access to electricity in Benin was reported at 41.41 per cent in 2020, according to the World Bank collection of development indicators, compiled

13 See Le Media TV, tchad les cartes francaises de la repression https://www.lemediatv.fr/articles/2022/tchad-les-cartes-francaises-de-la-repression-ldIZ1hNeQ4CZnrSmuuNSvg (accessed on November 30, 2022).

14 See Data portal ,Digital Benin 2021 https://datareportal.com/reports/digital-2021-benin , based on the figures there were 3.50 million internet users in January 2021. The number of Internet users in Benin increased by 538 000 (+18%) between 2020 and 2021. (accessed on December 3, 2022).

from officially recognised sources.[15]

This non-access to energy is a major challenge to Benin citizens since the country has failed to capture its huge renewable resources. Nevertheless, providing power to people who are far from the grid and suffer from a lack of energy access in a sustainable manner remains a State prerogative.

Out of regard for other considerations, Benin is very concerned about the factors that hinder the adoption of digital technologies. Among the authorities, there has been continued recognition that African countries such as Benin are confronted with a digital skills shortage. For this reason, the country has launched a national digital academy in partnership with the Smart Africa Digital Academy (SADA). SADA Benin is designed to encompass a range of initiatives such as advanced training in ICT through training of trainer approach, executive training and teachers' skills. As part of the SADA Benin framework, 40 master trainers will be trained in Artificial Intelligence and Cybersecurity. During the second phase, the 40 master trainers will train other local trainers as part of the extension of the project.[16]

Key indicators for Benin (2017)		Africa	World
Fixed-telephone sub. per 100 inhab.	0.5	0.9	13.0
Mobile-cellular sub. per 100 inhab.	78.5	74.4	103.6
Active mobile-broadband sub. per 100 inhab.	12.0	24.8	61.9
3G coverage (% of population)	65.0	62.7	87.9
LTE/WiMAX coverage (% of population)	39.7	28.4	76.3
Individuals using the Internet (%)	*14.1*	22.1	48.6
Households with a computer (%)	*6.2*	8.9	47.1
Households with Internet access (%)	*7.9*	19.4	54.7
International bandwidth per Internet user (kbit/s)	32.5	11.2	76.6
Fixed-broadband sub. per 100 inhab.	0.3	0.6	13.6
Fixed-broadband sub. by speed tiers, % distribution			
-256 kbit/s to 2 Mbit/s	9.4	38.7	4.2
-2 to 10 Mbit/s	3.3	37.2	13.2
-equal to or above 10 Mbit/s	87.4	24.1	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

Table 3: Internet Key indicators in Benin - ITU[17]

REVIEW OF THE UNIVERSAL SERVICE AND ACCESS FUND

At the outset of the introduction of the Universal Service and Access Funds in Benin, the Government and telecom organisations viewed it as innovative approach to addressing the development of internet access infrastructures, and an increasing demand for quality of service. In preparing this report, we contacted the authorities of the Ministry of Digital Economy and Communication but we could not get up to date information on the financing of the Universal Service and Access Funds in Benin.

Universal Service and Access Funds are a funding mechanism to incentivise the expansion of internet services in remote and underserved locations. Financed through mandatory contributions from telecommunications service providers, Universal Service and Access Funds are designed explicitly to address access issues in underserved areas. In general, these areas are mostly poor and rural communities. To promote ICT investment in territories which are not covered, Benin has adopted universal access principles intending to expand connectivity opportunities to underserved communities. This has resulted in installing several Community Digital Points across the country. Community Digital Points have been installed in many localities outside urban areas to improve broadband access. So far, 43 out of 77 municipalities have been equipped with a Community Digital Point. According to the authorities, this impacts more than one million people in non-urban areas, usually poorly covered by electronic communication services.

The idea behind installing these Community Digital Points is to serve as a public access space. This is one of the reasons why these places are equipped with ten computers

15 See World bank data, Access to electricity in Benin, https://data.worldbank.org/indicator/EG.ELC.ACCS.ZS?locations=BJ (accessed on December 1, 2022).

16 See Reg tech africa, Benin Smart Africa Digital Academy (SADA) rolls out its national digital academy, https://regtechafrica.com/benin-smart-africa-digital-academy-sada-rolls-out-its-national-digital-academy-in-benin/ (accessed on January 4, 2023).

17 See ITU statistical reports, Measuring the information society report, https://www.itu.int/en/ITU-D/Statistics/Documents/publications/misr2018/MISR-2018-Vol-2-E.pdf, (accessed on December 11, 2022).

each. In collaboration with the town halls, the Community Digital Points are also intended to serve as free public Wi-Fi access points. In general, they are located in youth centres of the concerned communities. If the objective behind these developments is to make the country the ICT leader in West Africa, this model for community access is limited by two key factors. The first one is the lack of inclusion in the initiatives by the community, especially the most marginalised. Meaningful community involvement in the Community Digital Points and consequently to their geographical, economic and physical rights, can make these Digital Points indeed community networks.

The second factor is the lack of a clear human rights-based approach to the access initiative, which means it is not necessarily used to its fullest potential to enable the community's rights. The advantage of a human rights approach is the capacity to emphasise the economic, social and cultural rights of the community. This approach can potentially emphasise the well-being and dignity of rights holders as individuals. It can also be used to advocate for policy reform and to pressure duty-bearers to meet their obligations.

Beyond the above considerations, it is unfortunate that Benin is among the countries that publish few details on their Universal Service and Access Funds activities. If it is assumed that an effort has been made so far, it does not include proactive disclosure of the complete financial specifications of the fund. Another observation is the fact that available information to the public does not always include financial details of the fund itself or specify if funds are spent on projects not related to connectivity issues or in a timely manner. The expenditure is also not adequately disclosed leaving information gaps.

Table 4: Total unspent money from Universal Service and Access Funds (based on the most recent reporting year). [18]

18 "See Universal Service and Access Funds, https://webfoundation.org/docs/2018/03/Using-USAFs-to-Close-the-Gender-Digital-Divide-in-Africa.pdf', (accessed on November 31, 2022).

Conclusion and Recommendations

Although Benin recorded remarkable progress in digitisation in 2022, the country is still facing major challenges related to network affordability and digital regulations. Based on its digital ambitions, the Government of Benin should create a favourable framework to guarantee digital rights and avoid using laws to restrict freedom of expression online. As the country attempts to become a regional example of progress in the digital sphere, Benin should also rethink policies related to digital services taxation. While on one hand, digital services taxation may sound attractive as it is designed to raise revenues, on the other hand, it can have predominantly negative implications regarding increasing Internet adoption by users. With particular reference to the government's ambitions in the technological sector, there is a need for the Benin authorities to increase transparency on activities related to the Universal Service and Access Funds and avoid digital services taxation. This will help to guarantee access to the internet at all times so that individuals enjoy their human rights.

GOVERNMENT	PRIVATE SECTOR	CIVIL SOCIETY
The following recommendations are therefore made to the government ▪ Uphold constitutional and international obligations and refrain from digital authoritarianism characterised by aggressive and sophisticated measures that curtail internet freedoms. Benin authorities should show a strong commitment to international standards on digital rights and create the preconditions to enforce, safeguard and grant an active role to courts which interpret these rights. ▪ Take responsibility	The following recommendation is therefore made to the private sector: ▪ To pay particular attention to security and privacy. There is a need to recognise that Beninese consumers increasingly adopt digital technologies, taking responsibility to protect personal data from unauthorised access and disclose any data breaches.	The following recommendations are therefore made to civil society organisations: ▪ To work in a coordinated manner to denounce cases of digital rights violations and bad data governance practices. ▪ ▪ Through research, to evaluate the use and deployment of AI and its attendant impact on healthcare and financial services.

GOVERNMENT	PRIVATE SECTOR	CIVIL SOCIETY
▪ by reviewing and amending provisions of the Digital Code that unnecessarily restrict freedom of expression and digital rights, specifically sections that provide for prosecution and imprisonment for online content that is purportedly false. Broadly worded, Article 550 of the Digital Code pertains to harassment through electronic communications and provides up to two years in prison and/ or fines of up to ten million CFA francs for various crimes. ▪ Avoid formulating a national health plan based on the Medicare component of the ARCH project. In light of the progress made so far in the pilot phase of the project Assurance pour le Renforcement du Capital Humain (Insurance for Human Capital Strengthening), a policy made from sensitive biometric and health data may lead to a society which is fundamentally unequal owing to the inequality between social classes which also hides a multitude of other inequalities.		

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