



Panos Institute West Africa  
Institut Panos Afrique de l'Ouest



**FINAL REPORT**

# **STATUS OF FAITH-BASED MEDIA AND REGULATION OF RELIGIOUS DISCOURSE ON WOMEN IN THE MEDIA IN MALI, SENEGAL, NIGER AND CÔTE D'IVOIRE**

A lack of framework increases gender inequality

**Study f by the Ministry of  
Foreign Affairs of The Netherlands**



Ministry of Foreign Affairs of the  
Netherlands

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## ACRONYMS / ABBREVIATIONS

**AIP:** Ivorian Press Agency (Agence ivoirienne de presse)

**AMAP:** The Malian press and advertisement Agency (Agence malienne de presse et de publicité)

**ANCD:** National Communication Agency for the Development (Agence nationale de communication pour le development)

**ANP:** National Press Authority (Autorité nationale de presse)

**APAC:** Association of African Communication Professionals (Association des professionnels africains de la communication)

**APPEL:** Association of Online Press Professionals (Association des professionnels de la presse en ligne)

**ARTCI:** The Telecommunications Regulatory Authority of Côte d'Ivoire (L'Autorité de régulation des télécommunications de Côte d'Ivoire)

**ARTP:** The Regulatory Authority for Telecommunications and Posts (Agence de régulation des postes et télécommunications)

**CAIDP:** Commission for Access to Public Interest Information and Public Documents (Commission d'accès à l'information d'intérêt public et aux documents publics)

**ECOWAS:** Economic Community of West African States (Communauté économique des États d'Afrique de l'Ouest)

**CEDJN:** Code of ethics and professional practices of Nigerien journalists (Code d'éthique et déontologie des journalistes nigériens)

**CEDP:** Committee of Ethics and Deontology (Comité éthique et déontologique)

**CNDHLF:** National Commission for Human Rights and Fundamental Freedoms (Commission nationale des droits de l'homme et des libertés fondamentales)

Committee for Equal Access to State Media (Comité d'égal accès aux médias d'État)

**CNRA:** National Council for Audiovisual Regulation (Comité national de régulation de l'audiovisuel)

**COMTED:** Committee of Ethics and Deontology (Comité éthique et déontologique)

**CORED:** Council for the observance of the rules of ethics and professional practices (Conseil pour l'observation des règles d'éthique et de déontologie)

**CSC:** Higher Council for Communication (Conseil supérieur de la communication)

**HAC:** High authority for audiovisual communication (Haute autorité de la communication)

**HACA:** High authority for audiovisual communication (Haute autorité de la communication audiovisuelle)

**IPAO:** Panos Institute West Africa (Institut Panos Afrique de l'Ouest)

**ODEP:** Observatory for professional practices and ethics of the Press (Observatoire pour la déontologie et l'éthique de la presse)

**OHADA:** Organization for the Harmonization of African Business Law (Organisation pour l'harmonisation du droit des affaires en Afrique)

**OLPED:** Observatory of Press Freedom, Ethics and Deontology (Observatoire de la liberté de la presse, de l'éthique de la déontologie)

**ONIMED:** Observatory of Press Freedom, Ethics and Deontology in Niger (Observatoire nigérien des médias pour l'éthique et la déontologie)

**ORTM:** The Office of Radio and Television of Mali (Office de radiodiffusion du Mali)

**ORTN:** The Office of Radio and Television of Niger (Office de radio et télévision du Niger)

**REFJPCI:** Network of women journalists and communication professionals of Côte d'Ivoire (Réseau des femmes journalistes et professionnelles de la communication de Côte d'Ivoire)

**REFRAM:** Francophone Network of Media Regulators (Réseau francophone des régulateurs des médias)

**REJIR:** Network of Journalists for Religious Information (Réseau des journalistes pour l'information religieuse)

**RTI:** Ivorian Television Broadcasting (Radiodiffusion télévision ivoirienne)

**RTS:** Senegalese Television Broadcasting (Radiodiffusion télévision sénégalaise)

**SYNPICS:** Union of Information and Communication Professionals of Senegal (Syndicat des professionnels de l'information et de la communication du Sénégal)

**UMCCI:** Union of faith-based media in Côte d'Ivoire (Union des médias confessionnels de Côte d'Ivoire)

**UNJCI:** National Union of journalists in Côte d'Ivoire (Union nationale des journalistes de Côte d'Ivoire)

**URTEL:** Union of Free Radio and Television Broadcasters (Union des radio-diffusions et télévisions libres)

## EXECUTIVE SUMMARY

This study, conducted as part of PANOS Institute West Africa's project "Femmes : Occupez les médias !" (Women: Occupy the media!), aims at supporting the relationship between the media, CSOs and religious leaders in order to ensure a more gendered media environment in the countries involved in this study, namely Côte d'Ivoire, Mali, Niger and Senegal.

The study intended to answer two key questions on the statutory and regulatory framework governing faith-based media and the regulation of religious discourse.

To carry out this research, the methodology consisted of a literature research and a series of interviews based on a questionnaire.

The following conclusions emerged from the reports by country:

Faith-based media are formally recognized by law in Côte d'Ivoire. Despite the failures noted regarding the compliance with regulations and the weak regulatory bodies and mechanisms, the regulation of religious discourse is not yet a real challenge to the promotion of a gendered media environment, given the achievements in this field. So it is with regard to social harmony.

The situation is more problematic in other countries, such as Mali, where faith-based media are recognized by law but the specifications remain unenforced.

As a result, its situation in Mali was described as messy. In this regard, it appeared that religious discourse was unregulated in faith-based media and media in general despite some slippages.

The passive response in the communication sector is justified, beyond its limited resources, by an approach which aims to be instructive. In addition, the lethargy of other regulatory mechanisms played a role in this.

In Niger, though faith-based media are forbidden by law, they are watered down in practice. Religious discourse is regulated to a limited extent despite the fact that the High Council of Communication has been, at times, more proactive by imposing sanctions. Other potential regulatory mechanisms and bodies of the religious discourse seem limited.

In Senegal, the regulations don't make specific reference to faith-based media. Such was the case with the law of 1996 and is still the case in the law of 2017 establishing the press Code. However, there could be an implicit prohibition, as the last law prohibits the granting of a license to a religious community.

This is rather inconsistent since a promoter can make use of it in their personal capacity. The National Audiovisual Regulatory Council (CNRA) does not express a clear doctrine with regard to the regulation of religious discourse, but the legal framework of religious discourse, as in other countries, has weaknesses. By the same token, regulatory bodies and mechanisms have deficiencies regarding their ability to regulate religious discourse.

Based on these various observations, the study calls for the formal recognition of faith-based media in Senegal and Niger. It also suggests to the different stakeholders such as the Government, regulatory bodies and the civil society, women's rights organizations, to take a series of measures and actions to strengthen the regulation of religious discourse, for more social harmony but especially for a more gendered media environment.



# GENERAL INTRODUCTION

## 1. Conceptual framework

First of all, it is important to comprehend the key concepts and the full extent of the issue this study raised.

Faith-based media was both specified in the doctrine and the legislation of certain countries.

In a part of the doctrine, a faith-based media is a media that openly expresses its faith and religious affiliation.<sup>1</sup> This is a media whose mission is to disclose religious content in the strict sense and news interpreted from a religious perspective.<sup>2</sup>

Article 102 of the Ivorian Law No. 2017-868 of 27 December 2017 which establishes the legal regime governing the audiovisual communication develops the same point by stipulating that: "Faith-based broadcasting services are private non-commercial broadcasting services authorized to produce and air programs with specifically religious content, whether they are information, religious teachings or faith-based news.

For another part of the doctrine, on the other hand, a faith-based media must be defined not only by its programmatic content but also by the promoter's authority.<sup>3</sup>

The analysis will make use of the notions of religious or faith-based media without any distinction. These two notions shall be considered equivalent in this study.

Religious discourse means "any development, oral or written, from religious sources, direct or indirect, to support an idea, independently of its nature"<sup>4</sup>

The term "regulation" comes from the Latin word "regula" which means "rule" and from "regere" which means "conduct". Therefore, regulation meant initially "to conduct or to apply a rule". Some media specialists have proposed definitions of the term "regulation".

Hervé Bourges<sup>5</sup> defines the regulation "as a modern form of State intervention in an economic sector in order to protect the best interests of the community and to address the weaknesses that could affect the harmonious and balanced functioning of a market." »<sup>6</sup>

Beyon Luc Adolphe Tiao<sup>7</sup> defines the regulation "as the set of legal and regulatory systems and mechanisms that ensure the proper functioning of a country's media system."<sup>8</sup>

In this study, the regulation of religious discourse in the media refers to the set of rules and mechanisms that can be used to regulate religious discourse in order to avoid disrupting social harmony and to promote gender equality.

## 2. Background and rationale

This study is part of the PANOS Institute West Africa's project entitled « Femmes : occupez les médias ! » and funded by the Ministry of Foreign Affairs of The Netherlands. This project carried out in Côte d'Ivoire, Mali, Niger and Senegal, aims to promote the gender dimension in the media, and more specifically, the production and circulation of media content that contributes to informing opinions on women's rights, and to broaden and influence public debate on and in favor of women's equality and their rights.

The liberalization of the media since the 1990s in the above-mentioned countries has encouraged the development and diversification of the media landscape in the different countries of the field of study.

The Senegalese media landscape remains quite diversified even with the high number of media entities that are disappearing. There are at least 17 operational television channels, more than 200 radio stations, more than a dozen information websites and about twenty daily newspapers.<sup>9</sup>

This diversity is the result of a consolidated democracy that has resulted in a steady progress<sup>10</sup> of the legal and regulatory framework governing the media.

Apart from the ORTN (a public media), Niger has 56 newspapers, 16 private television stations and 63 private radio stations.<sup>11</sup>

Côte d'Ivoire has 192 radio stations of all types transmitting on the FM band, 3 public service television channels and 4 commercial television channels.<sup>12</sup>

In addition to the public channel ORTM (radio and television), Mali has today 5 non-commercial televisions, 25 commercial televisions, 141 commercial radios and 235 non-commercial radios.<sup>13</sup>

This situation has been favorable to the emergence of faith-based media<sup>14</sup>, even if it dates back to the colonial era in some countries. Their dramatic rise since the 2000s was attributable to the prominent role of religion in African societies in particular. In an environment characterized by oral tradition, the faith-based media constitutes a strategic tool for spreading religious discourse.

The different religious communities have also invested in the media. The existence of faith-based media is clear proof of the central importance of the media in promoting religion both for the activities of communities and for increasing one's faith.

Today, religious media occupies an important place in the media landscape of the countries surveyed even if their legal status can be differentiated.

All television channels are full of Muslim and Christian religious programs regardless of the faith-based or non-faith-based nature of the media. Likewise, preachers are now among the most prominent hosts in the media.

No single action to promote women's rights in relation to the media can ignore the massive presence of religious discourse in the media.

From this standpoint, the interest of carrying out a study on the regulation of religious discourse in a project dedicated to women can be understood. A study of this nature is all the more justified since women sometimes deem certain religious discourses towards them, conveyed via the media, to be of

<sup>1</sup>S. SYLLA, « Implication des médias confessionnels dans la vie religieuse et socio-politique. La communication politique à l'épreuve de la mission de service public sénégalais », Notes scientifiques, n°3, décembre 2015, pp 43-65

<sup>2</sup>G. CHANDES, « Stations de radios confessionnelles- leur champ de présence sonore », Communication vol.31/1, 2013, <https://journals.openedition.org/communication/3826>, visited on 29 May 2020

<sup>3</sup>TH. ATENGA, « Etienne DAMOME, Radios et religions en Afrique subsaharienne. Dynamisme, concurrence, action sociale », Questions de communication [Online], 28 | 2015, uploaded on 31 December 2015, visited on 25 June 2020. URL <http://journals.openedition.org/questionsde-communication/10250>.

<sup>4</sup>Y. EL BESHAWY, Le discours religieux de la critique au dépassement, [https://www.academia.edu/9142200/Le\\_discours\\_religieux\\_de\\_la\\_critique\\_au\\_depassement](https://www.academia.edu/9142200/Le_discours_religieux_de_la_critique_au_depassement)[https://www.academia.edu/9142200/Le\\_discours\\_religieux\\_de\\_la\\_critique\\_au\\_depassement](https://www.academia.edu/9142200/Le_discours_religieux_de_la_critique_au_depassement), visited on 17 December 2019.

<sup>5</sup>Former President of the French Higher Audiovisual Council (in French Conseil Supérieur de l'Audiovisuel de la France

<sup>6</sup>Quoted in A. Ousmane, Formulation d'une approche de régulation des médias communautaires du Liptako-Gourma, op.cit., p.40

<sup>7</sup>Former President of the Higher Communication Council of Burkina Faso (in French Conseil Supérieur de la Communication au Burkina Faso)

<sup>8</sup>Quoted in A. Ousmane, op.cit., p.40

<sup>9</sup>Rapport CNRA 2015, p.39

<sup>10</sup>T. GUIGNARD, Le Sénégal, les sénégalais et Internet : médias et identité, thèse doctorat, 2007, p. 140

<sup>11</sup>Higher Communication Council, Directory for media and journalists, August 2017

<sup>12</sup>Higher Audiovisual Communication, Directories of TV and radios authorized available on its website. [www.haca.ci](http://www.haca.ci).

<sup>13</sup>Visit the website Higher Audiovisual Communication: [www.hac.ml](http://www.hac.ml)

<sup>14</sup>For more information, see the different reports by country.

little worth. Therefore, the regulation of religious discourse from a pro-gender perspective should be considered. The purpose of the exercise is to explore ways to strengthen the regulation in order to promote gender equality.

Since religious discourse is mainly conveyed in the religious media even if it also plays an important role in the media in general, it thus appears that the analysis of the status of the religious media is an important point in understanding the regulation of religious discourse despite being different.

The interest of a study on the regulation of religious discourse should also be situated more generally, namely the preservation of social harmony. In West Africa, religion appears to be an increasingly important issue as the sub-region is characterized by terrorism. For this reason, the regulation of religious discourse in the media is a top priority for the countries.

In all, a study on the legal and regulatory framework of religious media and the regulation of religious discourse in the media in the four (4) related countries is well justified.

### **3. Purpose of study**

The study is intended to support the relationship between the media, CSOs and religious leaders. More precisely, it will serve as a tool to raise awareness among media experts and women's rights organizations, as well as to urge policy-makers in the sector to create a gendered media environment.

Moreover, the study aims to contribute to strengthening the regulation of religious discourse to foster tolerance between religions and consolidate social harmony.

The comparative perspective, which is well present, will lead to identification of good practices that can be replicated in different countries.

### **4. Subject of the study**

This study raises two main questions. The first question is as follows: what is the legal and regulatory framework on religious media.

In other words, does the legislation governing the media allow the establishment of faith-based media? If so, are those rules observed in practice or not and what are the possible consequences? Ultimately, what is the most suitable option between formal recognition of faith-based media and their absolute ban?

The second question is whether an effective regulatory framework of religious discourse in the media exists in the countries involved in the study? In other words, is religious discourse legally protected? Are the existing regulation and self-regulation mechanisms of the media effective enough to regulate religious discourse in a way that maintain public order and social harmony on the one hand, and to promote gender, especially equality between men and women, on the other?

### **5. Hypothesis**

Religious discourse, as emphasized earlier, is invading the media, as religious people have understood their strategic importance for the promotion of their religion.

However, it must be noted that certain religious discourses conveyed in the media are inconsistent with the gender equality formally recognized in particular by the Constitutions of the countries involved in this study.

In some cases, by calling for religious intolerance, religious discourse can destroy the foundations of social harmony.

But there are still weaknesses in the regulation of religious discourse from the perspective of promoting gender equality and preserving social harmony.

Therefore, it needs to be strengthened, in particular by enhancing the framework of preaching, on the one hand, by reviving existing regulatory mechanisms and, where appropriate, by establishing other regulatory bodies, on the other hand.

Whatever their status given to them by laws and regulations governing the media, faith-based media exist in all four countries involved in the study.

Its recognition thus meets a real social need even if its legal framework and control appear imperative.

The study will prove or disprove these two hypothesis.

### **6. Methodology of the study**

To carry out this research, the methodology consisted of a literature research and a series of interviews with stakeholders based on a questionnaire.

The study was carried out through a review of the texts governing the media in general - faith-based media in particular -, institutions and mechanisms for regulating media in the 4 countries.

The review of literature also focused on the doctrine and jurisprudence relating to faith-based media and the regulation of religious discourse in the media in the different countries involved in the study.

Interviews with media professionals, women's associations, religious leaders, authorities responsible for the regulation of media were carried out by means of a questionnaire<sup>15</sup>.

To this end, a sampling of the target population was made. Because of the Covid-19 pandemic crisis, especially in Mali, Niger and in Côte d'Ivoire, interviews with the main stakeholders selected for this study were conducted by telephone.

A total of 38 interviews were conducted with members of media regulatory and self-regulatory bodies, journalists from mainstream and faith-based media, program officers, religious leaders, women's associations, officials from ministries in charge of communication, and members of journalists' associations.

This report describes the legal and regulatory framework for religious media and the regulation of religious discourse in Mali, Niger, Côte d'Ivoire, and Senegal.

In each country, it examines the legal status of religious or faith-based media on the one hand, and on the other hand, the regulation of the discourse of religious people in the media in general, and on women in particular.

<sup>15</sup>See questionnaire in the Annex

**CÔTE D'IVOIRE**

**Recognized faith-based media, a discourse under control**

By

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## INTRODUCTION

The first faith-based radio was created in the absence of a regulatory framework for the creation of religious audiovisual bodies in this field. The first Catholic faith-based radio, Radio Espoir,<sup>16</sup> was created in 1989. From 1960 to 1990, there was no regulatory framework governing the creation of audiovisual bodies in this field. In those days, religious groups were feeling discriminated as they did not have any media to promote their religion.

Afterwards, the development of faith-based media was primarily driven by the political liberation process in Côte d'Ivoire.

The establishment of democracy through the recognition of the multi-party system in the 1990s led to the adoption of Law No. 91-1001 of 27 December 1991 on the regime governing the audiovisual communication, which remedied the absence of legislation in this field.

From the very outset, it gave individuals or legal entities of private or public law the opportunity to have a radio via the concession technique.

Under this new legislation, several audiovisual bodies emerged such as: Fréquence Vie, created on 2 August 1999, Al Bayane on 11 November 2001 and Radio Nationale Catholique in 2001.

Today, media are primarily governed by Law No. 2017-868 of 27 December 2017 on the legal regime of audiovisual communication and its implementing decrees.

Religious radio stations have increased alongside commercial, communal and community radio stations. There is now a proliferation of religious media in Côte d'Ivoire, with many religious television broadcasts in the general information media.

Many religious groups have their own media. And all channels are full of religious broadcasts with preachers of all religious groups. Their talks aim to promote religion through the values they advocate.

The regional context characterized by terrorism clearly shows that the religious media and the religious discourse conveyed via the media in general, needed special attention not only from the political authorities but also from the various groups of society in Côte d'Ivoire. Regarded as a safe country before, Côte d'Ivoire was hit by a terrorist attack on March 13, 2016.

Beyond the regional context, the interest generated by faith-based media and religious discourse relates to the place of women.

In Côte d'Ivoire, the existence of a regulatory framework provides a framework for the creation of religious media and the religious content of programs in the media. In addition, mechanisms have been established to regulate it.

For the above-mentioned reasons, the regular evaluation of the legal and regulatory framework governing the faith-based media and the regulation of religious discourse continue to be a concern.

This study is intended to contribute to such requirement. Thus, it explores one after another the legal and regulatory framework that governs religious media (I) and the regulation of discourse in both religious and mainstream media in Côte d'Ivoire (II).

### 1. Status of faith-based media in Côte d'Ivoire

#### 1.1. Formal recognition of faith-based media

As mentioned above, the first faith-based media was created in 1989 on the basis of an agreement concluded between the Ivorian government and the Holy See. Other faith-based media will be recognized pursuant to the adoption of Law No.91-1001 of 27 December 1991 on the audiovisual communication regime.

Today, faith-based media are governed by Law No.2017-868 of 27 December 2017 establishing the legal audiovisual communication regime which defines faith-based media in its Article 102 as follows: "Faith-based broadcasting services are private non-commercial broadcasting services authorized to produce and air programs with specifically religious content, whether they are information, religious teachings or faith-based news."<sup>17</sup>

#### 1.2. Procedure for the recognition of faith-based media

Authorization to operate a faith-based media is granted by the High Authority for Audiovisual Communication (HACA) on the basis of a call for applications. The procedure is governed by decree No. 2019-296 establishing the rules and procedures for the call for applications for authorizations to use radio and television broadcasting frequencies, which identifies the procedures to make to obtain a frequency.<sup>18</sup> If the applicant obtains a favorable response at the end of this procedure, he/she will sign an agreement with the HACA. Without a call for application, the authorization is approved for a renewable period of five (5) years for a radio, and ten (10) years for a television.<sup>19</sup>

In some cases, the procedure for creating a faith-based media was not observed. Except for media officially recognized by the Ivorian Government, other faith-based media operate illegally despite not being on the official HACA register. These include Radio Gloire FM broadcasting from the city of Yopougon on the 89.1 MHz frequency. A radio which seems to elude the HACA's control (High Authority for audiovisual communication).

<sup>16</sup> Convention signed in 1989 between the Holy See and Côte d'Ivoire.

<sup>17</sup> Article 102, paragraph 1 of the law

<sup>18</sup> What is important is that faith-based media and other non-commercial private radios don't have the same project specifications, but both play a role in the preservation of public order and social harmony.

<sup>19</sup> Article 100

### 1.3. Distribution of faith-based media

Currently, there are 18<sup>20</sup> faith-based media and they belong to 4 major religious groups such as:

- Catholic
- Muslim
- Evangelic
- Methodist

The distribution of radios by religious denominations shows some form of balance between Catholicism, Islam and Christianity with 6, 6 and 5 radios respectively. Methodism is the only denomination that has one radio.

The percentage distribution between denominations is as follows<sup>21</sup>:

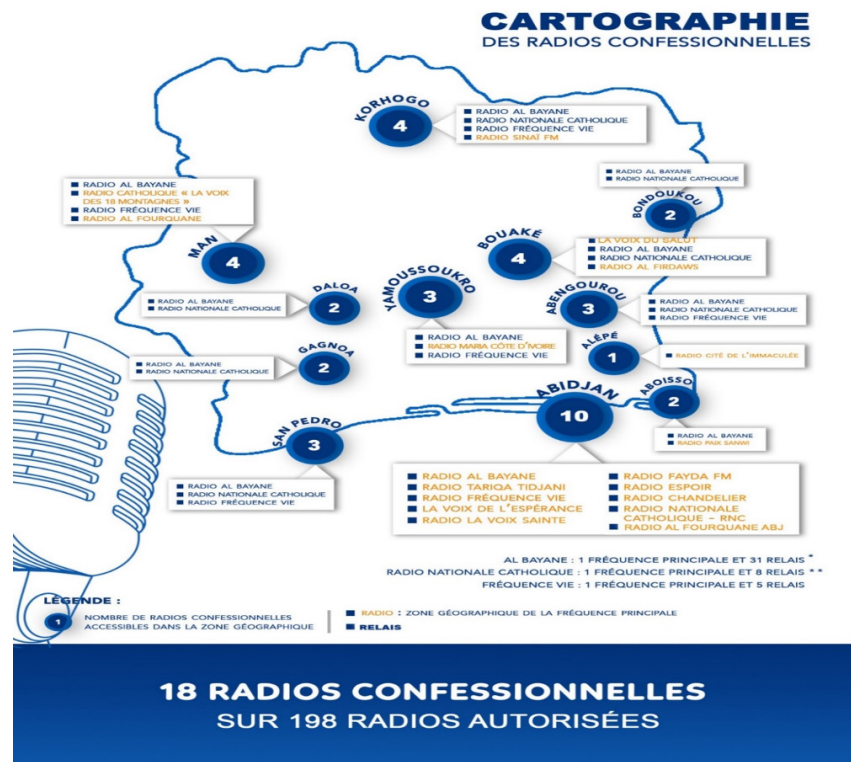
- Catholic: 6 radios (33.33%)
- Muslim: 6 radios (33.33%)
- Christian: 5 radios (27.79 %)
- Methodist: 1 radio (5.5 %)

Geographically, the distribution seems dissimilar. In fact, among the 18 faith-based radios, 10 operate in Abidjan, the economic capital of Côte d'Ivoire and 8 within the country.

Regarding the ten radios in Abidjan, Cocody holds the majority with four radios. Then follow the city of Yopougon with three radios and Abobo with two radios. Koumassi and Port-Bouët have each one radio.

Within the country, the North of Abidjan has only one radio. The center, the northern and southern parts of the country have each two radios.

southern part of the country have each two radios.



This represents 55,55 % for Abidjan against 44,45 % within the country.

### 1.4. Faith-based media funding

Article 102 of Law No. 2017-868 of 27 December 2017 on the legal regime of audiovisual communication stipulates that "faith-based broadcasting services rely on public notices, news releases and believers as major sources for income", and that "the volume of advertising incomes of faith-based broadcasting services may not exceed 10% of their annual financial resources".<sup>22</sup>

<sup>20</sup>HACA. Directory of authorized radios in Côte d'Ivoire, see the full list in Annex

<sup>21</sup>See the current radios distribution by denomination in Annex

<sup>22</sup>Article 102 paragraphs 2 and 3 of the 2017 Law establishing the legal regime of audiovisual communication.

While financial difficulties were the reasons behind the authorization to raise funds through advertising, faith-based radio stations are considered the most economically feasible non-commercial media in Côte d'Ivoire<sup>23</sup>.

### 1.5. Rights and obligations of faith-based media

Faith-based media are allowed to give correct information. They should only publish authentic information. These media should not be alarmed by any action that would tend to deprive them of their tranquility like a custody sentence. They also have the right to raise awareness.<sup>24</sup>

In relation to their duties, they must not discriminate when processing information, stigmatize other religions, be a tool of propaganda, not to stir up ethnic or religious hatred and have to observe strict neutrality.<sup>25</sup>

As a rule, these media should comply with certain duties especially those stated in the legal regime of audiovisual communication specifications, the Code of ethics as well as religious ethics.

In general, radios abide by all of these obligations which, by the way, have never been penalized by the HACA.<sup>26</sup>

## 2. Regulation of religious discourse in the media in Côte d'Ivoire

The purpose of regulation is to combat religious fanaticism, to avoid creating conflicts between religions and disturbing public order. Simply put, the regulation of religious discourse in the media also helps to avoid a climate of social tension and friction between the different religious communities.

### 2.1. Legal framework of religious discourse in the media.

In this section, the analysis of the legal framework is exclusively considered in relation to the issue of social harmony.

Religion is both a factor of social harmony and instability. Religious freedom refers to the right to choose one's faith and be able to express it. It is the freedom of thought and also means the liberty to perform the rituals and practices related to one's faith, the freedom of worship.

The concern for preserving social harmony, in particular through the defense of public order, appears in various provisions of the Constitution and in the law of 2017 governing the media, as well as, implicitly, in the specifications governing the faith-based media. Such provisions serve to regulate the religious discourse.

Based on the Constitution, it is thus clear that religious freedom is to be exercised with respect for the rights of others, national security and public order<sup>27</sup>. Therefore, according to Article 19 of the Ivorian fundamental law, any propaganda that encourages religious hatred is prohibited.<sup>28</sup>

Nevertheless, Law No.2017-868 of 27 December, 2017 on the legal regime of audiovisual communication, while bearing in mind the principle of the freedom of audiovisual communication, points out that this freedom is limited in case of breach of the public interest, public order and national unity.<sup>29</sup>

The concepts of peaceful coexistence and tolerance do not exist in the specifications of the faith-based media but the different orientations contained in those specifications implicitly lead us to them. The specifications of Radio Chandelier (a faith-based media) show that the specifications of faith-based media calls for social harmony and free expression under the respective religions.

The Government, through the HACA, invites the faith-based media to highlight the history of religions, the history of peoples, the law, the Constitution and many other concepts. So tacitly, peaceful coexistence and tolerance are found in all these values. To achieve this objective, the HACA adopted a charter to promote social harmony for faith-based radio stations.<sup>30</sup> This charter aims to encourage these media to call for peace and social harmony in this pre-electoral period.

### 2.2. The institutional framework for regulation

#### 2.2.1. High authority for audiovisual communication

The HACA is the institution responsible for regulating audiovisual communication in Côte d'Ivoire.<sup>31</sup> The regulation of print and digital media is the responsibility of the National Press Authority (ANP)<sup>32</sup>.

It is responsible for ensuring that the media comply with the duties determined by the law. It holds the status of an independent adminis-

<sup>23</sup> Ministry of Communication, Diagnostic study of the media environment: press, online press, radio and television, obstacles to the à la professionalization and remedial actions, Dec. 2017 p.112

<sup>24</sup> Interview with Mr. André Ouohi, member of the OLPED et Secretary General of the Ivorian group of editors, 6 May 2020

<sup>25</sup> Interview with Maitre Françoise Offoumou-Kaudjhis, founding member of the Ivorian Association of Women Lawyers, 7 May 2020

<sup>26</sup> Interview with Mr. Adépo Jean-Claude Aristide, responsible for Monitoring radio, HACA, 16 May 2020

<sup>27</sup> Article 19, paragraph 2 of the Constitution; For the substantive point of view, public order is defined as the right order, safety, security and public health. As customs developed, the concept of public order has become ethical. Thus, human dignity has been regarded as part of public order. As a result, public order plays a role in structuring and preserving social order.

<sup>28</sup> Article 19, paragraph 3 of the Constitution

<sup>29</sup> Official public journal of Côte d'Ivoire on March 15, 2018

<sup>30</sup> The HACA adopts a charter to promote social harmony for faith-based radio stations: <https://www.rti.ci/reportage.php?id=453091255&titre=la-haca-adopte-une-charte-pour-la-cohesion-sociale-destinee-aux-radios-confessionnelles&page=1727>, visited on June 1, 2020.

<sup>31</sup> Article 7 of Law No.2017-868 of December 27, 2017 on the legal regime of audiovisual communication.

<sup>32</sup> Article 41 of Law n°2017-867 of December 27, 2017 on the legal status of the press

trative authority<sup>33</sup>. Among its missions, are the following :

- ✓ To ensure compliance with the principles of audiovisual communication;
- ✓ To promote and guarantee pluralism in the audiovisual media;
- ✓ To contribute to the allocation of radio and television broadcasting frequencies.

As part of its mission to regulate the audiovisual communication sector, the HACA has investigative, monitoring, sanctioning powers, as well as decision-making rights,

It has a Media Observation Center which supervises the content of messages transmitted by faith-based radio.

Through this center, it<sup>34</sup> often supervises the questions related to the preservation of social harmony<sup>35</sup> and the promotion of gender equality. It monitors the media and arranges, on a regular basis, visits to the media to raise awareness among managers and staff about compliance with the specifications. But its objectives are far from being met according to the HACA radio monitoring manager.<sup>36</sup>

## 2.2..2. Self-regulation mechanisms.

Self-regulation is defined as a set of means put in place by media professionals in order to supervise observance of the respect of code of ethics. Self-regulation mechanisms are increasingly promoted.

### 2.2.2.1. nternal media mechanisms

Some Ivorian mainstream and faith-based media have internal mechanisms to control religious discourse.

At the Radio Télévision Ivoirienne (RTI), religious programs are conducted by religious leaders, who are not always journalists. Although these hosts are in most cases religious and also journalists, programs are prepared and broadcast under the supervision of the council responsible for religious matters. RTI has its own committee whose mission is to give those involved in the program (journalists, religious hosts and guests -religious or not -) some guidelines. The committee serves to avoid things getting out of control during live programs mostly.

At ISTC FM, a radio station of the "Institut des sciences et techniques de la communication-polytechnique", a mediator who should have a rather specific knowledge of regulatory and ethical texts is appointed. His main role is to check the quality of content prepared by students in journalism before it is broadcast. This mediator interacts with the hosts and guests before and after the programs.

At Radio Chandelier, a Protestant faith-based radio station, a committee composed of six members (pastors and non-religious people) and headed by a pastor has been set up. This committee ensures that the specifications and the code of ethics are respected. It makes observations on the emissions produced, and could sanction if things go out of hand. Since the creation of the radio in 2011, this censorship committee has not yet recorded any serious problem.<sup>37</sup>

By nature, faith-based media in Côte d'Ivoire promotes values inspired by the holy books, namely love of others, peace, brotherhood, forgiveness, etc.

For the time being, there are no religious discourse promoting extremism in Côte d'Ivoire. A dynamic relationship exists between religious leaders. Proof is to be seen in the creation of the Union of faith-based media in Côte d'Ivoire (UMCCI) on 12 July 2018 (Inauguration on December 27, 2018). This Union is a true melting pot in which people from different religious traditions mingle.<sup>38</sup>

For the President of the UMCCI, Imam El Hadj Cissé Djiguiba, who is also the director of Radio Al Bayane, religious radio stations are "an effective tool for promoting social harmony".<sup>39</sup>

### 2.2.2.2. Observatory of Press Freedom, Ethics and Professional Practices

Created on 24 September 24 1995, the Observatory of Press Freedom, Ethics and Deontology (OLPED) is a self-regulatory body for the media in Côte d'Ivoire in Yamoussoukro and is composed of 44 members. Its missions are to promote and defend ethics and journalistic ethics, to serve as a mediator when journalists harm citizens, and to promote and defend press freedom.

In the OLPED's 21 guidelines, which include the issue of religious fanaticism, there is a provision that allows the Observatory to fully play its role in controlling religious discourse produced in the religious and non-religious media.

To date, the OLPED has not made any checks on the religious discourse in the media. Nor had it been subject to referral due to extremist and hate views.

<sup>33</sup> Ministry of Communication, Diagnostic study of the media environment: press, online press, radio and television, obstacles to the à la professionalization and remedial actions, Dec. 2017 p.112

<sup>34</sup> Article 5 of the law establishing the legal regime of audiovisual communication

<sup>35</sup> « La HACA calls on faith-based radios to work towards a successful social harmony » <http://www.infodrome.com/societe-culture/37927-la-haca-appelle-les-radios-confessionnelles-a-oeuvrer-pour-une-bonne-cohesion-sociale>, visited on May 13, 2020

<sup>36</sup> Adépo Jean-Claude Aristide Head of HACA's Monitoring Radio, interview carried out on May 7, 2020

<sup>37</sup> Interview with Mr Sylvère Konan, Program Director of Radio Chandelier, on May 7, 2020

<sup>38</sup> <https://africa.la-croix.com/en-cote-divoire-les-medias-confessionnels-sengagent-pour-la-cohesion-sociale/>, visited on 1 June 2020

<sup>39</sup> <https://aip.ci/cote-divoire-les-medias-confessionnels-representent-un-outil-de-cohesion-imam-cisse-djiguiba/>, visited on 1 June 2020

## CONCLUSION

Faith-based media is an essential part of the media environment in Côte d'Ivoire. Despite some challenges in their management due to non-compliance with the law by some of them, they generally remain under control. On the whole, even if religious discourse remains non-stigmatizing with regard to women, regulatory mechanisms developed to control it contain some weaknesses.

Faith-based media are formally enshrined in law. However, specifications assign obligations to them in order to guarantee a balance and social harmony. This is why regulatory institutions such as the HACA are created to play this monitoring role. The HACA is not very proactive yet, perhaps because faith-based media, and especially the speeches of religious people in the media, are supervised beforehand by internal media bodies. On the other hand, and although it is not universal, some mainstream and faith-based media have internal mechanisms that allow them to carry out a pre-control of the content of religious programs.

One of UMCCI's missions is to ensure that ethics and professional practices are respected in member radios. Perhaps this pre-control is limited to the fulfillment of the ethical and professional rules of journalism.

However, positions and opinions (sometimes reformist or radical) of certain religious leaders and journalists on women and their rights in religious programs, can be voiced while respecting ethics and deontology. Nevertheless, they somehow motivate the spectators' views on these issues, to such an extent that one wonders whether the religious discourse on women in the media should not also be regulated.

## RECOMMENDATIONS

### To the Government and the institutional regulators

- Disseminate information of laws governing the media in general and especially faith-based media;
- Adopt a specific law dealing with faith-based media;
- Promote the development of a self-regulatory body for faith-based media.

### To the media

- Maintain peaceful coexistence and social harmony between the different faith-based media;
- Strengthen self-regulation in the editorial offices, especially in faith-based media where it does not exist;
- Establish a self-regulatory body for faith-based media;
- Air in faith-based more programs on women;
- Encourage managers of faith-based radio stations to comply with the principles of equality between men and women.

**MALI**

**A confusing status making the regulation non-existent**

By

**DR IBRAHIMA SANGHO**



## INTRODUCTION

The Constitution of Mali of 25 February 1992, establishes the principle of freedom of opinion, expression and the press. Article 4 states that: "Everyone has the right to freedom of thought, conscience, religion, worship, opinion, expression and creation in accordance with the law". Article 7 of the basic legislation recognizes and guarantees the freedom of the press.

Religious speeches occupy an important place in all audiovisual media, especially on Fridays and during the month of Ramadan, which coincides with Muslim fasting. On the other hand, print and online newspapers hardly ever talk about it. They may cover religious activities, but they do not reserve sections for these activities.

The national and regional context characterized by the persistence of terrorism makes that the situation of faith-based media in Mali requires special attention. This requirement for vigilance is most of the time for the religious discourse that is definitely present not only in faith-based media but also in the media in general.

Therefore, it seems appropriate to question the legal and regulatory framework governing faith-based media on the one hand, and the regulation of religious discourse in the media in general, on the other hand.

### 1. Status of faith-based media in mali

#### 1.1. Formal recognition of faith-based media

Today in Mali, media are governed primarily by Law No. 046 of July 7, 2000 on the press and press offences, and Law No. 2012-019/ on private audiovisual communication services in the Constitution.

Beyond that, it should be relevant to mention the different decrees laying down the specifications applicable to the media as well as Law No.2015-018/ of 4 June 2015 amending and ratifying the order No.2014-006/P-RM of 21 January 2014 establishing the High Authority of Communication (HAC).

Decree No.2016-627/P-RM of August 25, 2016 laying down the specifications for private non-commercial sound broadcasting services stipulates that a non-commercial radio<sup>40</sup> means associative, community or faith-based radios.

Likewise, article 2 of Decree No.2016 -0714/P-RM of September 14, 2016 laying down the specifications of private television broadcasting services indicates that a non-commercial television also includes associative, community or faith-based televisions.

But the conditions governing its creation are defined by Law No.046 of July 7, 2000 on the press regime and press offences and Law No.2012-019/ on private audiovisual communication services.

The Malian legislator and the executive power therefore sanction through these texts faith-based media in Mali. They define the procedure for their creation, the content of programs and the funding method.

#### 1.2. Procedure for setting up a faith-based media

Operating a faith-based media requires prior authorization from the High Authority of Communication (HAC).<sup>41</sup> The procedure is defined by Law No.046 of 7 July 2000 on the regime of the press and press offences and Law No.2012-019/ on private audiovisual communication services.

For the purposes of the law of 2000, it is prescribed that media organizations are the written press, radio and television broadcasting organs and press agencies that regularly provide general or specialized information. The law further stipulates that they must have a publication certificate or a legal authorization of existence and meet the requirements set out under the current the legislation.<sup>42</sup>

According to the law of 2012, in order to receive an authorization, the service editor should :

- 1° be a natural person or a legal entity under Malian law;
- 2° provide guarantees, in terms of financial capacity to check the potential economic viability of the project;
- 3° present by service a job plan for the staff adapted to the services it intends to edit;
- 3° ensure, in each service, the management of public information and technical equipment provided by professionals with employment contracts and who are recognized in accordance with the law governing the press;
- 5° establish internal rules regarding the objectivity when processing the information and accept to abide by them;
- 6° have implemented the procedures designed to comply with the legislation on copyright and related rights;
- 7° agree to respect the decisions of the audiovisual regulatory body.<sup>43</sup>

<sup>40</sup> Decree No.2016-0627/P-RM of 25 August 2016 laying down the specifications of private non-commercial sound broadcasting services

<sup>41</sup> Article 3 of the decree

<sup>42</sup> Article 2 of Law No.00-046 of 7 July 2000 establishing the press regime and breach of the press law

<sup>43</sup> Article 40 of Law No.2012-019 of 12 March 2012 on audiovisual communication private services, Article 40.

The procedure for radios and televisions is described in greater detail in the calls for applications of the High Authority of Communication (HAC) and the specifications applicable to non-commercial media (associative, community or faith-based). It is not specific to faith-based media only.

The authorization of non-commercial media, including religious media, is granted after a call for applications launched by the HAC.

The contents of the application file is defined by the HAC.<sup>44</sup> The authorization to operate is conditional on the conclusion of an agreement between the HAC and the selected candidate.<sup>45</sup> It is granted for a period of ten years renewable<sup>46</sup> for faith-based television and five years renewable for faith-based radio.<sup>47</sup>

### 1.3. Geographic distribution of faith-based media

Decree No.2016-0627/P-RM of August 25, 2016 laying down the specifications of the private non-commercial sound broadcasting services<sup>48</sup> specifies in the article 4, that "no person shall be holder of two authorizations, each relating to a non-commercial radio broadcasting by wireless networks in the same area". The same provision applies to non-commercial television channels<sup>49</sup> and therefore to faith-based televisions. There are no other legal or regulatory provisions dealing with the distribution of faith-based media.

There is no precise mapping of faith-based media in Mali. "There are about thirty of them spread throughout all the regions of Mali", according to Mahamane Hamèye Cissé<sup>50</sup>. As yet, "neither URTEL, nor the Ministry of Communication, let alone the HAC, are able to say exactly how many radios exist in Mali, a fortiori know which ones are faith-based radios<sup>51</sup>".

For the time being, the HAC has only authorized 5 non-commercial televisions and 235 non-commercial radios.

Meanwhile, the directory of media in Mali<sup>52</sup> counted 11 faith-based radios: 4 in the district of Bamako (La Voix du Coran et du Hadith, Espoir, Dambé and la Voix du Citoyen); 3 in the region of Koulikoro (Bélédougou to Kolokani, Baniko to Dioila, Rbawah FM to Koulikoro); 2 in the region of Sikasso (Yeelen FM to Kadiolo, Funtaga to Koutiala); 2 in the region of Ségou (Parana to San, Diaka Kéné to Tenenkou).

Regarding television channels that are actually faith-based, the directory<sup>53</sup> counts 8 in the district of Bamako: Chérifla TV, Nieta TV, Sunna TV, Arwane TV, Anwar TV, Zahra TV, Horonya TV and Dambe TV. These particular television channels exist thanks to religious groups and leaders who have understood the strategic role of the media in the promotion of religions.

### 1.4. Contents of faith-based media programs

In accordance with article 40 of Decree No.2016-0714/P-RM on the above-mentioned private sound broadcasting services, a faith-based radio station broadcasts "religious programs focusing specifically on the following areas: - information and religious teachings; - faith-based activities; - ceremonies and social, instructive and cultural activities; - religion, liturgies, prayers and religious songs; - history of religion"<sup>54</sup>.

However, article 41 of Decree No. 2016-0627/P-RM of August 25, 2016 establishing the specifications of private non-commercial sound broadcasting services specifies that they must devote 30% of their programs to non-religious programs that contribute to information, public education and socio-economic development of the country<sup>55</sup>.

The faith-based television channel "broadcasts religious programs focusing specifically on the following areas": - information and religious teachings; - faith-based activities; - ceremonies and social, instructive and cultural activities; - religion, liturgies, prayers and religious songs; - history of religion". »<sup>56</sup>

Unlike the faith-based radio, 45% of their programs have to be non-religious programs.

### 1.5. Faith-based media funding

The funding of faith-based televisions is governed by Decree No.2016-0714/P-RM of September 14, 2016, laying down the specifications of non-commercial television broadcasting services<sup>57</sup>. In accordance with article 56 of the decree: "The incomes of a non-commercial television mostly come from membership fees from some members of the association or the community, specific revenue from the broadcasting of awareness-raising programs, messages, news and press releases, from the Government, local authorities and partners, grants, donations and bequests".

Article 57 of the same decree establishes the principle that a political party is not allowed to support faith-based televisions be it in kind, in cash or in industrial property. Similar provisions are provided for faith-based radios.<sup>58</sup>

Despite this legal framework for financing faith-based media, there are religious organizations in some Muslim countries or churches that usually finance them. National religious associations usually finance those media.<sup>59</sup>

<sup>44</sup> Decree No.2016-0627/P-RM of 25 August 2016 laying down the specifications of private non-commercial sound broadcasting services

<sup>45</sup> Article 9 of the decree. Interview with Sadou A. Yattara, Coordinator of the Association Institute for Democracy and Media Education (IDEM), on 16 May 2020

<sup>46</sup> Article 19 of the law n°2012-019/ of March 12, 2012 relating to private audiovisual communication services

<sup>47</sup> Article 10 of Decree n°2016-0627/P-RM of August 25, 2016 laying down the Specifications of private non-commercial sound broadcasting services

<sup>48</sup> Decree No. 2016-0714/P-RM of 14 September 2016 laying down the specifications of non-commercial private television broadcasting services.

<sup>49</sup> Ibid, article 5

<sup>50</sup> Member of the High Authority of Communication (HAC) since 2014, interview carried out in May 17, 2020.

<sup>51</sup> Ibrahima Labass Keita, Vice President of the Observatory for the Ethics and Professional practices of the Press -ODEP; Interview carried out on May 7, 2000.

<sup>52</sup> Directory of media in Mali edited by the Association Forum de la presse, 2019.

<sup>53</sup> Ibid

<sup>54</sup> Article 40 of the decree

<sup>55</sup> Article 41 of Decree No.2016-0627/P-RM of 25 August 2016 laying down the specifications of non-commercial private sound broadcasting services

<sup>56</sup> Article 36 of Decree No. 2016-0714/P-RM of 14 September 2016 laying down the specifications of non-commercial private television broadcasting services.

<sup>57</sup> Art 56 of Decree No.2016-0627/P-RM of 25 August 2016 laying down the specifications of non-commercial private sound broadcasting services

<sup>58</sup> Me Saran Keita Diakité, Lawyer, President of REPSFCCO / MALI, President of the IAJM (Association of Malian Women Lawyers). Interview carried out on May 13, 2020

Should we then consider the fact that it is generally religious associations that finance these media an infringement of the law? Unless we consider that associations are not "members of the association or community". But in fact, and by assimilation, the donors are indeed "members of the community". The law does not allow any funding coming from political parties.

According to the program director of Cherifla TV, Ahmadou Diarra<sup>60</sup>, the international federation Ançar-Dine belonging to Chérif Ousmane Madani Haïdara funded the creation of this television channel with his own money. However, for almost 4 years now, it is no longer financed by external sources, but generates its own incomes from advertising.

## 2. REGULATION OF RELIGIOUS DISCOURSE IN THE MEDIA IN MALI

### 2.1. Legal framework of religious discourse in the media.

Various law provisions governing the media and their specifications shall apply to the religious discourse. In this section, the provisions are analyzed in relation to public order and maintaining social harmony on one hand, and to gender equality on another hand.

#### 2.1.1. The regulation of the religious discourse in the media as a way to maintain social harmony

Religious discourse is particularly sensitive with regard to cohesion. Gustave Le Bon argued that:<sup>61</sup> "Without doubt, faith in any dogma is generally only an illusion. However, it should not be ignored. Thanks to its magical power, the unreal becomes stronger than the real. Accepting a belief gives a population a common way of thinking from which it received its unity and strength. Knowledge being very different from faith, opposing them one to the other is useless, though attempts are being made on a daily basis. The Laws governing the psychology of belief does not only apply to great basic beliefs that leave an indelible impression on history. They are also applicable to most of our daily opinions about people and things around us. Observation easily shows that the majority of these opinions are not supported by rational elements, but by emotional or mystical elements, generally of unconscious origin."

Gustave Le Bon adds: "If an evil genius wanted to destroy a society in a few days, he/she would only have to suggest to all its members the refusal to obey the laws. The disaster would be far greater than an invasion followed by conquest. Actually, a conqueror usually limits himself/herself to changing the names of the masters who hold power, but his/her interest is to carefully preserve the social frameworks whose action is always more effective than that of armies. "The regulation of the media is not indifferent to this situation.

The need for social cohesion is reflected in many constitutional and legal provisions.

According to the Constitution, all Malians are born and remain free and equal in right and duty. Discrimination based on social origin, color, language, race, sex, religion, and political opinion is prohibited<sup>62</sup>. It also states that everyone has the right to freedom of thought, conscience, religion, worship, opinion, expression, and creation in accordance with the law.<sup>63</sup>

The law on private communication services stipulates that no one is authorized to use the means of audiovisual communication to incite hatred, violence, undermine the integrity of the territory or jeopardize national harmony and unity.<sup>64</sup>

Article 29 of Decree N°2016-0714/P-RM of September 14, 2016 specifies that faith-based television programs must respect human dignity, national unity and territorial integrity. They must also contribute to the safeguarding of national defence and security, the preservation of cultural identity and respect for public order. According to Article 31 of the same decree, faith-based television must not broadcast opinions that constitute a threat to fundamental freedoms and security.

In a specific way, the decrees laying down the terms of reference for the non-commercial media commit the faith-based radio and television stations to respect, through their programs, the secular character of the State, to accept difference, to preach tolerance and fraternity. They must avoid broadcasting any program that degrades or demeans any person or community, especially women. All remarks that are extremist, fundamentalist and exclusionary are thus prohibited. Faith-based media should avoid creating a polemical climate among themselves that could undermine peace, social cohesion and security.<sup>65</sup>

We have often thought the worst in Mali when large demonstrations were initiated and led by religious leaders, Muslims in particular, with eminently political and radical slogans<sup>66</sup> largely amplified by their media. A religious leader described the terrorist attack on the Radisson Blu Hotel in Bamako as divine punishment<sup>67</sup>. The Iman in question will not be worried, whereas in Senegal, for example, such statements have led to the prosecution of a religious leader and his followers and relatives on charges of glorifying terrorism.<sup>68</sup>

The regulation of religious discourse thus appears to be a pressing demand.<sup>69</sup>

<sup>60</sup> Interview carried out on 13 May 2020

<sup>61</sup> Le Bon, G. (2013). *Les Opinions et les croyances*. Presses Électroniques de France. P15-16

<sup>62</sup> Article 2 of the Constitution

<sup>63</sup> Article 4 of the Constitution

<sup>64</sup> Article 4 of the Law

<sup>65</sup> Articles 38 and 42 of decree N°2016-0714/P-RM of September 14, 2016 laying down the specifications of private television broadcasting services.

<sup>66</sup> « Radicalisation des prêches au Mali », *Duoi de neuf ? Short stories from Fondation Hirondelle*, n°48, 2016, p.2

<sup>67</sup> See « Au Mali religieux et stars des médias bataillent pour capter l'opinion », <https://theconversation.com/au-mali-religieux-et-stars-des-medias-bataillent-pour-capter-l-opinion-112142>, consulted on May 14th, 2020

<sup>68</sup> « Terrorisme au Sénégal : l'imam Ndao relaxé, jusqu'à 20 ans ferme pour ses codétenus », <https://www.jeuneafrique.com/602231/politique/terrorisme-au-senegal-limam-ndao-relaxe-jusqua-vingt-ans-ferme-pour-les-29-co-prevenus/>, consulted on May 14, 2020

<sup>69</sup> Islam et politique au Mali, op.cit. p.13

## 2.1.2. Religious discourse and gender equality

Religious discourse is carried by religious leaders, imams, priests, licensed or unregistered preachers. The speeches sometimes call for living together, peace, understanding, social cohesion, tolerance and love.

Religious discourse toward women was carried by preachers from religious associations and imams. The level of training of some of them is criticized by some who feel that they do not master preaching techniques.<sup>70</sup>

Indeed, many people, particularly from women's rights organizations, believe that religious discourse in general, and women's in particular, is retrograde. This is the case, for example, of Mrs. Koné Djénéba Diarra<sup>71</sup> for whom "the multiplicity of religious media with the lack of control over the content disseminated, can contribute to a religious fundamentalism that is often contradictory with the secularism of the State and the rights of male and female citizens." She also deplores the fact that: "Women are relegated to the background insofar as the emphasis is placed on their reproductive and advisory roles to men, and not as agents of development and public actors."

Could it be said, however, that the abuses often observed in the media to the credit of religious leaders are justified by the fact that the various decrees setting the specifications of religious radio and television stations do not aim to specifically regulate media discourse on women<sup>72</sup>? The question is, therefore, to know whether the regulatory bodies and mechanisms effectively exercise their mission of control over media content in general, religious discourse (on women) in the media.

## 3. MECHANISMS FOR REGULATING RELIGIOUS DISCOURSE

### 3.1. High Authority for Communication

Concerning the regulation of the media in general, it should be noted that from 1992 to 2015<sup>73</sup>

, free radios and televisions broadcast without any regulation. The media were not required to pay fees or to sign specifications with the State. They thus enjoyed total freedom, in short

The law n°2012-019/ of March 12, 2012 gave the power of sanction to the HAC by stipulating that "the telecommunications and audiovisual regulatory bodies may at any time exercise controls in private radio and television broadcasting services and service distributors."<sup>74</sup>

Public authorities also specify that "the High Authority of Communication (HAC) will exercise all the attributes of regulation except those devolved to the National Committee for Equal Access to State Media."<sup>75</sup>

The HAC will come into possession of all its powers, after the modification of article 7 of the 1992 Constitution, of which the CNEAME avails itself to exist<sup>76</sup>. In the meantime, bicephalism still remains in media regulation in Mali, even after the dissolution of the CSC and its replacement by the HAC, created pursuant to Ordinance N°2014-006/P-RM of January 21, 2014.

The HAC has shown little proactivity in its mission to regulate the media in general and religious discourse in particular.

In 2017, the HAC closed down 57 radios that were broadcasting without any authorization, in the strictest illegality. After a call for applications launched by the HAC, 37 of them were authorized to broadcast.

There is also the fact that the HAC had summoned all free radios to comply with the standards that regulate private audiovisual communication and advertising services in Mali, by April 10, 2019 at the latest, because actually, there are about 200 radios that have been identified and listed in terms of compliance with the standards, i.e. 69 commercial and 130 non-commercial radios.

The interministerial or ministerial orders, which allowed the more than 500 radio stations to broadcast, have become obsolete with the implementation of the HAC, which must now manage everything.

Currently, the HAC has authorized 141 commercial radios, 235 non-commercial radios, 25 private commercial televisions and 5 private non-commercial televisions.

The situation of faith-based media in Mali was nevertheless described by a member of the HAC as a mess<sup>77</sup> due to the fact that its control remains weak, and the media's terms of reference remain unenforced.

The lack of material and human resources is cited as a reason for this situation. In addition, the remoteness of the country makes it difficult to monitor the programs of certain media from Bamako. To overcome this difficulty, the HAC's 2020 action plan calls for the establishment of regional and sub-regional offices.<sup>78</sup>

Other observers put forward the pedagogical approach wanted by the HAC to the detriment of a repressive approach. One HAC member believes that this is "the indispensable condition for the survival of the media and the success of the HAC's mission."<sup>79</sup>

<sup>70</sup> Mr. Saran Keita Diakité, Lawyer, President of the AJM (Association des Juristes Maliennes), interview on May 13, 2020.

<sup>71</sup> Member of the Observatoire des Droits de la Femme et de l'Enfant (ODEF), Officer in charge of gender issues at the United Nations Integrated Multidimensional Stabilization Mission to Mali (MINUSMA), interview of May 12, 2020.

<sup>72</sup> Article 29 of Decree No. 2016-0714/P-RM of September 14, 2016 laying down the specifications for private television broadcasting services.

<sup>73</sup> Sangho, I. (2019). Médias de masse et Participation citoyenne au Mali de 1992 à 2018. Thèse pour le Doctorat PHD en Communication de masse. CYPRESS INTERNATIONAL INSTITUTE UNIVERSITY – MALAWI

<sup>74</sup> Article 5

<sup>75</sup> New Article 46 of Law n°2015-018/ OF June 4, 2015 modifying and ratifying Order n° 2014-006/P-RM of January 21, 2014 creating the High Authority of Communication.

<sup>76</sup> A re-reading of Article 7 of the 1992 Constitution will clearly identify the HAC as the sole regulatory body. The CNEAME will be abolished. A constitutional referendum is planned for this purpose.

<sup>77</sup> Islam et politique au Mali : entre réalité et fiction. Rapport Afrique of Crisis Group N°249, July 18, 2017, p.13

<sup>78</sup> Ousmane A. Formulation d'une approche de régulation des médias communautaires dans l'espace du Liptako-Gourma- Burkina Faso, Mali, Niger, 2019. op. cit. p.33

<sup>79</sup> Cited in Abdourahmane Ousmane, op.cit., p.33

However, this option is not without drawbacks. Indeed, the slippages observed in some preaching may jeopardize social cohesion.

For some players, the regulation of religious discourse from a pro-gender perspective remains difficult, with some religious leaders demanding respect for Muslim dogma on the subject, which is difficult to reconcile in certain aspects with the universalist vision of women's rights.

Some come to believe that religious discourse poses a debate that will not be exhausted as long as differences of opinion persist on the issue. So what should interest the media, regulators in particular, are stereotypes and the infantilization of women through the media<sup>80</sup>. Some reject any regulation of religious discourse towards women. This is a breach of the HAC, which is committed to monitoring gender equality within the framework of REFRAM<sup>81</sup>

## 3.2. Mechanisms of self-regulation of religious discourse

### 3.2.1. Observatory for deontology and ethics of the press

In 2001, Malian media professionals set up the Observatory for the Deontology and Ethics of the Press (ODEP).

The necessity and imperative that led to the creation of an internal police force for the profession, a self-regulating body, derives from a journalistic practice that has flirted with libertineism for too long. A self-regulatory body is undoubtedly the primary mechanism of any profession that takes itself seriously and takes seriously the protection of the public it claims to serve.

What was expected from the ODEP was the first mission that media professionals assigned to it under the terms of Article 2 of its Statutes: the defense and promotion of press freedom.

Beyond that, it also means ensuring the safety of journalists in the exercise of their profession and defending citizens' right to information.

It is about the right of citizens to fair and equitable information, respectful of the ethical and deontological rules as generally accepted by the profession and as enshrined in the code of ethics of the Malian journalist.<sup>82</sup>

Mali is the latest country to follow Senegal, Côte d'Ivoire and Burkina Faso in terms of setting up a self-regulatory body, with the support of the European Union (EU).

Each year, ODEP published a report on its monitoring activities of the Malian media on the occasion of May 3, International Press Freedom Day. The written press and its excesses were the most concerned. To date, the ODEP is inactive, and like self-regulatory bodies in other countries, the ODEP is limited by the fact that many bearers of religious discourse are outside its jurisdiction.

In view of the lethargy of the ODEP, the member structures of the Maison de la Presse have set up a Press Ethics and Deontology Committee (CEDP). It was officially installed on May 3, 2018, on the occasion of the commemorative day of press freedom. Self-regulation is still being sought, but remains a pious hope.

### 3.2.2. Internal media mechanisms

It should be pointed out that there are no real mechanisms within the media to regulate religious discourse.

Private non-commercial radio and television stations have religious desks, which do not necessarily influence the quality of religious discourse. The level of training of many preachers is very low<sup>83</sup>, even though in some media such as ORTM, an office of ulemas has been in charge of selecting Muslim and Christian (Catholic and Protestant) preachers since the advent of public TV in 1983.

<sup>80</sup> Sadou Abdoulaye Yattara, Coordinator of the Association Institut pour la Démocratie et l'Éducation aux Médias (IDEM), President of the Réseau des Journalistes Observateurs de l'Industrie de la Nicotine et du Tabac (REJOINT), interview on May 7, 2020.

<sup>81</sup> Réseau Francophone des Régulateurs des médias

<sup>82</sup> Adopted at the Second National Information and Communication Days in December 1996.

<sup>83</sup> Sadou Abdoulaye Yattara, Coordinator of the Association Institut pour la Démocratie et l'Éducation aux Médias (IDEM), President of the Réseau des Journalistes Observateurs de l'Industrie de la Nicotine et du Tabac (REJOINT), interview on May 7, 2020.

## CONCLUSION

Faith-based media exist in Mali where they operate under the label of non-commercial media, a term that encompasses community and religious media. In practice, there is still confusion about how to understand religious media.

The HAC, which has to manage these media, suffers from a lack of human resources to cope with the set of its attributions laid down in the national legislation.

We also noted that the regulation of religious discourse on women does not promote women's rights as contained in international legal instruments. Women are relegated to the background as the focus is on their reproductive and advisory roles to men, rather than their roles as development agents and public actors.

Self-regulation is almost non-existent, not only for media professionals, but also for the bearers of religious discourse.

Religious media and religious discourse serve, moreover, to entice people. The discourses are quite important in that they are followed by a fairly significant layer of women, especially Cherifla TV, a commercial television that is really evolving as a faith-based media.

All in all, media professionals, religious leaders, regulatory and self-regulatory authorities, and public authorities have not fully taken into account the strong capacities of religious media, nor the scope of religious discourse that can undermine democracy.

It is imperative to put in place a framework of regulation and self-regulation of the content of religious media, for the respect of the secularism of the Republic and the promotion of women's rights.

As a result, regulators and public authorities need to integrate the very wide reach of religious media and religious discourse, work for rigorous monitoring of the media and appropriate regulation of their discourse.

## RECOMMENDATIONS

At the end of this study on the legal and regulatory provisions relating to the existence of religious media and their regulation, we make the following recommendations:

### **To the Government of the Republic of Mali**

- Adopt a specific law for the legal and regulatory framework of religious media;
- Provide the HAC with human, material and financial resources for the rigorous monitoring of the specifications of the religious media.

### **To the faith-based media**

- Establish a framework for self-regulation of religious media by a college of Ulemas.

### **To communication professionals**

- Revitalize the Observatory for the Deontology and Ethics of the Press (ODEP) ;
- Establish self-regulation mechanisms for religious discourse in editorial offices.

### **To technical and financial partners**

- Building capacity :
  - for the College of Ulemas for the respect of the values of the Republic and of democracy, in particular, the respect of secularism and the promotion of women's rights ;
  - for presenters of the religious desks for women's rights;
  - for the Observatory of the Deontology and Ethics of the Press (ODEP) for the monitoring of religious media, particularly women's rights.



**NIGER**  
**Faith-based media prohibited but tolerated**

By  
**Dr ADAMOU RABANI**

## INTRODUCTION

In Niger, the democratization process that began in 1991 was the main ferment for a restructuring of the media field in general. It is especially Ordinance 93-31 of March 30, 1993 on audiovisual communication that marks the beginning of the liberalization of the airwaves, following the adoption of a multiparty system.

This ordinance marks the end of the state monopoly on audiovisual media and affirms the principle of freedom of audiovisual communication. It makes access to audiovisual communication services a right for Nigerien citizens.

The media opening materialized above all by a flowering of media in the media sphere. Democratic liberalization has also fostered the birth of several religious organizations in Niger, in accordance with the principle enshrined in the 1999 Constitution, Article 23, which states: "Everyone has the right to freedom of thought, opinion, expression, conscience, religion and worship."

In addition to the Islamic Association of Niger, several other Islamic organizations and associations have emerged, including the Islamic Council of Niger created by Decree No. 2003-313 of November 14, 2003. Today there are 105 Muslim associations, and only 38 Christian associations<sup>84</sup> in Niger.

In this context, several religious organizations have entered the field of the media, with the risk of seeing the media in some cases become a framework for the expression of fundamentalist currents likely to undermine the foundations of the rule of law and social cohesion.

The current sub-regional context marked by a wave of terrorist attacks therefore calls for an urgent regulation of religious discourse in the media.

Women constitute a central point in the analysis of the regulation of religious discourse in the media, insofar as their representation in this discourse is highly controversial.

It is therefore necessary to question the legal framework governing religious media, which mainly convey religious discourse (I), which is also present in the general media and therefore goes beyond the sphere of faith-based media. This is why the analysis of the regulation of religious discourse must highlight the different mechanisms of regulation of religious discourse and their limits (II).

### I. STATUS OF FAITH-BASED MEDIA

The legal and regulatory framework for faith-based media in Niger is characterized by a diversity of sources. Sources that do not set specific regulations for religious media and lay down the principle of their formal prohibition.

#### 1. Strict prohibition of faith-based media

Despite the flourishing media that followed democratization and the enshrinement of the principle of freedom of expression and equal access to information, the Constitution and Media Laws remained silent on the status of faith-based media in Niger. This is the case of the Constitution of November 25, 2010, and Law No. 2019-28 of July 1, 2019 on the exercise of religion in Niger. It was therefore necessary for the adoption by the Higher Council for Communication of Deliberation No. 02-2007/P/C/CSC of August 27, 2007 setting out the modalities for the creation, installation and operation of private radio and television broadcasting services, for faith-based media to be formally banned in Niger. Article 26 of this deliberation stipulates that "radio stations of a faith-based and political nature are formally prohibited".

This prohibition will be reiterated in the same terms in Deliberation No. 02/CSC/2014 of June 4, 2014 setting the terms and conditions for the installation and operation of private and associative sound broadcasting services.<sup>85</sup>

For some actors, this prohibition would stem from the secular character of the State, since the recognition of media could undermine the necessary neutrality of the State. However, this justification is based on a particular conception of secularism, because in Mali as well as in Côte d'Ivoire, the faith-based media are formally recognized by the legislator, even though they are also secular States.

Indeed, for a better control of the media landscape in Niger, the installation and operation of an audiovisual communication service are subject to prior authorization from the CSC<sup>86</sup>. It follows a call for applications under the aegis of the CSC and is materialized by the signature of an agreement between the successful candidate and the latter. The authorization is precarious since it must be renewed every five years in the case of radio, and every ten years<sup>87</sup> in the case of the others. It can be withdrawn in the event of a breach of obligations<sup>88</sup>. The specifications are drawn up by the CSC but validated after a public hearing in which civil society in particular takes part.<sup>89</sup>

#### 2. Empowerment for mainstream media to produce religious content

In the Nigerien media landscape, the observation is that despite the formal prohibition of religious media, some mainstream media produce religious programs whose weight suggests that they are faith-based media, thus sowing confusion in the minds of listeners. Most importantly, the volume of programming varies from time to time, depending on whether one is in the full exercise of rituals such as the month of Lent or in normal times.

<sup>84</sup> Surveys of the National Statistical Institute in 2012.

<sup>85</sup> Article 25 of the Deliberation

<sup>86</sup> Article 10 of order 93-31 of March 30, 1993 on audiovisual communication

<sup>87</sup> *Ibid* article 11

<sup>88</sup> See Deliberation No. 003/CSC of December 11, 2015 Determining the Organization of Public Hearings for the Withdrawal of Frequencies for the Operation of Private and Associated Radio and Television Broadcasting Services

<sup>89</sup> Article 31 of order 93-31 of March 30, 1993, *op cit*.

Two press groups were identified by most interviewees as faith-based media. These are the Bonferey Group and the Fidelity Group, two media outlets broadcasting religious programs dedicated to a Muslim audience for one, Christian for the other. It is understood that while the law prohibits faith-based media, it does not prohibit religious programming in the general media.

Similarly, and in comparison to other countries such as Mali and Cote d'Ivoire, several criteria, defined by the legislator, classify religious media. These include, for example, the content of their programs (about 80% of the program dedicated to religion) and their mode of financing (membership fees of community members, donations, legacies, etc.). Considering that the Bonferey Group and the Fidelity Group are commercial media, that more than 80% of their programs are not dedicated to religion, we cannot formally say that these media are religious, but rather that they produce programs of a religious nature. It is even possible to say that in this way, they participate in media pluralism. However, "faith-based" media are created, under another label.

### 3. The covert existence of faith-based media

The deliberation n°02/CSC/2014 of June 4, 2014 laying down the modalities of creation, installation and operation of private and associative sound broadcasting services distinguishes three categories of radios: commercial radio, community radio and associative radio. The last two are not for profit. Depending on their audience, the deliberation distinguishes between local, regional, national and international radio.

The media thus qualified as faith-based are private media that have a community media status. The survey reveals that in the Nigerien media landscape, two radio stations are fundamentally considered as faith-based media<sup>90</sup>: Radio Lumière and Radio Al Oumma which are community radios and which, in their programs, broadcast only religious programs, Christian for the one, Islamic for the other.

Audiovisual communication companies, whether they are public or private commercial companies, have access to the advertising market according to terms defined by the CSC<sup>91</sup>. On the other hand, community radio stations are financed by public and private subsidies, membership fees, donations and legacies. They therefore do not have access to the advertising market<sup>92</sup>.

In practice, some interviewees believe that the operation of media labeled as faith-based is most often funded by external religious organizations.

The question worth asking relates to the porosity of the legal and institutional mechanisms governing the establishment of the media in general in Niger. A porosity that could be justified by the control or even a timid a posteriori control of the various indexed media.

In fact, the situation of media considered to be faith-based in Niger is not unknown to the authorities, particularly the CSC. For some, this tolerance stems from a desire to preserve social peace, while some stakeholders believe that it is simply a violation of the laws in force.

In any case, the circumvention of the formal ban on faith-based media and the tolerance observed towards them in practice totally questions the very principle of the ban. On this issue, opinions are divided.

Beyond the secular character of the Nigerien State, certain media professionals advocate prohibition because they fear the monopolization by a category of the audience, especially religious, and especially Muslim, which constitutes the majority of the listeners. In other words, the existence of the so-called faith-based media represents a form of unfair competition. Their existence would be a violation of the law.

Other actors, on the other hand, believe that their existence responds to a real need of the populations and, beyond, reflects a certain form of multiculturalism of the Nigerien society. The so-called faith-based media in no way constitute a risk because the Islam practiced in Niger is an Islam of tolerance. The regulation of preaching could be sufficient to rule out the risk of slippage. However, it is rare to see voices calling for the formal institution of faith-based media.

In any case, would not this vagueness maintained by the regulator on the legal status of the faith-based media be likely to rub off on the religious discourse in the media? In other words, if the mechanisms for regulating the media seem deficient, are they deficient when it comes to regulating religious discourse?

## II. REGULATION OF RELIGIOUS DISCOURSE IN THE MEDIA

In a legal approach, regulation merges with control. This is why the analysis of regulation will take into account the regulation applicable to the media with the dual aim of preserving social cohesion and promoting gender equality. It also implies the control exercised by regulatory bodies and mechanisms.

### 1. Legal framework for religious discourse

#### 1.1. Religious discourse and social cohesion

Religion is a double-edged sword, for as much as it ensures social cohesion, it can also be a factor of disorder. The Constitution of the Republic of Niger, while recognizing the freedom of religion and worship<sup>93</sup> of all persons, nonetheless provides that this freedom is to be exercised with respect for public order, social peace and national unity<sup>94</sup>. Similarly, freedom of expression is recognized but is also subject to respect for public order, social peace and national unity.

<sup>90</sup> All the people interviewed agree that these media are religious because, on the one hand, they violate the rules of equality and diversity in broadcasting and, on the other hand, the selective nature of the programs they broadcast.

<sup>91</sup> Ibid, articles 16 and 17

<sup>92</sup> Ibid, article 18

<sup>93</sup> Article 30 para. 1 of the Constitution

<sup>94</sup> Article 30 paragraph 3 of the Constitution

The religious discourse conveyed through the so-called faith-based or generalist media must be in line with this perspective. Article 158 of the Constitution states that "Audiovisual, written and electronic communication, as well as printing and broadcasting, are free, subject to respect for public order, freedom and dignity of citizens".<sup>95</sup>

Thus, the public and private media "have the obligation to foster democratic debate and to promote fundamental human rights, languages and national sports and cultural products, national unity, tolerance and solidarity, peace and security, between different communities, as well as the fight against all forms of discrimination."<sup>96</sup> This provision of the Constitution is taken up in the same terms by Decision No. 002/CSC of March 2, 2015 of the CSC establishing the modalities of respect by the private media of the principles of pluralism and balance of information.

In spite of this regulation, it should be noted that the slippage is seen through religious discourse in the media. It must be said that Niger has been facing, for years, a fundamentalist current that has been at the root of fundamentalist violence<sup>97</sup>. According to Olivier de Sardan, this rise in religious fundamentalism can be explained by a rejection of the political class<sup>98</sup> by this religious current.

In the context of worship in general, the supervision of preaching has become a major concern in Niger. The risk is all the greater as preachers have not received specific training in journalism or ethics.

For this reason, under the impetus of the Ministry of Interior, Decentralization, Religious and Customary Affairs, a law was adopted on July 1, 2019 on the practice of religion in Niger. This law defines worship as the set of practices by which a group of people worship a deity within a religion<sup>99</sup>.

Thus, while emphasizing the free character of the exercise of worship, the legislator nevertheless recalls that freedom of worship is exercised with respect for public order, good morals, social peace, national unity and the principle of the separation of state and religion.

Within the framework of the organization of the cult, the law n°2019-28 of July 1, 2019 provides that, subject to the respect of internal principles and rules, each religion is represented, at the national level, by a National Council constituted from legally recognized representative bodies.

The National Council is the consultation framework for each religion. It is the State councilor for questions concerning that religion. The National Council is approved in accordance with the texts relating to the regime of associations in the Republic of Niger.<sup>100</sup>

It plays a fundamental role in balancing the positions of the different religious denominations. Thus, it is the Council that makes the most important decisions for the Muslim community in the practice of religion. For example, it decides on the beginning and end of Islamic events such as Ramadan or religious holidays.

On the whole, if the control of the establishment of faith-based media seems to escape regulation, it must however be recognized in the light of the above situation that the institutional mechanism put in place makes it possible to control, a priori and, a posteriori, the religious discourse within and outside the media.

## 1.2. Religious discourse and gender equality

The gender issue arises mainly in terms of the equality advocated by the Constitution and other norms. The Constitution, in its preamble, affirms the adherence of the people of Niger to the Convention on the Elimination of All Forms of Discrimination against Women of December 18, 1979. It also states in Article 22 that "the State shall ensure the elimination of all forms of discrimination against women .... Public policies in all areas ensure their full development and participation in national development."<sup>101</sup> The State must ensure their equitable representation in public institutions through the national gender policy and the respect of quotas.<sup>102</sup> Article 158 of the constitution, which prohibits discrimination in this area, also provides a legal basis for promoting equality between men and women in the media.

However, this equality is not strongly expressed in the rules governing the media in Niger. Moreover, in the opinion of one professional journalist interviewed, "there are no provisions that encourage professional practice to take gender into account. Even though we see more and more women preaching or hosting religious programs in the media".

Currently, Muslim women are highly visible in religious communication compared to other religions. This can be explained by the fact that the vast majority of the Nigerien population is Muslim.

But can this visibility be a brake on the emergence of radical discourses that limit their rights, or is it likely to favor a certain Islamic feminism that promotes equal rights between men and women?

In Niger, gender equality in the media is mainly reflected in the participation of women preachers in religious education.<sup>103</sup> However, the discourse of female preachers does not differ from that of male Muslim preachers. It is far from Islamic feminism, which promotes an emancipatory reading of the Qur'an for women in terms of equality between women and men, but is rather the expression of a recognition of this section of the population's right to access religious education on the same basis as men. However, the example of the late preacher Hajiya Zeinab is cited as an example of her virulence against men's behavior.<sup>104</sup>

<sup>95</sup> Article 158 paragraph 1 of the Constitution

<sup>96</sup> Articles 158 paragraphs 3 and 5 of the Constitution

<sup>97</sup> « Le discours religieux intégriste se répand de plus en plus », <https://www.cath.ch/news/niger-le-president-mainassara-critique-la-politisation-de-l-islam-au-niger/>, consulted on March 15, 2020

<sup>98</sup> Interview available at <https://www.voafrique.com/a/un-chercheur-decrite-une-montee-de-l-intolerance-religieuse-au-niger/3220428.html>.

<sup>99</sup> Article 4 of the said Law

<sup>100</sup> See articles 13, 14 and 15 of the law.

<sup>101</sup> Article 22 paragraph 1 of the Constitution

<sup>102</sup> Article 22 paragraph 3 of the Constitution

<sup>103</sup> Mahaman ALIO, « L'islam et la femme dans l'espace public au Niger », *Afrique et développement*, Vol. XXXIV, Nos 3 & 4, 2009, pp. 111-128, particularly p 118

<sup>104</sup> Ibid.

In conclusion, it appears that the consideration of gender in religious discourse is still very insufficient.<sup>105</sup> This is why it is imperative to adopt effective and efficient institutional mechanisms to regulate religious discourse in the media, and thus force the consolidation of cohesion and social justice.

## 2. Mechanisms for regulating religious discourse in the media

### 2.1. Institutional regulation of religious discourse

Media regulation in Niger is the responsibility of the Higher Council for Communication.

The latter is governed by Law n°2012-34 of June 7, 2012, which states in its Article 1 that "The High Council for Communication is an independent administrative authority. It is in charge of regulating communication".

In terms of regulation, the CSC carries out missions that are part of the balance sought in terms of communication and the protection of freedoms. Thus, the CSC ensures that freedom of information and communication is guaranteed in accordance with the law.

It also ensures the respect of the deontology of the means of audiovisual communication in accordance with the international conventions of communication and the charter of professional journalists of Niger.<sup>106</sup>

Furthermore, it is also responsible for guaranteeing the independence of the public and private media in terms of information, and for guaranteeing and ensuring the freedom and protection of the press and all means of mass communication in accordance with the law.

The CSC's role is also to ensure that political parties, unions, associations and citizens have equal access to the media. It is also responsible for ensuring respect for ethics and deontology in accordance with the Charter of Professional Journalists in Niger.

An analysis of the regulations has shown that the CSC has a legal basis for sanctioning, in particular, breaches of public order related to religious discourse. Sanctions are applicable to both journalists and the media. The CSC has adopted by deliberation the Charter of Professional Journalists and can impose sanctions against journalists on the proposal of the Press Council<sup>107</sup>, advisory body to the CSC. The proposed sanction may consist, for example, in the withdrawal of the press card<sup>108</sup>.

This was the case of two media outlets in Zinder and Maradi that were sanctioned for giving airtime to extremists calling for jihad. The sanctions consisted of the closure of the organs concerned without any legal challenge.

The private television "Canal 3", was put on notice in 2014, by the CSC for not having been able to do diligence to prevent the broadcasting of serious comments made by its guests during a debate in Hausa called "Mahawara" hosted by one of its journalists.<sup>109</sup> The same is true of the "Alternative" community radio station, which was put on notice following the broadcast of a public conference during which serious comments were made<sup>110</sup>.

The CSC will see its powers expanded, especially with the new 2019 law on the exercise of religion in Niger. This law establishes a Directorate of Religious Affairs and the supervision of religious practices. With this new law strengthening the CSC's prerogatives, it should be more proactive in defending public order and social cohesion.

In addition, by adopting by deliberation N°002/P/CSC of June 5, 2017, the Charter for the Improvement of the Image of Women in the Media in Niger, the CSC undertook, in accordance with Article 5 of the Charter, to ensure "respect for the application of the directives contained in the specifications of public, private and community media that take into account the principles of gender equity and equality"<sup>111</sup>. However, the CSC's track record remains very mixed, given the number of sanctions or decisions taken since 2007 against "hate" and particularly discriminatory speech in the media.

### 2.2. Self-regulation of religious discourse in the media

The regulation of religious discourse is more problematic in the private media than in the public media, where the principle is that of equal airtime, including for religious programs.

The deliberation n°002/CSC of March 2, 2015, which sets the modalities of respect by the private media of the principles of pluralism and balance of information, constitutes the basic foundation. Article 4 of this deliberation states that "in the processing of information, private media must respect the principles of impartiality, honesty, objectivity, balance, equity and pluralism".

Above all, it is the application of article 8 of the Deliberation that allows the private media to proceed with self-regulation. According to the provisions of this article, private media must watch over the information to be disseminated. They must also be rigorous in the collection, processing and dissemination of information, particularly through systematic checks on the validity and sources of information.

They must ensure, when the word is given, as in preaching, the balance, the seriousness and the rigor of the speeches in the respect, in particular, of the pluralist expression of the various currents of thought and opinions.

<sup>105</sup> see Report of « Atelier de concertation entre le CSC, l'Observatoire Femmes et Médias et les représentants des organisations faitières des médias : Lutter contre les préjugés dans le traitement des informations relatives aux femmes » : <https://nigerdiaspora.net/index.php/politique-niger/8231-atelier-de-concertation-entre-le-csc-l-observatoire-femmes-et-medias-et-les-representants-des-organisations-faitieres-des-medias-lutter-contre-les-prejuges-dans-le-traitement-des-informations-relatives-aux-femmes>, consulté le 07 juin 2020

<sup>106</sup>The CSC is composed of 15 members including: - one person appointed by the President of the Republic; - one person appointed by the President of the National Assembly; - one person appointed by the Prime Minister; - three representatives elected by the socio-professional organizations of the media in the private sector, including at least one woman; - three representatives elected by the trade unions of the media workers in the public sector, including a journalist, a producer and a technician, including at least one woman; -one representative elected by the trade unions of workers in the telecommunications sector; -one representative elected by the human rights associations; -one representative elected by the collective of organizations; -one representative elected by the cultural creators; one representative elected by the printers and publishers; -one representative elected by the communication agencies and offices.

<sup>107</sup> Article 9 Decision N°001 /P/CSC of June 12th, 2013 On the Creation, Composition, Duties and Functioning of the Press Council

<sup>108</sup>Idem

<sup>109</sup>Le Régulateur n° 000 du 2mai 2014 p.2

<sup>110</sup>Ibid

<sup>111</sup> Interview with Mme Ibrahim Marie Rose Tamakloe, Director of Pluralism at the Superior Council of Communication of Niger, May 13, 2020

Finally, they must ensure that the presentation of any person intervening on their antennas does not abuse the public on their competence or authority. Program contributors must be presented in a neutral manner and their interventions must be identified and qualified as personal opinions where appropriate.

It is to meet all these requirements that the media, through their internal rules and regulations, provide for control mechanisms to which staff must submit in the course of their work. These rules of procedure have the advantage of applying indiscriminately to journalists and program presenters, particularly preachers, and in general to all those who are qualified as program officers, who may be news agents, presenters, press officers, etc.

For example, the Charter of the Office de radiodiffusion télévision du Niger (ORTN) constitutes a tool for regulation with a view to preserving the protection of public order and social cohesion. It is thus provided that the ORTN shall ensure before broadcasting that the remarks made in the context of programs, including religious programs, do not incite hatred, racism, insurrection, violence and religious and community conflicts and that they are not offensive, defamatory, libelous, or otherwise objectionable.<sup>12</sup> The ORTN reserves the right to decide whether or not to broadcast comments collected by its journalists. It thus appears that ORTN is self-regulating by exercising an a priori control over the programs it broadcasts. This mechanism seems appropriate to regulate religious discourse for the preservation of social cohesion.

## CONCLUSION

The strategic position of Niger as well as the cosmopolitanism that characterizes its religious environment constitutes a real difficulty in channeling the field of religion in terms of communication. Public authorities have been careful not to pave the way for the creation of religious media. However, Niger has subscribed to several international conventions on the freedom of citizens, freedom of worship, respect for human rights and gender equality. For this reason, press legislation provides for mechanisms for religious expression through public and private media.

It should be noted, however, that the media remained in control of their programming in accordance with the rules of ethics and deontology. While this freedom may have encouraged circumvention, regulation and self-regulation are the means of limiting it.

It should also be noted that the majority of the population is interested in these so-called faith-based media because of their programs. There is therefore a kind of tolerance of these media despite the ban.

It is therefore time for the State to decide to authorize or extend tolerance, with all the consequences that may ensue, in particular the lack of balance between the actors.

## RECOMMENDATIONS

In view of the sensitivity of the religious issue in relation to the media, the following recommendations can be made:

### To the State of Niger:

- Establish a legal framework by authorizing faith-based media to stop the circumvention of the law, and if necessary establish a self-regulatory body for faith-based media.

### To media:

- To create religious desks in editorial offices to facilitate content control;
- To harmonize the texts, especially the media specifications and the content of programs to avoid the rise of extremism through preaching;
- To generalize the gender dimension in media specifications;
- To make effective the monitoring of gender equality in order to correct any inequalities observed;
- To strengthen the presence of women journalists in the animation of religious programs.

### To religious structures:

- Strengthen the training of preachers on journalistic practices and women's rights.

### To CSC :

- - Establish a co-regulation framework involving the CSC, ONIMED and the National Council;
- - Adopt a Code of Ethics and Professional Conduct for preachers;
- - Reinforce the presence of women at the CSC level.

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<sup>12</sup> See ORTN's Code of Ethics



**SENEGAL**  
**Boom of faith-based media despite lack of legal status**

BY  
**SEMOU NDIAYE**

## INTRODUCTION

In Senegal, the liberalization of the media landscape from the 1990s onwards has fostered the exponential development of the media in general, and religious media in particular, especially from the 2000s onwards, even if some people trace the existence of religious media back to the colonial period. However, the question of their status is acutely relevant not only in view of their number but also in view of the legislation relating to the media which seems to ignore them. We will therefore question this status.

Religion occupies an important place in Senegalese society, 95% of which is Muslim. To consider only the post-independence period, it must be said that religious discourse has always been present in the media in Senegal. First in the public media before their monopoly was disputed by the private media as soon as they appeared. The religious discourse deserves to be analyzed not only with regard to the interest it arouses among the populations but especially because of the global and regional geopolitics marked by terrorism linked to the rise of religious radicalism. From this point of view, the regulation of religious discourse appears to be a priority for a country like Senegal, which is far from being immune to violent extremism.<sup>113</sup>

Religious discourse in the media is also receiving attention because of the place and role of women in society. This issue remains highly controversial even though everyone agrees on the need to preserve women's rights. It is important from this point of view to see whether the media regulatory bodies and mechanisms are capable of ensuring gender regulation in religious discourse.

The study of the regulation of religious discourse (II) will therefore be preceded by an analysis of the status of faith-based media (I).

### I- STATUS OF FAITH-BASED MEDIA

#### 1. Lack of a status for faith-based media

The Constitution of January 22, 2001 states that the creation of a press organ for political, economic, cultural, sports, social, recreational or scientific information is free and is not subject to any prior authorization.<sup>114</sup> This freedom is the logical continuation of the assertion of the recognized right of every citizen to freely express and disseminate his/her opinions by word, pen, image among others.<sup>115</sup> It should be noted that it makes no reference whatsoever to the creation of a press organ for religious information. Moreover, neither Law No. 96-04 of February 22, 1996 on organs of social communication and the professions of journalist and technician, nor Law No. 2017-27 of July 13, 2017 on the Press Code of 2017, refers to the notion of a faith-based media.

There is also no specific law governing religious media outlets. The absence of a specific specification for faith-based media is a further argument that confirms the lack of legal recognition of faith-based media. In a country such as Burkina Faso for example, faith-based media are explicitly recognized by the Press Code and have their own terms of reference. Article 47 of the Ivorian law on audiovisual media states that private non-commercial radio and television broadcasts are of an associative, community or faith-based type.

Despite this legal vacuum, Senegal is experiencing a boom in the field of faith-based audiovisual. Indeed, each religious community now has its own radio and/or television. Examples include Lamp Fall TV, Touba TV or Al Mouridiyyah TV of the Mouride community, Diamalahi FM of the Layennes, Bambilor FM and TV of the khalife of Bambilor, Al Bayan Fm of Tivaouane of the Tidianes, Al Faydât FM of Medina Baye of Kaolack of the Niassènes.

For the Christian community, we can mention the radio station Espérance FM which broadcasts in the city of Dakar or the station Coorkat FM which broadcasts in the city of Thies. Digital technology has also been invested by religious denominations.<sup>116</sup>

The absence of a legal status for the faith-based media is far from being the result of a gap in the legislation. It is linked to the hostility of public authorities to the idea of faith-based media, which would find its justification in Senegal's option for secularism. Such an option still opposes partisans and negators of faith-based media. For the former, these media only consolidate pluralism in the audiovisual sector<sup>117</sup>, while the latter think that they present the risk of an amplification of religious radicalism.<sup>118</sup>

From a legal point of view, faith-based media can be considered a violation of the Law of 96 on the organs of social communication. Their existence is linked to the granting of licenses without following the legal procedures. In other cases, it is the result of what the former president of the National Council for Audiovisual Regulation (CNRA) called "media incivism", meaning that holders of local, regional or community broadcasting licenses were broadcasting nationally without prior modification of the convention that governed them, or the fact that some were shifting from community programming to generalist channels when their status did not allow it.<sup>119</sup>

In its 2013 report, the CNRA also pointed out that the preponderance of religious programs easily leads to non-compliance with the rule of pluralism, which is based on the diversity of cultural, religious and social expression and whose scrupulous respect is imposed by the contracts and specifications accepted and signed by audiovisual operators.

<sup>113</sup> A. SECK et al. « Le péril djihadiste à l'épreuve de l'islam sénégalais », Observatoire international du religieux, bulletin n°4, January 2017, pp15-24

<sup>114</sup> Article 11 of the Constitution

<sup>115</sup> Article 10 of the Constitution

<sup>116</sup> S. SYLLA « Le Sénégal à l'heure des médias numériques confessionnels Le Hizbut-Tarqiyyah et son site Internet, comme reflets de nouveaux lieux de culte virtuels », [https://www.researchgate.net/publication/326646011\\_Le\\_Senegal\\_a\\_l%27heure\\_des\\_medias\\_numeriques\\_confessionnels\\_Le\\_Hizbut\\_Tarqiyyah\\_et\\_son\\_site\\_Internet\\_comme\\_reflets\\_de\\_nouveaux\\_lieux\\_de\\_culte\\_virtuels](https://www.researchgate.net/publication/326646011_Le_Senegal_a_l%27heure_des_medias_numeriques_confessionnels_Le_Hizbut_Tarqiyyah_et_son_site_Internet_comme_reflets_de_nouveaux_lieux_de_culte_virtuels), consulted on December 13, 2019

<sup>117</sup> Such is the point of view of the journalist Jean Meissa Diop in « Sénégal : Débat - Prolifération des médias confessionnels - La responsabilité des initiateurs mise à l'épreuve », <https://fr.allafrica.com/stories/201209041154.html>, consulted on December 11, 2019

<sup>118</sup> B. D. MANE « Discours religieux dans les médias : radicalisme, terrorisme et culture de la paix », [https://www.kas.de/document\\_library/get\\_file](https://www.kas.de/document_library/get_file), consulted, on December 11, 2019

<sup>119</sup> <https://www.lequotidien.sn/regulation-piratage-audiovisuel-attribution-anormale-de-frequences-les-inquietudes-de-babacar-toure/>, consulted on December 11, 2019

## 2. Covert existence of faith-based media

In practice, the creation of a press organ obeys a certain procedure depending on the nature of the media. Excluding public media, Senegalese media law in force distinguishes between private commercial radio, community radio, commercial television and non-commercial television. Existing faith-based media have been created under one of these different categories.

In other words, faith-based media in Senegal take the form of private commercial radio, community radio, commercial or even non-commercial television. We can therefore speak of the disguised existence of faith-based media in Senegal.

The procedure is simplified with regard to the print media which is subject to a declaration regime for registration unlike the audiovisual media subject to a prior authorization regime through the granting of an operating license.

Any press organ that publishes its first issue must make a declaration of publication in order to be registered with the Ministry in charge of Communication. This declaration can be made for any press company or any press manager.<sup>120</sup>

Audiovisual media are subject to common and specific formalities. The common formalities include the required opinion of the National Council for Audiovisual Regulation (CNRA), as well as obtaining a frequency and an authorization to operate a radio station from the Regulatory Agency for Posts and Telecommunications (ARTP).<sup>121</sup>

The operation of a private commercial radio requires a license issued by the Ministry in charge of Communication for a period of 5 years renewable. The application must be made by a natural or legal person of Senegalese private law.<sup>122</sup>

Like the application for registration of a print media organization, the application for a license to operate a community radio station is free of charge. The license is valid for 5 years and is renewable. The application for a license to operate a community radio can only be made by an association recognized by the Ministry of Interior. The application is addressed to the Ministry of Communication.<sup>123</sup>

The operation of a television station for commercial purposes requires an operating license issued by the Ministry in charge of Communication. Any natural or legal person of Senegalese nationality may apply for one.<sup>124</sup>

The operating license is granted for a period of 10 years and is renewable.

The operation of a non-commercial television requires a license issued by the Ministry in charge of Communication. This can only be requested by an association recognized by the Ministry of the Interior.<sup>125</sup>

Law No. 2017-27 of July 13, 2017 on the Press Code makes the distinction between print media companies, Audiovisual communication companies<sup>126</sup>, online media companies and community or association broadcasting stations. Any creation of faith-based media should abide by these categories.

The new Code provides that media enterprises shall be established in accordance with the provisions of the Uniform Act of the Organization for the Harmonization of Business Law in Africa (OHADA) governing commercial companies and economic interest groups.<sup>127</sup> An important clarification is that community radio cannot take the form of a media enterprise.<sup>128</sup>

The Code makes the exercise of any activity of publishing, distribution and broadcasting of audiovisual communication services subject to the prior authorization of the Minister in charge of Communication, and this, after the assent of the media regulatory body, namely the CNRA<sup>129</sup>, and obtaining a frequency and authorization for a broadcasting station from the Telecommunications and Postal Regulatory Agency (ARTP)<sup>130</sup>.

The new code adopted in 2017 states in article 144 that no license shall be granted to a religious community. This restriction applies to political parties, alliances or groups of political parties, as well as to ethnic groups or groups of ethnic groups. These restrictions appear to be based on the concern to preserve national unity. Through this provision, the government reiterated its reluctance towards faith-based media.

The question is whether this sounds the death knell for faith-based media. This provision is likely to be a source of controversy. Is it to be considered that because a radio licence is granted to a specific person that it is not a radio station of a religious community, although in practice it behaves as such? From a legal point of view, while this approach is defensible, its practical scope remains debatable.

This provision echoes the view that the allocation of frequencies to religious brotherhoods will worsen social fractures and is not conducive to a moderation of religious discourse.<sup>131</sup>

<sup>120</sup> This declaration shall be accompanied by: the title of the press organ and its mode of publication, the names and domiciles of the owners and the director of publication, the name and address of the printing works, an extract from the criminal record of the director of publication dating back less than three months. One week after publication a certificate of registration is issued. It should be noted that no fee is charged for this certificate.

<sup>121</sup> Decree No. 2003-64 of February 17, 2003, on radio frequencies and bands, radio equipment and operators of such equipment.

<sup>122</sup> It is accompanied by: the statutes of the company, the business plan, the specifications form duly completed, a financial certificate whose capital is at least fifty million (50 000 000) CFA francs held in majority by Senegalese, a certificate of the source of resources for investment, employment contracts of 5 journalists and technicians of social communication, a photocopy of the national identity card of the declarant responsible for a specifications form duly completed.

<sup>123</sup> It is accompanied by: a copy of the receipt issued by the Ministry of the Interior, a copy of the statutes and internal regulations of the association, an attestation of the source of funds, the last financial statement of the association, a photocopy of the national identity cards of the persons in charge (Director General, head of the editorial staff, and of the programs), a photocopy of the diplomas of the persons in charge, who must be communication specialists.

<sup>124</sup> This is accompanied by: a legalized photocopy of the commercial register, the company's articles of association, the NINEA, the specifications duly completed, the television project, the business plan, a legalized photocopy of the national identity card of the declarant responsible, the employment contracts of 10 journalists and social communication technicians, the majority of whom are Senegalese, a co-production agreement or external services, a certificate of a capital of at least five hundred million (500, 000,000) of CFA francs held in majority by Senegalese, a stamp worth 10,000 CFA.

<sup>125</sup> The application addressed to the Ministry in charge of Communication is accompanied by: the statutes and rules of procedures of the association, the specifications duly completed, a certificate of the source of the financial resources with the amount of the investment, photocopies of the national identity cards of the persons in charge, the lease contract of the occupied premises, stamp fees worth 10,000 francs.

<sup>126</sup> Article 66 of the new Code

<sup>127</sup> Article 40 paragraph 1 of the new Code

<sup>128</sup> Article 187 of the new Code

<sup>129</sup> Article 94 of the new Code. The CNRA is called upon to give way to a new regulatory body (article 229 of the new press code).

<sup>130</sup> Decree No. 2003-64 of February 17, 2003 on radio frequencies and bands, radio equipment and operators of such equipment

<sup>131</sup> B. D. MANE « Discours religieux dans les médias : radicalisme, terrorisme et culture de la paix », [https://www.kas.de/document\\_library/get\\_file](https://www.kas.de/document_library/get_file), consulted on December 16th, 2019

### 3. Advocacy for the adoption of a legal status for the faith-based media

There are several arguments for legal recognition of faith-based media as such.

The incompatibility of faith-based media with secularism does not stand up to analysis. Indeed, France has accommodated itself with faith-based media despite a conception of secularism that induces a strict separation of the State and cults.<sup>132</sup> The experience of other countries such as Burkina Faso, Côte d'Ivoire or the Democratic Republic of Congo is further proof of this. Following the example of these countries, Senegal should provide for specific regulations to better supervise them in view of their exponential numbers. It is a question of reconciling law with practice. Better still, the constitutional principle of secularism cannot justify the prohibition of faith-based media. This principle of secularism simply refers to the confessional neutrality of the State and the equal treatment of the different cults.<sup>133</sup> In addition, Senegal has always advocated an active neutrality of the State in its relations with the different faiths. This is how the program of modernization of religious cities should be understood. The intensity of the relations between the State and the religious denominations has been such that some have feared that it might be called into question.<sup>134</sup> The argument of secularism may be surprising when one considers that the doctrine of the Senegalese state on the subject was declined by former President Abdou DIOUF in these terms: "Secularism cannot be anti-religious: it would not be true secularism, it would be like, alas, in some countries, instituting atheism as the state religion".

Indeed, communication is consubstantial with religion in the sense that, as the philosopher observed, there is no religion that has not first been taught through communication. The need to communicate is all the more crucial since the classical press presents religions in such a way as to blur the discourse because of a lack of mastery of religious concepts. The journalist noted, for example, the confusion maintained by some journalists between a council and a conclave or a Lutheran and an Anglican. Others ignore the differences between Shiites, Sunnis and Sufis.<sup>135</sup>

In addition, the lay media often tend to circumscribe the treatment of the religious fact, in the sense that their posture is often dictated by a concern for profitability to the detriment of the communication objectives of the confessions.

The idea that faith-based media can constitute a threat to national cohesion is refuted. Some thus observe that "the confraternity televisions do not constitute a threat to the equilibrium of the Senegalese nation". Bound by a tolerant, "transethnic" and transnational fraternal Islam, they offer a "transconfrérique" programmatic offer that guarantees "social coagulation". This observation remains valid for other types of faith-based media.

Concerns related to the coexistence of different religions can be addressed through different measures. Among these measures is the adoption of appropriate specifications for faith-based media.

In the Democratic Republic of Congo, Ministerial Order 035/2011 of June 14, 2011, amending and supplementing Order 04/MIP/020/96 implementing Law 96-002 of June 22, 1996 laying down procedures for the exercise of freedom of the press, requires the media to be tolerant and respectful of other faith-based media doctrines.

In Côte d'Ivoire, the will to organize a coexistence between the different confessions has resulted in the creation of an association of confessional radios. A strong recommendation of the Ivorian government was the establishment of an Observatory of faith-based media.

In Senegal, the establishment of the Network of Journalists for Religious Information (Réseau des journalistes pour l'information religieuse (REJIR)) is part of a peaceful coexistence between faith-based media in Senegal.

All in all, while there are countries such as Great Britain and Canada where the refusal to grant licenses is provided, these restrictions are regulated. Indeed, the refusal must be justified by the risk of jeopardizing the public's right to balanced information and diverse points of view. In addition, in these countries, the legislation is the result of agreements between regulatory authorities, representatives of the various religious denominations and representatives of the public and is regularly renegotiated<sup>136</sup>, which is not the case in Senegal. In the same way, this refusal must be compensated by free and regulated access to public service broadcasting.

## II- REGULATION OF RELIGIOUS DISCOURSE IN THE MEDIA

Regulation has two main objectives, namely to ensure economic efficiency in terms of innovation and cost on the one hand, and the achievement of collective objectives such as sharing the benefits of productivity, maintaining social and territorial cohesion or preserving collective security, the environment and social cohesion on the other hand.

It is a question of seeking a balance between market values, for example the opening up of competition, or between market and non-market values, for example, pluralism of information or the protection of freedoms. Since the regulation here has religion as its object, it is therefore values that are put forward. For this reason, the goals assigned in relation to the population concern on the one hand social cohesion, and on the other hand the promotion of equality between men and women. In this context, the issue of the regulation of religious discourse takes on a particular emphasis due to the fact that some people believe that the media tend to be self-censors.<sup>137</sup>

<sup>132</sup> T. RAMBAUD, *Gouverner le religieux dans un Etat laïc*, Fondation pour l'innovation politique, 2018, p. 17

<sup>133</sup> Council of State, 10th and 9th subsections together, March 16, 2005

<sup>134</sup> A. DIEYE, *La laïcité à l'épreuve des faits au Sénégal*, *Droit sénégalais*, n°8, 2009, pp33-53 ; M. NDIAYE, « Ambiguïté de la laïcité sénégalaise : la référence au droit islamique », in Baudouin Dupret, *La charia aujourd'hui*, La Découverte « Recherches », 2012 (I), p. 209-222.

<sup>135</sup> M. A. BARRO, *Le rôle des médias religieux au Sénégal*, World Faiths Development Dialogue, Working Paper, 2017, p.11

<sup>136</sup> Institut PANDOS, *Media and Religions in West Africa*, 2009, p. 150 et s.

<sup>137</sup> Nd. LOUM, « La remise en cause de l'autonomie du champ médiatique par le champ maraboutique au Sénégal », *Questions de communication* [Online], 71 2005, posted on May 23, 2012, consulted on December 10, 2019. URL : <http://journals.openedition.org/questionsdecommunication/5685>. DOI : 10.4000/questionsdecommunication.5685.

## 1. Legal framework for religious discourse

### 1.1. Preservation of social cohesion

The concern to preserve social cohesion justifies that even if the Constitution recognizes religious freedom<sup>138</sup>, it is necessarily framed by the law<sup>139</sup>. In the same vein, article 24 of the Constitution states that freedom of conscience, religious freedoms and practices, and the profession of religious educator are guaranteed to all subject to public order.

Religious freedom refers first of all to the free choice of one's faith and to be able to express it. It is freedom of conscience. It also implies the freedom to engage in the rites and practices related to one's faith, namely, freedom of worship.

From a material point of view, public order is defined as referring to good order, safety, security and public health. With evolution, the notion of public order has acquired a moral dimension. Thus, human dignity has been considered as a dimension of public order.<sup>140</sup> Public order thus fulfills a function of structuring and maintaining social organization. This led Portalis to say that "the maintenance of public order in a society is the supreme law"<sup>141</sup>.

For this reason, apart from the Constitution, respect for public order is reiterated in several legal instruments applicable to the media.

The new Press Code requires journalists and technicians to respect human dignity<sup>142</sup> and program officers respect for law and order<sup>143</sup>. Beyond journalists and program agents, the same obligation applies to press and audiovisual communication companies. Article 57, paragraph 2 of the Press Code stipulates in this respect that these companies must respect public order by ensuring that they do not broadcast programs or messages likely to incite violence or hatred.

Public order figures prominently in the specifications applicable to press organs. Article 14 of the specifications applicable to community and community radio stations stipulates that the programming and broadcasting of programs that are contrary to laws and regulations, public order, morality, public security and respect for human dignity are prohibited.

Article 14 of the specifications applicable to private commercial radio stations also provides that the programming and broadcasting of programs contrary to laws and regulations, public order, good morals, public security and respect for the dignity of the public person is prohibited.

Although the specifications applicable to the holder of a private television broadcasting license under Senegalese law do not explicitly refer to public order, several of its provisions refer to it. Article 20 requires the holder of an authorization to broadcast television programs of:

- - Not to incite delinquent or uncivil practices or behaviors;
- - Respect the different political, cultural and religious sensitivities of the viewers;
- - Not to encourage discriminatory behavior on the basis of race, ethnicity, gender, age, religion or nationality;

The respect of dignity, a component of public order, is also a component of the specifications.<sup>144</sup>

An analysis of religious discourse shows that threats to public order and national unity result on the one hand from the content of the discourse and the profile of preachers on the other.

Religious discourse among Muslims has two main orientations<sup>145</sup>:

- A globalizing orientation that integrates all aspects of life with a special emphasis on the politico-religious dimension. This orientation is inspired by Salafism, which demands a return to an original Islam based exclusively on texts. This current has spread in recent decades thanks to significant funding from the Gulf countries. While falling within this purified but non-violent logic, Wahhabism proposes a pietist reading of Islam while rejecting any integration of local cultures into Muslim practices. In doing so, it claims a certain superiority over the other movements of Islam. This is a potential source of conflict between Muslims. However, this orientation still remains a minority in Senegal.
- This orientation is typically mystical and cultic in the sense that it limits religious discourse to questions of dogma, thought, the worship of saints and Islamic jurisprudence. This orientation is carried by the brotherhoods in Senegal.

Although Christian terrorism exists in countries such as the United States, it is rather the destabilization by certain Muslim radicals that is a source of concern in Senegal. The closure of mosques as well as the arrest of certain religious guides or anonymous citizens for advocating terrorism is a perfect illustration of this. The subregional geopolitics marked by a wave of attacks in countries such as Burkina Faso, Niger and Mali, to name but a few, makes the regulation of religious discourse more than necessary.

The second risk of disturbing public order would result from the profile of certain preachers.

<sup>138</sup> Article 8 para. 2 of the Constitution

<sup>139</sup> Article 8 para. 1 of the Constitution

<sup>140</sup> CE, 27 octobre 1995, n°136727, Commune de Morsang-sur-Orge. In this famous ruling, the Conseil d'Etat establishes as a component of public order, the respect of human dignity, notwithstanding any particular local circumstances.

<sup>141</sup> J.-E.-M. PORTALIS, Discours, rapports et travaux inédits sur le code civil, publiés par le vicomte Frédéric Portalis, Paris, Joubert, Bookstore of the Court of Cassation, 1844, p. 160.

<sup>142</sup> Article 18 of the New Code of the Press

<sup>143</sup> Article 39 of the New Code of the Press

<sup>144</sup> Article 21 of the specifications

<sup>145</sup> On the different currents within Islam in Senegal, Cf. M. BARRO, « Genèse et évolution du mouvement islamique du Sénégal », Colloquium Advocacy for interreligious dialogue « Religion, paix et développement » November 13-14 2012, Fondation Konrad Adenauer Dakar, pp.30-48

Journalist Mame Less Camara expressed his concerns on this subject in the following terms: "The right to expression is a basic human right. However, shall we accept any form of media lynching? The content of programs, especially those that are religious, must be evaluated from time to time, because not every Arabist theologian or preacher who abuses the ignorance of the people, their emotionality in relation to everything religious to tell anything to the people is a theologian or a preacher. This new breed of stars that are the preachers and the little marabouts abuse the naivety of the citizens, by telling anything on the airwaves. The first victims of this form of tartufferie remain women"<sup>146</sup>.

His colleague Mamadou Kassé agrees, when he states: "It must be recognized, however, that sometimes some Senegalese citizens are disoriented and annoyed by the way in which passages from the Holy Books are recounted and often even fabricated by preachers who have no competence to practice this profession neither from the point of view of the basic level nor from the point of view of mastering the techniques of collection and processing, let alone the ethical and deontological rules."<sup>147</sup>

## 1.2 Equality of rights between men and women

The Constitution, in its preamble, affirms the adherence of the Senegalese people to the Convention on the Elimination of all Forms of Discrimination against Women of December 18, 1979. It also provides, in its article 7, that men and women are equal in rights.

These provisions of the constitution are weakly reflected in laws and regulations applied to the media.

Thus, among the specifications applicable to the media, only the one applicable to the holder of a private law television broadcasting license provides that the latter must ensure respect for the image of women and equality between men and women.<sup>148</sup> Those applicable to community radio stations and private commercial radio stations refer only to human dignity<sup>149</sup>.

The specifications thus appear to be poorly "gendered" and therefore cannot serve as a basis for the promotion of equality between men and women.

No provision of the Journalists' Charter deals with the gender dimension. However, it is on this Charter that the Council for the Observance of Rules of Ethics and Professional Conduct (CORED) bases its decisions on the issues or complaints it receives.

Article 33 of the Law of 96 on the organs of social communication prohibits journalists from discriminating on the basis of sex in the exercise of their freedom of expression. The new press code similarly prohibits gender-based discrimination and stigmatization in article 18. However, the scope of this provision is narrowed by the fact that senior program officers are primarily responsible for religious broadcasts.

The question raised is whether women are victims of religious discourse, at least of a certain discourse, or whether, on the contrary, it reflects a certain Islamic feminism that promotes equal rights between men and women.

The discourse on women conveyed by Christians in the faith-based or generalist media emphasizes strict equality between women and men.

On the other hand, the discourse of Muslim women preachers in the media appears more problematic. Although the dominant discourse values women in some respects by relying on the Qur'an and figures of Islam such as Mame Diarra Bousso, mother of the founder of Mouridism Sheikh Ahmadou Bamba or the wife of the Prophet (PSL)<sup>150</sup>, this discourse emphasizes the complementarity between men and women and not their equality in rights and duties. This inequality would find its justification more in biological differences between men and women and the particular role of women in society. This posture of preachers is criticized in the sense that the equality claimed is equality in law, i.e. that women and men have the same chances to prove their skills and to seize the opportunities that are offered in society.

The greater presence of preachers has not yet changed the content of the dominant discourse in the media. There are, however, some authors who believe that there are signs of a shift in discourse towards greater equality, even if it still appears timid<sup>152</sup>. Preachers have thus refuted the idea that woman was created from man's left rib or that man could bring his wife to heaven.

All in all, the discourse of women preachers does not differ from that of Muslim preachers. It is far from Islamic feminism, which promotes an emancipatory reading of the Qur'an for women in terms of equality between women and men.

For some analysts, one of the constraints to this evolution lies in the lack of professionalism of many preachers. This phenomenon could be explained by the fact that some press bosses, out of concern for economy, recruit without being too concerned about the requirements of communication. Women would be the first victims of this situation<sup>154</sup>. In addition to incompetence, there is a lack of knowledge of ethical and deontological rules.<sup>155</sup>

<sup>146</sup> P. MBOW « L'affaire Safya Hussaini vue par les médias », in Senghor Diana (dir.), Médias et société civile au Sénégal, Quel espace public de communication ? », IPA0, Dakar, 2002, p.22

<sup>147</sup> M. KASSÉ, « Religion et Paix- Pourquoi les médias doivent-ils assurer leur mission de veille et d'alerte ? », [http://www.sudonline.sn/religions-et-paix---pourquoi-les-medias-doivent-ils-assurer-leur-mission-de-veille-et-d-alerte-\\_a\\_12044.html](http://www.sudonline.sn/religions-et-paix---pourquoi-les-medias-doivent-ils-assurer-leur-mission-de-veille-et-d-alerte-_a_12044.html), consulted on December 10, 2019

<sup>148</sup> Article 21 of the specifications

<sup>149</sup> Article 14 specifications applicable to community radio stations and private commercial radio stations

<sup>150</sup> P. MBOW « L'islam et la femme sénégalaise », Revue Ethiopiques, Ethiopiques numéros 66-67 Revue négro-africaine de littérature et de philosophie 1er et 2ème semestres 2001, [http://ethiopiennes.refer.sn/spip.php?page=imprimer-article&id\\_article=1287](http://ethiopiennes.refer.sn/spip.php?page=imprimer-article&id_article=1287), consulted on December 12th, 2019

<sup>151</sup> S. BA « Le discours des prédicateurs dans l'espace public au Sénégal », Actes colloque-plaidoyer pour le dialogue interreligieux Femme, Religion et Société, Fondation KONRAD ADENAUER, Dakar, décembre 17-18, 2014, pp26-33

<sup>152</sup> Ibid.

<sup>153</sup> S. L. ABDALLAH, « Le féminisme islamique, vingt ans après : économie d'un débat et nouveaux chantiers de recherche », Critique internationale, 2010/1, n°46, p.21

<sup>154</sup> P. MBOW, « L'affaire Safya Hussaini vue par les médias », in Senghor Diana (dir.), Médias et société civile au Sénégal, quel espace public de communication ? IPA0, Dakar, 2002, p.22

<sup>155</sup> M. KASSÉ, « Religion et paix - Pourquoi les médias doivent-ils assurer leur mission de veille et d'alerte ? », [http://www.sudonline.sn/religions-et-paix---pourquoi-les-medias-doivent-ils-assurer-leur-mission-de-veille-et-d-alerte-\\_a\\_12044.html](http://www.sudonline.sn/religions-et-paix---pourquoi-les-medias-doivent-ils-assurer-leur-mission-de-veille-et-d-alerte-_a_12044.html), consulted on December 10th, 2019



However, any generalization would be excessive, as some preachers trained in Senegalese universities and schools and in Arab countries have the required profile. They just need coaching within the editorial staff by communication professionals. Training in journalistic practices would enable them to master the requirements of communication.

The Christian religious discourse towards women appears more progressive from the point of view of equality between men and women. It still remains problematic in Muslim religious discourse.

With regard to ad hoc regulatory mechanisms, it should be noted that they are not generally designed to prevent any discourse that undermines the image of women or that discriminates or stigmatizes women. Possible sanctions are only applied once slippage has been noted. There is no censorship in advance, so preachers have full control over the content of the programs they host. The lack of human rights training also hinders the promotion of women's rights. Some authors believe that the Qur'an should be read in the light not only of all the scientific discoveries made since the Revelation, but also of the social sciences. The law, among others, would help to better understand the Qur'an.<sup>156</sup>

## 2. Institutional framework for regulating religious discourse

### 2.1. National Council for Audiovisual Regulation

The National Council for Audiovisual Regulation (CNRA) is, according to the terms of the law n°2006-04 of January 4, 2006 instituting it, an independent authority.<sup>157</sup>

The law instituting it organizes the conditions of this independence. These members are appointed for an irrevocable and non-renewable term of 6 years. The functions of a member are incompatible with any elective mandate<sup>158</sup>. Similarly, they may not directly or indirectly hold an interest in an audiovisual, film, publishing, press or telecommunications company<sup>159</sup>.

Any member who accepts employment or a term of office incompatible with membership must be declared to have resigned automatically by the CNRA. The same applies to a member who takes a public position on issues that the CNRA<sup>160</sup> has had to deal with or that are likely to be submitted to it.<sup>161</sup>

Members enjoy protection that reinforces this independence in that they may not be prosecuted, investigated, arrested or tried for acts performed or opinions expressed in the performance of their duties.<sup>162</sup>

The CNRA has a broad mandate. It must not only ensure the application of regulations on the audiovisual sector, but also compliance with the provisions of Law No. 2006-04 instituting it and those of the specifications and agreements governing the sector.<sup>163</sup>The CNRA thus carries out a triple regulation.

At the social level, it ensures the independence and freedom of information and communication in the audiovisual sector, the respect of cultural identities, the protection of children and adolescents,<sup>164</sup> access to the media for trade unions and civil society associations. To this should be added respect for the dignity of persons.

At the political level, the CNRA ensures respect for the institutions, territorial integrity, national unity and the secular character of the Republic.<sup>165</sup> It regulates candidates' access to the public media during election campaigns and political parties' access to the broadcast media in general. It ensures respect for the principles of equity and balance among all political parties. It is within this framework that it supervises a program reserved for political parties that allows them to discuss current issues.<sup>166</sup>

At the economic level, the CNRA ensures healthy and free competition between audiovisual communication companies.<sup>167</sup>

The CNRA has both recommendation and sanctioning powers.

With regard to the power to make recommendations, the CNRA may formulate opinions on proposals or draft legislative or regulatory texts concerning communication on matters within its jurisdiction<sup>168</sup>.

Regarding its power to sanction, the CNRA Act provides that in the event of failure to comply with the obligations it has defined and those of the agreements and specifications, the CNRA must make observations or issue a public notice. In case of failure to comply with the formal notice, the CNRA can pronounce various sanctions such as the suspension of a program, financial penalties between two (2) and ten (10) million. It can also ask the authority that granted an authorization to reduce the duration of the authorization from one year to six months or even to withdraw it definitively.<sup>169</sup>

<sup>157</sup> « Interview de Lahouari Addi », <https://imera.hypotheses.org/4244>, consulted on December 15th, 2019

<sup>158</sup> Article 1 of the said Law.

<sup>159</sup> Article 5 paragraph 2 of the creation of the CNRA

<sup>160</sup> Article 6 of the law creating the CNRA

<sup>161</sup> Article 6 paragraphs 1 and 2 of the law creating the CNRA

<sup>162</sup> Article 4 paragraph 2 of the law instituting the CNRA

<sup>163</sup> Article 1 paragraph 2 of the law instituting the CNRA

<sup>164</sup> Article 7 of the law instituting the CNRA

<sup>165</sup> Article 9 of the law instituting the CNRA

<sup>166</sup> Article 15 of the law instituting the CNRA

<sup>167</sup> Article 7 of the law instituting the CNRA

<sup>168</sup> Article 11 of the law instituting the CNRA

<sup>169</sup> Article 26 paragraph 4 of the law instituting the CNRA

The procedure of referral to the CNRA is governed by articles 17 and 18 of the law instituting it. It may be referred to the CNRA in the person of its President by any legal or natural person in case of violation of the regulatory and legislative provisions governing the audiovisual media as well as the equitable access of political parties, trade unions, recognized civil society organizations to the public media<sup>170</sup>. The request or claim under penalty of inadmissibility must be written, dated and signed by a person having the right to act in this sense. Articulated grievances must also be indicated with sufficient precision.<sup>171</sup>

It should be noted that the CNRA may take up any matter within its jurisdiction on its own initiative.<sup>172</sup>

The sanctions pronounced by the CNRA are regulated. They are taken in strict compliance with the rights of the defense after notification of the facts, which cannot go back more than three months. The interested party has a 15-day period to respond and in case of emergency, a period of 7 days decided by the CNRA. The Council has a period of one month to make a reasoned decision and notify the person concerned.

The CNRA's sanctions may also be appealed to the Supreme Court on the grounds of excess of power or a request for a stay of execution. However, the appeal is not suspensive.<sup>173</sup>

The CNRA is often pleased that its decisions are often respected by the media. This is not always the case for RTS. The CNRA finds itself disarmed to sanction RTS in practice.

To the question of whether the CNRA's warnings were respected, former President Babacar Touré replied: "Some private media have taken our observations into account. But concerning the public audiovisual media, we have the feeling that we are preaching in the desert. When a channel has public power behind it, the feeling of impunity prevails. The public audiovisual service is only at its head – and at the head of the client –, blissfully ignoring the principles enshrined in the texts."<sup>174</sup>

The CNRA's approach favors pedagogy over punishment. Journalists and presenters are thus regularly invited to show more rigor and professionalism in the conduct of interactive programs or debates broadcast live. They must ensure compliance with the provisions of Article 10 of the Constitution, according to which everyone has the right to freely express his or her opinions, provided that the exercise of this right does not undermine public order, honor, consideration of others, or religious or philosophical convictions. This postulates that all speech, including religious speech, must respect the religious convictions of other communities.

In the formal notice addressed to the 2STV about the broadcasting of the TV movie "Maîtresse d'un homme marié", the CNRA asked it "to ensure that comments, behavior and images deemed indecent, obscene or offensive as well as scenes of great violence or likely to harm the preservation of cultural identities are no longer broadcast".

The question that remains to be answered is whether the educational approach does not hide a certain degree of timidity when it comes to censoring a religious discourse, all the more so since in some cases it expresses the opinion of a religious dignitary. It thus appears that the involvement of all the actors, including the different religious denominations, is necessary for the preservation of public order in particular and social cohesion in general.

The planned abolition of the CNRA in the new Press Code and its replacement by a new regulatory body offers the opportunity to migrate towards co-regulation, which is defined as the mechanism by which the law confers the achievement of the objectives defined by the legislative authority on the parties concerned recognized in the field.<sup>175</sup>

For the time being, the CNRA's policy on religion and the promotion of equality between men and women lacks visibility. The task certainly appears arduous, perhaps because of the sensitivity of religious issues in Senegal. The lack of expertise in religious matters, as its composition does not provide for representation of religious denominations, would also constitute a limit in the regulation of religious discourse.

## 2.2. Mechanisms for self-regulation of religious discourse in the media

A distinction must be made between the internal mechanisms of media companies and the external regulatory mechanisms that can help moderate religious discourse.

### 2.2.1. Internal media mechanisms

Some media outlets have a code of ethics that staff must observe in their work. This is the case with the editorial charter of the newspaper *Le Quotidien*, which contains certain provisions that can help moderate religious discourse. Journalists must show restraint by avoiding ostentatious expression of their religious opinions. They should avoid presenting news stories in a manner that stigmatizes a particular group, community, or population. The charter also prohibits editors from using language or clichés that express racism or contempt.

In other media organizations, ombudsmen or editorial coordinators have been appointed. Their job is to take advantage of criticism, criticism and suggestions, and where necessary to remind journalists of the demands of the job.

<sup>170</sup> Article 17 of the law instituting the CNRA

<sup>171</sup> Article 18 of the law instituting the CNRA

<sup>172</sup> Article 17 of the law instituting the CNRA

<sup>173</sup> Article 26 of the law instituting the CNRA le CNRA

<sup>174</sup> <http://www.jeuneafrique.com/310154/politique/senegal-babacar-toure-rts-evoque-quasi-exclusivement-camp-oui-referendum/>, consulted on December 17th, 2019

<sup>175</sup> « Mieux légiférer » La corégulation et l'autorégulation dans la politique législative européenne. JTDE. « Mieux légiférer » La corégulation et l'autorégulation dans la politique législative européenne, p.232

These mechanisms, which can be described as "ad hoc" regulatory mechanisms, have the advantage of applying in an undifferentiated manner to journalists and program presenters, especially preachers, and generally to all those who the new Press Code describes as program agents. Their effectiveness remains limited in that they do not prevent slippage but rather tend to correct it.

A priori control of program content must be instituted to prevent such slippage.<sup>176</sup> In this perspective, viewing commissions should be reactivated in television stations and listening commissions set up in radio stations. As a reminder, the specifications applicable to the holder of an authorization to broadcast television programs provide for viewing commissions. In practice, these commissions are not instituted or do not function in cases where they are.

### 2.2.2. Council for the observance of rules of ethics and deontology

While the Council for the Observance of Rules of Ethics and Professional Conduct (CORED) is not the only self-regulatory body within the press, it remains the most representative.

Under the terms of article 4 of its statutes, CORED's mission is to ensure that journalists, media technicians and press companies comply with ethics and deontology. In particular, it ensures the respect, on the one hand, of the rights and obligations of journalists as defined by the Senegalese Journalists' Charter and, on the other hand, the respect of the conditions of access and exercise of the profession of journalist and media technician in Senegal.

An important provision of the Journalists' Charter from the point of view of the moderation of religious discourse – which as such deserves to be highlighted – is the one that prohibits journalists from condoning violence and hatred between social groups.<sup>177</sup>

CORED's weakness in regulating religious discourse stems from the fact that, as a general rule, the discourse in the editorial office is little carried by journalists, with the exception of those who are considered to have stepped through the looking glass and officiate under these conditions less as journalists but rather as followers<sup>178</sup>. It is conceivable that the presenters of religious programs could be placed under the control of CORED. The question is whether CORED will accept that they could come under its jurisdiction.

Another vulnerability of CORED lies in the fact that journalists have little mastery of religions. The consequence is that the processing of Islamic information presents the risk of offending some citizens. The sensitivity of this issue requires good training for journalists in general. It is to this need for training and mastery that the Network of Journalists for Religious Information (REJIR) was created.<sup>179</sup> Some suggest the creation of religious desks within the editorial offices but especially the encouragement of women journalists to join them in order to be able to host religious programs. This would make religious discourse more moderate and more sensitive to women's rights.

## CONCLUSION

The religious fact in general, religious discourse in particular, deserves more consideration from public authorities. A certain timidity from public authorities is perceptible in the absence of a status for the faith-based media. Regulation still appears imperfect, as the existing institutional framework has its weaknesses.

Beyond the formal recognition of the faith-based media, the particular sensitivity of religion requires the involvement of the different players. Therefore, it seems desirable to evolve towards co-regulation in order to better regulate religious discourse. A regulatory body that would include two colleges, one of which would bring together all the actors with the function of giving opinions, and the other of taking decisions on the basis of proven expertise in regulation. Such a body would bring together representatives of journalists and technicians, representatives of different religions, religious broadcasters, representatives of women's organizations and human rights, among others.

These interactions should help to create convergences both in the protection of social cohesion and the promotion of women's rights by channeling religious discourse.

<sup>176</sup> B. D. MANE « Discours religieux dans les médias : radicalisme, terrorisme et culture de la paix », [https://www.kas.de/document\\_library/get\\_file](https://www.kas.de/document_library/get_file), consulté le 16-12-2019

<sup>177</sup> Point 10 de la Charte des journalistes

<sup>178</sup> B. D. MANE « Discours religieux dans les médias : radicalisme, terrorisme et culture de la paix », [https://www.kas.de/document\\_library/get\\_file](https://www.kas.de/document_library/get_file)

<sup>179</sup> M. A. BARRO, Le rôle des médias religieux au Sénégal, World Faiths Development Dialogue, Document de travail, 2017 p.11 et s.

## RECOMMENDATIONS

### To the State and the CNRA :

- Confer a legal status to the faith-based media;
- Make the gender dimension a criterion for the allocation of licenses for the exploitation of audiovisual media;
- Elaborate specific specifications for the faith-based media.
- To generalize the gender dimension in the specifications applicable to press companies;
- Adopt an ethical charter that integrates a gender dimension for the hosts of religious programs;
- Integrate gender-focused programs in journalism schools and institutes
- Strengthen the CNRA's competence in religious matters by accepting the representation of the main religious denominations or the reinforcement of the training of its monitors in religious matters;
- Co-regulate religious discourse in the media.

### To media umbrella associations :

- Establish within SYNPICS, a Gender and Media Council with the mission to encourage the media to contribute to changing images and stereotypes about women and their role, and to promote the presence of women in different aspects of journalism ;
- Offer training to journalists on religious issues.

### To media :

- Strengthen the training of religious program presenters on journalistic practice;
- Encourage journalists, including women journalists, to get involved in the facilitation of religious programs. Create religious desks in the editorial offices;
- Reactivate viewing commissions in television stations;
- To institute listening commissions in the radios;
- Help increase the representation of women journalists in decision-making processes on the basis of professional efficiency and equal opportunities.

### To the civil society:

- Train presenters of religious programs on human rights;
- Advocate for the recognition of faith-based media;
- Monitoring religious discourse in the media;
- Advocate for the strengthening of the gender dimension in media specifications;
- Support capacity building sessions for journalists and program officers on religious issues.

## GENERAL CONCLUSION

The comparative analysis of the different reports allows two main conclusions to be drawn. With regard to the regulation of faith-based media in the four countries, it emerged that this regulation is differentiated. With regard to the regulation of religious discourse, it was found that the existing regulatory mechanisms are insufficient.

It is clear that faith-based media exist in all four countries. While this can be analyzed as a violation of the law in Senegal and Niger, this does not mean that in Côte d'Ivoire and Mali, the existing faith-based media have complied with the regulations. Indeed, in Mali the specifications of faith-based media often remain unenforced. Similarly in Côte d'Ivoire some media broadcast without being formally recognized by the competent authorities, in this case the High Authority for Audiovisual Communication.

While in the cases of Côte d'Ivoire and Mali, there is an issue about enforcing the regulations, in the case of Senegal and Niger, the reports plead for the formal recognition of faith-based media. Indeed, their existence has not been the cause of uncontrolled slippages. It should be added that their existence reflects a social need of the first order because of the place that religion occupies in the different countries.

With regard to the regulation of religious discourse in the media, the observations made in the four countries largely converge. It appeared that the regulation of religious discourse remains weak. This situation is primarily due to the legal framework of religious discourse, which remains incomplete. Legal provisions aimed at preserving public order and social cohesion exist even if they are not specifically designed to govern preaching. Cases of the application of sanctions were noted in Niger, for example. The same is true in Senegal, where individuals have been prosecuted and punished for apology of terrorism terrorism. However, slippages were observed in both Niger and Mali, however, attesting to deficiencies in the regulation of religious discourse. It is thus understandable that Niger decided to adopt a new law on worship in 2019 to better regulate religious discourse.

The lack of regulation of religious discourse appears to be more marked with regard to gender equality. While Côte d'Ivoire has made some progress in this area, the situation remains more problematic in other countries. Legislation on the media in general, and media specifications in particular, are poorly gendered. In addition, the limited representation of women in regulatory bodies does not often allow them to exert a magisterium of influence for pro-gender regulation.

Beyond the incomplete legal framework of religious discourse, it is the regulatory bodies and mechanisms that are deficient.

With regard to the regulatory bodies, it must be noted that, on the whole, gender regulation remains weak or even non-existent in the case of Mali.

The situation appears more contrasted with regard to regulation for the preservation of social cohesion. Niger's Higher Council for Communication appears to be relatively more proactive than the other regulatory bodies in other countries, particularly Mali's HAC, which is considered to be passive.

Self-regulatory bodies also have shortcomings, the most important of which is that the overwhelming majority of preachers are not under their jurisdiction. Moreover, in the case of Mali, the self-regulatory body is in inertia. Their potential contribution to the regulation of religious discourse should not be underestimated. In Côte d'Ivoire, the Observatoire de la liberté de la presse, l'éthique et de la déontologie (OLPED) monitors religious fanaticism and can, when necessary, call to order any journalist guilty in this regard.

With regard to the media's internal self-regulation mechanisms, the situation is more contrasted, even if the overall situation remains unsatisfactory. In Côte d'Ivoire, these mechanisms function satisfactorily in some media. In Senegal, they exist in some media but are often lethargic. The situation is identical in Niger even if dysfunctions have been noted due to the slippages observed. The situation in Mali appears more worrying since such mechanisms do not exist.

Overall, the regulation of religious discourse appears to be unsatisfactory, whether viewed from a gender perspective or in the context of preserving social cohesion.

## GENERAL RECOMMENDATIONS

The main observations that have just been made sufficiently show that, despite the shortcomings noted, the reluctance linked to the recognition of faith-based media is not as justified as that. The Ivorian experience points the way in this regard. With regard to the regulation of religious discourse, the analysis of the various reports has certainly revealed many inadequacies, but at the same time, it appeared that these are far from being insurmountable. We therefore recommend the adoption of the following measures:

### **To States and institutional regulators:**

On the legal and regulatory framework of faith-based media;

- To enforce regulations in general, and media specifications in particular;
- To authorize the creation of faith-based media in Senegal and Niger by revising the laws governing the media;
- To strengthen the control of faith-based media in Côte d'Ivoire and Mali, in particular, by increasing the material, human and financial resources of institutional regulators;
- To adopt specific regulations on preaching;
- To better supervise social networks;

On the regulation of religious discourse

- To strengthen the gender dimension of media specifications, particularly in terms of equality between men and women;
- To ensure the constant monitoring of gender equality in the media in accordance with the REFRAM declaration by the regulatory bodies;
- To ensure the monitoring of religious fanaticism;
- To make the media more responsible by requiring them to monitor religious discourse and apply exemplary sanctions where necessary;
- To strengthen the representation of religious denominations in regulatory bodies;
- To create a special prize for media that distinguish themselves in the promotion of women and the strengthening of social cohesion within the framework of religious programs;
- To encourage and support the establishment of self-regulatory bodies and mechanisms, particularly for faith-based media.

#### **To media**

Regarding the status of faith-based media :

- To advocate for formal recognition of faith-based media for a cleaner media landscape and fair competition ;
- To comply with the regulations, particularly by respecting the specifications.

With regard to the regulation of religious discourse:

- To establish self-regulatory bodies of faith-based media in the different countries whose main mission will be to ensure that preachers respect a Code of Ethics and Professional Conduct;
- To generalize the practice of religious desks for a better control of the content of religious information;
- To exercise a priori control of the content of religious programs in the framework of religious desks;
- To consolidate the professional skills of preachers within the framework of training;
- To introduce preachers to human rights, especially women's rights;
- To subordinate preaching to a prior authorization delivered by the self-regulatory bodies to be instituted and attesting to a proven level of the beneficiary in religious matters;
- To facilitate women's access to positions of responsibility in the media;
- To encourage the participation of women journalists in the animation of religious programs;
- To strengthen the religious training of journalists in general, and of women journalists in particular, for the appropriation of the Qur'an, the Sunna and the Bible, in order to avoid interpretations unfavorable to women in general;
- To reactivate the lethargic self-regulatory bodies.

#### **To civil society, especially women's rights organizations**

**Regarding faith-based media :**

- To lead advocacy for recognition of faith-based media;
- To lead advocacy for strengthening media accountability.

With regard to the regulation of religious discourse:

- To conduct advocacy for strengthening the gender dimension of the terms of reference;
- To advocate for gender monitoring and religious tolerance by regulatory and self-regulatory bodies;
- To advocate for the recognition of civil society's right to control the content of religious programs;
- To sensitize religious leaders on the need to monitor religious discourse.



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## ANNEXES

### 1- GENERAL INTRODUCTION

#### Annexe 1- Sampling

TARGETS	PROFILES	NUMBER
Regulatory body	Member of the governing body	1
Self-regulating body	Member of the governing body	1
Unions or associations of journalists and press editors	Member of the governing body	1
Public Media	Program Leader / Program Officer (Preacher)	2
Private media	Program Leader / Program Officer (Preacher)	2
Faith-based Media	Program Leader / Program Officer (Preacher)	3
Ministry in charge of Communication	Official of the communication department	1
Most representative religious organizations	Religious guides	2
Most representative women's organizations	Member of the governing body	1

#### Annexe 2- Interview form

1- How do you appreciate the evolution of the media landscape in the country?
2- Does the law governing the media recognize faith-based media?
3- If so, what are the conditions and procedures governing the creation of faith-based media?
4- Are these conditions and procedures generally respected or circumvented in practice? How and why?
5- How are faith-based media financed?
6- What is the number of faith-based media in the country?
7- How are they distributed in the country?
8- Is this distribution regulated?
9- Existe-t-il une spécification spécifique pour les médias confessionnels?
10 - What makes it special compared to the specifications of other media categories?
11 - Are the media specifications respected in practice? If not, why not?
12 - If the law does not authorize the creation of faith-based media, is their existence nevertheless tolerated? If so, why?
13 - What is the place of religious programs in the media in general?
14 - Who carries religious discourse in the media?
15 - Does it constitute a threat to public order?
16 - What is the place of women in religious discourse?
17 - Does religious discourse promote women's rights or is it stigmatizing towards them?
18 - Does religious discourse promote women's rights or is it stigmatizing?
19 - Are women journalists involved in the programming and hosting of religious programs?
20 - Do editorial offices have religious desks?
21- Are there internal regulatory mechanisms within the media that regulate religious discourse in general and in particular with regard to women?
22- Are there regulatory and/or self-regulatory mechanisms capable of effectively regulating religious discourse in general with regard to women in particular? Would it be opportune to move towards co-regulation?

## 2-CÔTE D'IVOIRE

### Annexe 1- List of faith-based radios

N°	NAME OF THE RADIO	GEOGRAPHIC POSITION	FREQUENCE
01	Radio Hikmah FM ou Radio Tariqa Tidjani	Abidjan Abobo	106,70 MHz
02	Radio Nationale Fréquence-Vie	Abidjan Cocody	89,40 MHz
03	La voix de l'Espérance	Abidjan Cocody	101.60 MHz
04	Radio Al Bayane	Abidjan Cocody	95.70 MHz
05	Radio La Voix Sainte	Abidjan Cocody	88.30 MHz
06	Al Fayda FM	Abidjan Koumassi	95.30 MHz
07	Radio Espoir	Abidjan Port-Bouet	102.80 MHz
08	Radio Nationale Catholique (RNC)	Abidjan Yopougon	102.50 MHz
09	Radio Chandelier	Abidjan Yopougon	99.80MHz
10	Radio Paix Sanwi	Aboisso	89.20 MHz
11	Radio Maria, la Voix de l'Immaculée	Alépé	96.30 MHz
12	Radio Al Firdaws	Bouaké	88.80 MHz
13	Radio la Voix du Salut	Bouaké	104.7 MHz
14	Radio Sinaï FM	Korhogo	96.70 MHz
15	Radio Catholique la Voix des 18 Montagnes	Man	104.70 MHz
16	Radio Al Fourquane	Man	107.10 MHz
17	Radio Al Fourquane Abidjan	Abidjan-Yopougon	103.10 MHz
18	Radio Maria Côte d'Ivoire	Yamoussoukro	104.80 MHz

### Annexe 2- List of radios by faith

NAME OF THE RADIO	CONFESSION
Radio Espoir	Catholique
Radio Nationale Catholique	Catholique
Radio Voix Sanwi	Catholique
Radio Maria, la Voix de l'Immaculée	Catholique
Radio Catholique la Voix des 18 Montagnes	Catholique
Radio Maria Côte d'Ivoire	Catholique
Radio Hikmah FM	Musulmane
Radio Al Bayane	Musulmane
Radio Al Fayda FM	Musulmane
Radio Al Firdaws	Musulmane
Radio Al Fourquane	Musulmane
Radio Tariqa Tidjani	Musulmane
Radio Nationale Fréquence-Vie	Protestante Evangélique
Radio la Voix Sainte	Protestante Evangélique



Radio Chandelier	Protestante Evangélique
Radio Sinaï FM	Protestante Evangélique
La voix du salut	Protestante Evangélique
Radio la Voix de l'Espérance	Méthodiste

### Annexe 3- List surveyed personnes

CIBLES	NOMS
Regulatory body	- ADEPO Jean Claude Aristide Head of Radio Monitoring at the HACA
Self-regulating body	- ZIO Moussa President of the PLOED
Unions or associations of journalists and press editors	- André OUOHI Member of the OLPED
Public Media	- Jean Claude COULIBALY President of UNJCI
Private media	- INZA Cissé Production Manager RTII
Faith-based media	- Rev AKAFOU Célestin (Preacher on RTI) Methodist Church.
Ministry in charge of communication	- Sangaré DOUG SANGOUARD Director of Radio Programs Yopougon
Organization of the most representative women	- Francis COMOE Director of radio programs la Voix de l'Agnéby-Agboville
Religious organization	- Julius Clotaire KOFFI Director of Radio Awaléssé Gagnoa

**NB:** In addition to these people, we had extensive discussions with the heads of Radio Sinaï FM Korhogo, Radio SFM Bouaké, Radio la Voix de l'Espérance, Radio la Voix du Salut, Radio Fréquence Vie, Radio Label Agboville and Radio Zénith Marcory.

### 3- MALI

#### Single Annexe: List of persons surveyed

Name and surname	Quality	Date entretien
Bandiougou Danté	President of the Union des Radios e Télévisions Libres du Mali - URTEL. Phone number : (+223) 66 72 39 96/ 76 13 29 84.	May 6, 2020
Sambi Touré	Director of the Government Information Centre of Mali (CIGMA), since June 2016. Journalist at Nouvel Horizon 1993-1997, Founder of the newspaper Info Matin in 1998. President of ODEP 2001-2008, President of the Association of Private Press Publishers (ASSEP) 2006-2008, President of the Professional Press Group (GROUPE) 2008-2017. Phone : (+223) 75 40 40 40.	May 7, 2020
Sadou Abdoulaye Yattara	Director of the newspaper Aurore 1989-1998, Director of the newspaper Le Courier 1996-2006, President of the Association des Éditeurs de la Presse Privée (ASSEP) 1993-2003, President of the Maison de la Presse du Mali 1999-2006, Communication and Advocacy Expert at the Center for Studies and Capacity Building in Analysis and Advocacy (CERCAP) 2007-2018, Coordinator of the Association Institute for Democracy and Media Education (IDEM), President of the Network of Journalists Observing the Nicotine and Tobacco Industry (REJOINT). Expert of the High Authority of Communication (HAC). Phone number : (+223) 76 14 54 14.	May 7, 2020
Ibrahima Labass Keïta	Director of publication of the Journal Le Scorpion, Vice-President of the Observatory for Ethics and Deontology of the Press (ODEP). Director of publication of Le Scorpion. Professor of Sociology of the Media at the Faculty of Social Sciences (FASSO) of the University of Segou. Phone : (+223) 76 36 27 59.	May 7, 2020
Abdoul Majid Thiam	Permanent Secretary of the Ethics and Deontology Committee of the Press (CDEP), Journalist at Les Echos from 1991 to 2016, Founding Member of the Association of Journalists for the Promotion of Professionalism -AJPP. Phone number : (+223) 61 60 12 30/ 71 55 24 53.	May 12, 2020



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