# PRESS FREEDOM
## IN **MOROCCO**

## Summary

The situation of press freedom in Morocco has deteriorated significantly, especially following the anti-government protests, referred to as Hirak Rif, that took place in the northern region of Rif between October 2016 and June 2017.

Between 2017 and 2022, there has been a significant rise in the state's arbitrary detention of journalists for their work, use of censorship and surveillance tactics, and expulsion of foreign journalists. This has occurred alongside a wider crackdown on freedom of expression in the country. Journalists critical of the Moroccan government have been subject to judicial harassment and the weaponization of sex-related charges against them. These journalists have not had fair trials; instead, courts have relied on articles published by state-aligned media outlets and tabloids to prosecute them.

Moroccan authorities have prevented the reporting of media content and imposed burdensome bureaucratic and administrative requirements on local outlets to shutter them and/or severely restrict their activities. They have leveraged surveillance technology, including the infamous Pegasus software, to target journalists. A number of foreign journalists, particularly those reporting on the Hirak Rif protests, have been targeted and then deported.

These violative practices are facilitated, in part, and occur alongside the existence of a problematic legal framework that restricts and poses a chilling effect on press freedom in Morocco. Despite constitutional and international legal protections around press freedom and freedom of expression more broadly, Morocco's Penal Code contains numerous articles criminalizing vaguely-phrased offenses that have been employed to curtail the work of journalists. Though Morocco's 2016 Press and Publishing Code replaces custodial sentences for journalists, it does not preclude journalists from being sentenced to jail time under other legal frameworks, including the Penal Code. Its provision criminalizing speaking ill of the monarchy or Islam is also improperly restrictive. The Law on Combating Terrorism (Law No. 03-03) sets forth a broad definition of terrorism, establishes hefty penalties, and has been widely criticized for being leveraged to target non-violent forms of dissent, including the work of journalists. Though Law on the Right to Access Information (Law No. 31-13) does introduce a culture of freedom of information and establishes positive steps toward transparency, the law places restrictions on what requested information can be used for and carves out a lengthy list of 13 categories that may be exempted from information disclosure. Observers have also noted a lack of political will regarding its full implementation.

Most recently, in March 2020, the Moroccan government introduced a law governing social media (Draft Law No. 22-20) that was temporarily suspended in May 2020. The text was widely critiqued by civil society, set forth vague definitions, and established punishments for "anyone who deliberately uses social networks, open broadcast networks, or similar networks to publish or promote electronic content containing false information."

# Recommendations

■ Release all imprisoned journalists, drop all charges against them, stop arresting journalists for their work, and halt the prosecution of journalists over their coverage.

■ Amend the Penal Code to prohibit the prosecution of journalists under laws not related to media and journalism; address the vaguely-defined expression-related offenses; and remove punishments for speech against Morocco's monarchy, territorial integrity, and Islam.

■ Stop weaponizing women's issues and rights to prosecute and smear the reputation of journalists in order to silence them and quash their coverage.

■ Stop expelling foreign journalists over their coverage, invite all expelled journalists to return, and commit to restoring all revoked accreditations to said-journalists.

■ Criminalize the practice of surveillance and monitoring of journalists using spyware and other tools.