

**Flygtningenævnets baggrundsmateriale**

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# Morocco

PARTLY FREE

**51**  
/100

|                                     |               |
|-------------------------------------|---------------|
| A. <u>Obstacles to Access</u>       | <b>15</b> /25 |
| B. <u>Limits on Content</u>         | <b>21</b> /35 |
| C. <u>Violations of User Rights</u> | <b>15</b> /40 |

**LAST YEAR'S SCORE & STATUS**  
**53 /100    Partly Free**

Scores are based on a scale of 0 (least free) to 100 (most free). See the [research methodology](#) and [report acknowledgements](#).



## Overview

Internet freedom in Morocco remained tenuous during the coverage period. While internet access continues to expand overall, the government

is believed to maintain sophisticated surveillance systems used to constrain online speech. The proliferation of progovernment outlets and state-sponsored propaganda drowns out critical voices online, while state-affiliated news sites publish false information about activists and journalists. Self-censorship around Western Sahara, the royal family, and religion remained pervasive, and numerous social media accounts are used to harass, defame, intimidate, and threaten activists who criticize authorities. During the coverage period, journalists, activists, and ordinary social media users were sentenced to prison for their online activity, including two Facebook users who called for protests and boycotts.

Morocco holds regular multiparty elections for Parliament and local bodies. Reforms in 2011 shifted some governance authority from the monarchy to the national legislature. Nevertheless, King Mohammed VI and his palace maintain dominance through a combination of substantial formal powers and informal lines of influence in the state and society. Many civil liberties are constrained in practice.

*Editor's Note: Western Sahara is not covered in this report. Certain territories that are assessed separately in Freedom House's Freedom in the World reports are excluded from the relevant country reports in Freedom on the Net, as conditions in such territories differ significantly from those in the rest of the country.*

## Key Developments, June 1, 2021 - May 31, 2022

- At least two online activists were summoned by security agencies after calling for protests and boycotts online. One activist's Facebook account was suspended and a post was deleted after his interrogation (see B2 and B8).
- Online users who openly criticized the government faced coordinated intimidation and harassment campaigns by "e-flies." In November 2021, these anonymous accounts, many of which are openly loyal to the government, were used to launch a defamation campaign

against the former head of the Moroccan Bar Association (see B5 and C7).

- Several journalists and activists were arrested and sentenced to prison during the coverage period. Omar Radi, a high-profile journalist known for his government criticism, received a six-year prison term in July 2021 (see C3).
- In October 2021, authorities required citizens to use a mandatory COVID-19 vaccine pass to enter workplaces and public spaces. Activists have argued that data collection through the app could threaten users' privacy (see C6).

## A. Obstacles to Access

**A1** 0-6 pts

**Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?**

**4** / 6

*Score Change: The score declined from 5 to 4 to adjust for a methodology change in one of the sources used to calculate internet speeds. This score change does not necessarily reflect a change in infrastructural limits to internet access, speed, or quality.*

While internet access in Morocco has slowly expanded in recent years, both mobile and fixed-line broadband speeds declined during the coverage period. In addition, obstacles to access remain in rural areas (see A2).

The percentage of people using the internet has grown in recent years, with the internet penetration rate standing at 84.1 percent in January 2022. Meanwhile, there were 129 mobile subscriptions for every 100 inhabitants as of that month. <sup>1</sup>

Internet speeds have decreased over the coverage period. As of May 2022, the median mobile internet download speed stood at 29.6 megabits per second (Mbps), while the median upload speed was 10 Mbps. In April 2021, the average mobile download speed was 40 Mbps, while the

average upload speed was 13 Mbps. As of May 2022, the median download speed for fixed-line broadband connections was 15.4 Mbps, while the median upload speed was 4.7 Mbps. In 2021, Morocco's average fixed-line broadband download and upload speeds stood at 28 Mbps and 15 Mbps, respectively. <sup>2</sup>

The government has undertaken several programs over the years to improve the country's information and communication technologies (ICT) sector, including the granting of long-term evolution (LTE) technology licenses to telecommunications companies. <sup>3</sup> The National Telecommunications Regulatory Agency (ANRT) adopted general guidelines for the ICT sector through 2023. <sup>4</sup> The program aims to increase fiber-optic and other high-speed connections throughout the country, reinforce the existing regulatory framework, and provide universal access.

In terms of ICT infrastructure, Maroc Telecom, a partially state-owned company, owns and controls a fiber-optic backbone of more than 10,000 kilometers (6,200 miles). The state-controlled National Railways Office (ONCF) and National Office of Electricity and Water (ONEE) have also built 2,000- and 4,000-kilometer (1,250- and 2,500-mile) fiber-optic infrastructures, respectively (see A3). In June 2020, Morocco's national and international bandwidth increased by 30.6 percent to 1,970 gigabytes (GB). <sup>5</sup>

## A2 0-3 pts

|                                                                                                                                                         |              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons? | <b>2</b> / 3 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|

*Score Change: The score improved from 1 to 2 because internet prices remained stable and affordable despite rising inflation.*

Internet usage remains relatively affordable despite rising inflation; however, network coverage is highly uneven between urban and rural areas.

According to the most recent annual report from the High Authority of Audiovisual Communication (HACA), which covered 2020, urban dwellers are more likely to have internet access than rural inhabitants, with urban penetration at 90 percent compared with 72 percent in rural areas. <sup>1</sup> Rural inhabitants constitute 36 percent of the overall population, <sup>2</sup> and while many have access to electricity, television, and radio, most do not have access to phone lines and high-speed internet. The high rate of illiteracy, especially among rural women, is another major obstacle to internet access. <sup>3</sup>

Despite rising inflation, which led to a 5.5 percent year-over-year increase in food prices as of February 2022, internet costs have remained stable and relatively affordable. <sup>4</sup> For a fourth-generation-plus technology (4G+) prepaid connection with speeds up to 225 Mbps, Maroc Telecom customers pay 99 Moroccan dirhams (\$10.58) per month for 15 GB of data; if exceeded, they can pay 20 dirhams (\$2.14) for an additional 2 GB package. <sup>5</sup> Internet users pay on average 3 dirhams (\$0.32) for one hour of connection in cybercafés. The average annual income in Morocco stood at 349,900 dirhams (\$36,300) in March 2022. <sup>6</sup>

### A3 0-6 pts

|                                                                                                                                           |              |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?</b> | <b>4 / 6</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------|

Authorities have not imposed any restrictions on connectivity in recent years. However, the centralization of Morocco's internet infrastructure enables the government to restrict connectivity and facilitates the potential control of content and surveillance.

The three main telecommunications operators—Maroc Telecom, Orange Maroc, and Inwi—have varying access to international connectivity. <sup>1</sup> Maroc Telecom, which is partially state-owned, dominates the sector for both fixed-line broadband and mobile services, owns most of the submarine cables, and controls more than 10,000 kilometers (6,200 miles) of the fiber-optic backbone. <sup>2</sup>



**A4** 0-6 pts

**Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?**

**4** / 6

Telecommunications companies and cybercafés do not face major legal, regulatory, or economic obstacles. <sup>1</sup>

Maroc Telecom, Orange Maroc (formerly Medi Telecom), <sup>2</sup> and Inwi are the country's only licensed internet service providers (ISPs) and mobile service providers. Maroc Telecom is a former state company that held a monopoly over the ICT sector until 1999, when licenses were granted to Medi Telecom and Inwi. <sup>3</sup> The company is now owned by Etisalat of the United Arab Emirates (UAE) and the Moroccan state, which maintains a 30 percent stake. <sup>4</sup> In May 2019, the company announced that the state would sell as much as 8 percent of its shares as part of a plan to address its budget deficit. <sup>5</sup> Inwi (formerly called Wana and Maroc Connect) is a subsidiary of Al Mada, a Moroccan industrial conglomerate owned by the royal family. 4G licenses were granted to the three telecommunications companies, and the technology was first utilized in April 2015. <sup>6</sup>

In 2018 the telecommunications industry witnessed a major struggle between Maroc Telecom and Inwi, raising questions regarding industry competition. Inwi accused Maroc Telecom of not complying with competition regulations. In January 2020, the ANRT delivered a verdict in favor of Inwi, leaving Maroc Telecom with a \$340 million fine for “abusing its dominant position in the market by hindering competitors’ access to unbundling on its network and the fixed market.” <sup>7</sup> One month later, Inwi dropped the lawsuit. These developments suggest that while the ANRT made legal interventions to enforce competition regulations, the UAE’s growing penetration in telecommunications markets in the region has adversely impacted the industry’s diversity.

While Maroc Telecom effectively controls the telephone-cable infrastructure, the ANRT is tasked with setting the prices at which the company’s rivals (such as Orange Maroc and Inwi) can access those

cables. Thus, the ANRT can make sure competition in the market is fair and leads to affordable services for Moroccan consumers. <sup>8</sup>

#### A5 0-4 pts

**Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?**

**1** / 4

The ANRT is the government body created in 1998 to regulate and liberalize the ICT sector. Its board of directors is made up of government ministers, and its head is appointed by the king. The founding law of the ANRT extols the ICT sector as a driving force for Morocco's social and economic development, and the agency is meant to create an efficient and transparent regulatory framework that favors competition among operators. <sup>1</sup> The ANRT is not consistently transparent in its operations, having failed to publish an annual report since 2018. <sup>2</sup>

The ANRT director and administrative board are appointed via a *dahir* (royal decree), leaving the agency open to politicization. However, international organizations such as the World Bank and the International Telecommunication Union (ITU) have not expressed any major concerns regarding the ANRT's neutrality. <sup>3</sup>

The allocation of digital resources, such as domain names, is carried out in a nondiscriminatory manner. The ANRT manages the top-level country domain .ma through various private providers, some of which are affiliated with the three telecommunications companies. <sup>4</sup>

## B. Limits on Content

#### B1 0-6 pts

**Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?**

**6** / 6



The government did not block or filter any political, social, or religious websites during the coverage period.

Social media and communications services including YouTube, Facebook, and Twitter are available in the country, as are international blog-hosting services. Websites that discuss controversial views or human rights causes—such as the disputed territory of Western Sahara, LGBT+ rights, and critical views of the monarchy—are also accessible.

The last instance of government blocking of online content occurred in 2013, when the attorney general ordered the ANRT to block the Arabic- and French-language websites of the investigative news outlet Lakome for allegedly condoning terrorism. <sup>1</sup> An article on the site had reported on a video attributed to Al-Qaeda in the Islamic Maghreb (AQIM), though it did not itself incite violence or promote terrorism. <sup>2</sup>

## **B2** 0-4 pts

**Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?**

**2 / 4**

The government maintains control over the information landscape through a series of restrictive laws that can require the closure of outlets and the removal of online content (see B3). The government also resorts to more ad hoc extralegal means to remove content that is deemed controversial or undesirable. For example, the news outlet Hespress, which has featured content both supportive and critical of the government, deleted videos of street protests and interviews with opposition figures several years ago, as a result of anticipated or actual pressure from authorities.

<sup>1</sup>

Activists have also described situations where security officials told them to remove or change critical content or face criminal charges, resulting in what many describe as a pervasive environment of self-censorship (see B4). <sup>2</sup> In March 2022, Brahim Nafai, national secretary of the Democratic Way party's youth wing, was interrogated by police after calling for

boycotts over fuel prices via Facebook (see B8). Following the interrogation, his Facebook account was suspended and the post in question was deleted. <sup>3</sup>

In March 2020, amid the COVID-19 pandemic, a YouTuber with a large following posted a video in which she claimed the coronavirus did not exist. She was later arrested and sentenced to one year in prison for “sharing fake news” (see C3). <sup>4</sup> The YouTube video is no longer available; whether it was taken down by the authorities or the account owner herself is unclear.

### **B3** 0-4 pts

**Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?**

**2 / 4**

Online content can be restricted under broad legislation. For example, the 2003 Law to Combat Terror, known as the antiterrorism law, <sup>1</sup> gives the government sweeping powers to filter and delete content that is deemed to “disrupt public order by intimidation, force, violence, fear, or terror.” <sup>2</sup> Article 218(6) assigns legal liability to the author and anyone who helps the author to disseminate information deemed as a justification for acts of terrorism, which would include site owners and ISPs. While the law was ostensibly designed to combat terrorism, authorities retain the discretion to define vague terms such as “national security” and “public order” as they please, opening the door for abuse. Many opposition news sites are hosted on servers outside the country to avoid being shut down by the authorities. Intermediaries must block or delete infringing content when made aware of it or upon receipt of a court order. <sup>3</sup>

Under the 2016 Press and Publications Code, known as the press code, <sup>4</sup> the government has the right to shut down any publication “prejudicial to Islam, the monarchy, territorial integrity, or public order,” and it can seek heavy fines or prison sentences under the penal code for the publication of offensive content (see C2).

### **B4** 0-4 pts

|                                                                                          |              |
|------------------------------------------------------------------------------------------|--------------|
| <b>Do online journalists, commentators, and ordinary users practice self-censorship?</b> | <b>2 / 4</b> |
|------------------------------------------------------------------------------------------|--------------|

Users who openly discuss controversial social issues and political events on social media are increasingly targets of coordinated harassment campaigns, contributing to a growing climate of self-censorship. Journalists also self-censor, affecting the quality of their reporting. <sup>1</sup>

During the coverage period, users reportedly self-censored on issues related to Morocco's claim on Western Sahara, the monarchy, and religion—all of which are considered taboo. The state's increased deployment of surveillance technologies (see C5) <sup>2</sup> and the proliferation of progovernment trolls (see B5) also drive some users to self-censor. Moreover, many online journalists have been jailed or investigated on serious charges in a bid to silence them, with court proceedings often repeatedly postponed to maintain the threat of jail time (see C3). <sup>3</sup> During the coverage period, US-based YouTuber and former Moroccan police officer Ouahiba Khourchech removed all the videos from her channel immediately after her brother was arrested. <sup>4</sup>

Coordinated harassment campaigns, personal attacks, and derogatory comments received by activists and opinion makers online—often in response to their criticism of government policies—also contribute to self-censorship (see B5). <sup>5</sup> During the coverage period, anonymous accounts promoting progovernment and nationalist content targeted social media users who criticized the government or the royal family. At times, the targets of this harassment removed their posts. For example, Moroccan journalist Aida Alami, who was active on Twitter and regularly covered trials of other journalists in Morocco, has gone almost completely silent following several waves of harassment, including death threats, for her reporting. <sup>6</sup>

**B5** 0-4 pts

|                                                                                                                                                           |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?</b> | <b>2 / 4</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|

Many of the major online news sources are both directly or indirectly linked to powerful figures connected to or within the Moroccan state, including the security forces. The influence of these individuals, who range from wealthy businesspeople to royal advisers, <sup>1</sup> skews the online news landscape toward the interests of those in power. <sup>2</sup>

Legislative elections were held in September 2021 and were characterized as generally free and fair by a Council of Europe observation mission with no glaring cases of content manipulation or disinformation. <sup>3</sup> However, online outlets remain relatively constrained when it comes to criticizing powerful actors.

Media outlets that openly support the government are known to publish false and misleading information to defame critics and influence public perception (see C7). ChoufTV, which is prominent in engaging in such activity, is also among a growing number of outlets that receive state subsidies due to their favorable reporting. Other beneficiaries include Barlamane, Telexpresse, Maroc Medias, and Ana al-Akhbar (see B6). <sup>4</sup> ChoufTV has violated Moroccan privacy laws with apparent impunity. Authorities, meanwhile, have allowed ChoufTV—which enjoys close access to the security services—to livestream sensitive operations, including the dismantling of a terrorist cell, but have not allowed other outlets to do so. <sup>5</sup>

During the coverage period, anonymous progovernment accounts known as “e-flies” launched coordinated harassment campaigns against prominent human rights defenders (HRDs) (see C7). <sup>6</sup> Many of these accounts present themselves as “defenders of the Kingdom’s sacred foundations” and publicly express their loyalty to members of the government by openly praising the head of national security and the king.

In February 2021, Facebook reported that it removed 385 individual accounts, 6 pages, and 40 Instagram accounts that were primarily used to “comment on news and pro-government stories from various news outlets including ChoufTV.” The report further adds that these accounts “frequently posted criticism of King’s opposition, human rights

organizations and dissidents” while praising the government’s COVID-19 response. <sup>7</sup>

There has been a growing trend of coordinated online activity from the self-dubbed “Moorish” movement. According to recent research, pages and profiles associated with this trend promote “patriarchal, ultra- and ethnonationalist, misogynist, and racist” content online. <sup>8</sup> These accounts, which are themselves used to target journalists and activists online, benefit from the support of government officials who like and share their content. <sup>9</sup> Likewise, many of these accounts actively share and promote the content of their government-affiliated counterparts, namely those belonging to Moroccan diplomats and embassies. <sup>10</sup>

In addition, progovernment online media outlets published private and false information about government critics. <sup>11</sup> For example, news outlets with close ties to security services published allegations that journalist and newspaper editor Soulaïmane Raïssouni sexually assaulted a young man. These reports culminated in his arrest in May 2020. <sup>12</sup> Raïssouni worked with the independent newspaper *Akhbar al-Youm*; its previous editor, Taoufik Bouachrine, was arrested in February 2018 on charges including sexual assault and convicted that November. <sup>13</sup> *Akhbar al-Youm* remained one of the country’s only independent and opposition daily newspapers until it closed in March 2021 (see B6). The crackdown on its journalists fits into a broader pattern of authorities stifling independent news outlets.

Moroccan internet users have shown a growing interest in domestic portals, especially those within an emerging genre of media that focuses on personal scandals. This is especially true in the case of ChoufTV, which has gained a reputation for publishing reports that are largely driven by clickbait. Critics have also questioned its relationship with security forces given that it is almost always the first major media outlet to report from the scene of major news stories. <sup>14</sup>

#### **B6** 0-3 pts

**Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?**

**1** / 3

Morocco's more critical online outlets operate in an environment where the government is known to use financial pressure to push the most outspoken print-based counterparts into closure or bankruptcy. This pressure, along with authorities' targeting of their staff with criminal charges, eventually led to the March 2021 closure of *Akhbar al-Youm*. <sup>1</sup>

Advertising revenue provided by the government or government-linked companies is not split evenly between independent and progovernment publications. <sup>2</sup> The Moroccan media sector includes a variety of "shadow" outlets, which are nominally independent but espouse progovernment sentiments. <sup>3</sup> They exist primarily to divert attention from other news portals and to compete for online advertising revenue and audience share. While there is no official evidence linking these outlets to a larger state strategy to counter the growth of dissenting voices, they receive large amounts of advertising, possibly in return for their progovernment bias (see B5). <sup>4</sup>

Powerful business entities, such as the three telecommunications companies, are known to adhere to state pressure to withdraw advertising money from news outlets that run counter to the state-owned media narrative. <sup>5</sup>

Articles 33 and 34 of the press code stipulate that to obtain press cards and benefit from state financial support, online news portals must acquire two types of authorization from two different bodies, valid for one year at a time: from the Moroccan Cinema Center (CCM) to produce video content, <sup>6</sup> and from the ANRT to host domain names under press.ma. <sup>7</sup> While these measures are in line with international practices, press freedom advocates have warned that the regulators may be subject to political pressure to deny outlets authorization based on their editorial stances. Creating a news site in Morocco is relatively complicated. <sup>8</sup> For example, the Ministry of Culture and Communication did not grant press cards to the directors of two important French-language news sites, Yabiladi and Le Desk, until May 2018. <sup>9</sup> According to the 2016 press code, practicing journalism in Morocco without those cards is illegal.



Beginning in 2018, digital advertisers are obliged to pay a 5 percent tax, after the General Tax Administration issued a memo calling for the levy and the government duly modified Articles 251(b), 254, and 183(b) of the general tax code in its annual budget bill. <sup>10</sup> The memo stipulates “an enlargement of the stamp tax duty for all advertising broadcast on all types of digital screens.” <sup>11</sup> Observers warned that the tax would stifle an already financially fragile media sector. An estimated 70 to 80 percent of Moroccan advertisers use global online platforms such as Google and Facebook, and since these platforms do not pay any taxes to the Moroccan government, their market share would grow at the expense of local websites. <sup>12</sup>

#### **B7** 0-4 pts

**Does the online information landscape lack diversity and reliability?**

**2 / 4**

As a result of closures and advertising boycotts, the online media space has increasingly lacked diversity and independence. <sup>1</sup> Despite this, social media remains largely open and diverse, although authorities have at times clamped down on certain types of social media expression (see C3).

Misinformation has increased in recent years, specifically during politically sensitive times or around contentious issues, such as the COVID-19 pandemic or the disputed territory of Western Sahara. <sup>2</sup> For example, in December 2020, former US president Donald Trump officially recognized Rabat’s claim to Western Sahara, which prompted a wave of misinformation that dominated the media. <sup>3</sup> Additionally, the rise of alt-right “Moorish” accounts on social media has contributed to the spread of misinformation and progovernment propaganda (see B5).

Certain topics and issues do not receive much coverage from mainstream online media. For example, local news about rural towns and provinces is excluded from national reporting. <sup>4</sup> While the rise of social media has given space for LGBT+ people to connect online, reporting on these topics is still considered taboo. Information on LGBT+ issues is typically

only available on international news platforms, and usually only in English or French, not Arabic, making it inaccessible to broad audiences. <sup>5</sup>

Journalists and activists describe a shrinking space for independent, diverse online content, partly due to the fear of surveillance or penalization by authorities. <sup>6</sup> In recent years, Moroccans living abroad have become more active in publishing critical commentary, primarily on YouTube, and have drawn large audiences as self-censorship and independent media closures within Morocco have impacted the diversity of online content (see B4). <sup>7</sup> New policies have since been aimed at constraining the growing number of critical voices based abroad (see C2 and C3).

Online sites do not regularly host robust investigative journalism, in part because journalists working for state-friendly, traditional media outlets tend to be paid better. <sup>8</sup> Online outlets also receive unofficial directives to refrain from reporting on controversial issues or disallow certain voices from being heard. In 2018, reports on King Mohammed VI's rumored divorce from his wife, Lalla Salma, were hardly covered by Moroccan media. In contrast, speculation about their divorce circulated freely in foreign media outlets. <sup>9</sup>

#### **B8** 0-6 pts

|                                                                                                                                      |              |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?</b> | <b>4 / 6</b> |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------|

*Score Change: The score declined from 5 to 4 because two activists were interrogated after calling for boycott or protest activity online.*

Internet users take advantage of various social media tools to educate, organize, and mobilize around a wide variety of issues, though authorities stifled online mobilization efforts during the coverage period.

Online users faced official investigation after using social media to call calling for protests or boycotts during the coverage period. <sup>1</sup> In February 2022, Abderrazak Boughanbour, the former president of the Moroccan

League for the Defense of Human Rights, was summoned and investigated by security agents after sharing a Facebook post calling for protests. In March 2022, Brahim Nafai was interrogated by police after calling for boycotts over fuel prices on Facebook. <sup>2</sup> Nafai's Facebook account was suspended, and the post was deleted (see B2).

In February 2022, online users organized a campaign to raise awareness for Rayan, a young boy who was stuck in a well. The hashtag #SaveRayan drew international media attention. <sup>3</sup> Several campaigns, such as #FreeKoulchi (Free Everyone), which began in 2014 and gained more momentum during the previous and current coverage periods, called for the release of imprisoned journalists and activists. <sup>4</sup> Such campaigns succeeded in gaining international media attention and at times resulted in concrete action, such as the release of jailed journalists.

A February 2020 Human Rights Watch (HRW) report highlighted the growing government crackdown on social media users in recent years. Students, activists, citizen journalists, and social media commentators who have criticized Moroccan authorities and the wealth and lifestyle of King Mohammed VI have been arrested and charged. Those who encouraged Moroccans to protest socioeconomic injustices in the country were also detained. <sup>5</sup>

## C. Violations of User Rights

**C1** 0-6 pts

|                                                                                                                                                                                                                            |              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence? | <b>2</b> / 6 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|

The Moroccan constitution contains provisions designed to protect freedom of expression, but these principles are not defended by the judiciary. In addition, contradictions between the press and penal codes leave open loopholes that authorities have exploited to arrest and jail activists and journalists.

While the press code abolished prison sentences for journalists, articles in the penal code are still cited to justify their imprisonment, particularly articles that deal with national security (see C2 and C3). Journalists must obtain a state-issued press card—a process the state has used to exclude critical journalists from the profession—and face greater risks of prosecution under the penal code for lacking such a card (see B6).

According to the 2011 constitution, which was passed by referendum to curtail public protests at the onset of the Arab Spring, all Moroccan citizens are equal before the law, and Article 25 guarantees all citizens “freedom of opinion and expression in all its forms.” <sup>1</sup> Although the constitution strengthened the judiciary as a separate branch of government, the judicial system in Morocco is far from independent. The king chairs the Supreme Council of the Judiciary and appoints several members; at least half are elected by fellow judges. <sup>2</sup>

In practice, the courts often fail to produce fair and balanced rulings, frequently basing their decisions on recommendations from security forces. <sup>3</sup> During the coverage period, a number of observers including the US State Department, Amnesty International, and the Committee to Protect Journalists (CPJ) pointed to fundamental flaws and due process violations in the trials of journalists Omar Radi and Soulaïmane Raïssouni (see C3). <sup>4</sup> According to Amnesty International’s report on Radi’s trial, the court failed to follow basic procedures and discarded important witness testimony and evidence, resulting in a verdict based on “a lack of impartiality in the judge’s reasoning.” <sup>5</sup>

## C2 0-4 pts

**Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?**

**1** / 4

Moroccan users may be punished for their online activities under the penal code, the antiterrorism law, and the press code. Article 218(2) of the antiterrorism law prescribes prison terms of two to six years and fines of 10,000 to 200,000 dirhams (\$1,070 to \$21,400) for those convicted of

condoning acts of terrorism through offline or online speech. <sup>1</sup> In addition to these laws, Moroccan authorities have also shifted their focus to criminalizing online speech of Moroccans living abroad (see C3).

In recent years, authorities have increasingly used Articles 263 through 267 from the vaguely worded penal code, which criminalize “insults against public authorities, officials, and organizations,” to crack down on free speech. <sup>2</sup> These circumstances have prompted a number of popular online commentators including, Dounia Filali and Zakaria Moumni, to seek asylum or remain abroad. <sup>3</sup>

During the COVID-19 pandemic, the Moroccan government issued a state-of-emergency decree that included criminal penalties for online speech. According to the International Center for Not-for-Profit Law, the decree allowed authorities to “take exceptional measures” to respond to the pandemic. Those who contradict or encourage others to contradict the state of emergency, including “through speech or threat uttered in a public place or meeting, written or printed materials, photos, posters, audiovisual or electronic communications, or any other means” could face up to three months’ imprisonment or be fined 300 to 1,300 dirhams (\$32 to \$139). <sup>4</sup>

The 2016 press code received mixed reactions from free speech activists.

<sup>5</sup> Unlike the 2002 press code, the newer law contains provisions that specifically apply to online media. <sup>6</sup> Most significantly, the code eliminated jail sentences for press offenses and replaced them with steep fines. Articles 71 and 72 authorize fines of up to 200,000 dirhams (\$21,400) for publishing content seen as disruptive to public order. The maximum fine is 500,000 dirhams (\$53,500) if the content offends the military. The fines are largely unaffordable for Moroccan journalists, who may be imprisoned for failure to pay. <sup>7</sup>

Under the unreformed penal code, journalists can still be jailed for speech offenses related to the monarchy, Islam, and Western Sahara, as well as threats to national security. Defamation also remains a criminal offense.

**C3** 0-6 pts

**2** / 6

|                                                                                                                                           |  |
|-------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Are individuals penalized for online activities, particularly those that are protected under international human rights standards?</b> |  |
|-------------------------------------------------------------------------------------------------------------------------------------------|--|

*Score Change: The score declined from 3 to 2 because more journalists and activists received prison sentences for content shared online than in the last coverage period.*

Prominent journalists and activists continue to face arrest and prosecution for their online activities, as do ordinary social media users. Although the press code ostensibly protects journalists from being jailed for their work, the government has found other ways to punish them (see C2). Court cases are often repeatedly postponed, allowing authorities to avoid international condemnation that might result from convictions and harsh sentences, while still punishing online users.

During the coverage period, several online users received prison sentences for comments they made on social media. <sup>1</sup> In April 2022, activist Rabie al-Ablaq, who was previously arrested during the *Hirak Rif* movement, was sentenced to four years in prison over social media posts in which he criticized the king. <sup>2</sup> HRD Saida El Alami was arrested in March 2022. In April 2022, she was sentenced to two years in prison for criticizing authorities on social media. <sup>3</sup> Mohamed Bouzlouf was arrested in March 2022 and was subsequently sentenced to two months in prison for condemning El Alami's arrest on social media. <sup>4</sup> Two other activists, Abderrazak Boughanbour and Brahim Nafai, also faced investigations for online mobilization efforts (see B8). <sup>5</sup>

In August 2021, activist Jamila Saadan was arrested and charged with "insulting organized institutions and distributing false allegations" after posting a YouTube video about human trafficking networks in Morocco.

<sup>6</sup> She was sentenced to three months in prison and a fine of 1,000 dirhams in September 2021 after being held in pretrial detention. <sup>7</sup> In July 2021, another YouTuber, Mustapha Semlali, was sentenced to two years in prison and fine of 5,000 dirhams under defamation charges for a video in which he criticized a member of the royal family. Semlali, known online as Allal Al Qadous, frequently questions social and political norms in Morocco on his YouTube channel. <sup>8</sup> In June 2021, Ikram Nazih was



sentenced to three years in prison for disrespecting Islam in a 2019 Facebook post where she altered verses of the Quran to condone the consumption of alcohol. She was released in August 2021. <sup>9</sup>

In July 2021, journalist Omar Radi received a six-year prison sentence on sexual assault and national security charges. <sup>10</sup> The government had targeted Radi for several years before this sentence was issued; Radi was arrested in July 2020 after Amnesty International reported that the Moroccan government surveilled him using spyware. <sup>11</sup> In April 2019, Radi was questioned by police regarding a tweet that criticized the judge who handed down prison sentences against *Hirak Rif* activists. <sup>12</sup> In December 2019, Radi was arrested and charged with “insulting a magistrate” under Article 263 of the penal code, which carries a jail sentence of up to one year. <sup>13</sup> After an international campaign on his behalf, Radi received a four-month suspended sentence for that offense.

<sup>14</sup> Similarly, in March 2022, journalist and activist Soulaïman Raïssouni was sentenced to five years in prison on sexual assault charges. Raïssouni is known for his editorials that are often critical of the Moroccan security services. Several human rights groups have criticized Moroccan authorities for using false accusations of sexual assault to jail and silence journalists. <sup>15</sup>

In early 2022, over 40 teachers who participated in antiausterity protests received suspended sentences or fines for their involvement in the protests, including for their online activity. One of the teachers, Nezha Majdi, was sentenced to three months in prison after she accused authorities of sexually harassing her—allegations she published on her social media accounts. <sup>16</sup>

In a rare move, the three major security institutions in Morocco—the General Directorate for National Security (DGSN), the General Directorate for Territorial Surveillance (DGST), and Morocco’s external intelligence agency (DGED)—issued a joint statement in December 2020 announcing they were pursuing charges against Moroccans living abroad. <sup>17</sup> The charges included “insulting public officials, spreading false information, and defamation”. Although the statement did not mention any specific names, progovernment media suggested that the charges were aimed at

several well-known activists who publish content on social media platforms, namely YouTube.

Moroccan American and YouTuber Chafik Omerani (also known as 3robi f Merican) was arrested upon his arrival in Morocco in February 2021. Omerani was sentenced to three months in prison and a fine of 40,000 dirhams (\$4,460). He was charged for posting online videos that the prosecution characterized as “contemptuous of constitutional institutions, bodies and public officials.” <sup>18</sup> During his imprisonment, Omerani waged an 89-day hunger strike until his release in May 2021. <sup>19</sup>

During previous reporting periods, seven social media users were convicted for speech-related offenses. A popular YouTube commentator, Mohamed Sekkaki (also known as Moul Kaskita), was arrested in November 2019, after posting a 12-minute video criticizing the king. He was subsequently sentenced to four years in prison and was fined \$4,000 for “offending institutions of the State” and “lacking due respect [for] the king.” Additionally, a high school student, Ayoub Mahfoud, was arrested in December 2019, for quoting on Facebook a rap song that was critical of the royal government. Mahfoud was sentenced to three years in prison for “lacking due respect for the king and insulting constitutional and legal bodies and public officials.” <sup>20</sup>

With the rise of COVID-19, Moroccan authorities have used the strict lockdown restrictions to disproportionately charge and punish those who have spread false information. For example, Mi Naima, a 48-year-old woman with a popular YouTube channel, was arrested and sentenced to one year in prison for wrongly claiming that “COVID-19 was fake” (see B2). <sup>21</sup>

**C4** 0-4 pts

**Does the government place restrictions on anonymous communication or encryption?**

**3 / 4**

Anonymous and encrypted communication tools are generally accessible in Morocco, although some ambiguity remains regarding the legality of their acquisition and use. <sup>1</sup>

Article 13 of Law 53(05) of 2007 states that the “import, export, supply, operation or use of means or cryptographic services” are subject to prior authorization and outlines harsh penalties for noncompliance. However, the law does not specify whether the restrictions apply only to businesses or to private persons as well. <sup>2</sup> Decree 2-13-88137, adopted in 2015, shifted responsibility for authorizing and monitoring “electronic certifications,” including encryption, from the civilian-run ANRT to the military’s General Directorate for the Security of Information Systems. Civil society advocates saw the move as problematic, given the lack of accountability and oversight at military institutions. <sup>3</sup>

Purchasers of SIM cards must register their names and national identity numbers with telecommunications operators under a 2014 ANRT decision. <sup>4</sup> Unregistered SIM cards are shut down after one month.

#### **C5** 0-6 pts

|                                                                                            |              |
|--------------------------------------------------------------------------------------------|--------------|
| <b>Does state surveillance of internet activities infringe on users’ right to privacy?</b> | <b>1</b> / 6 |
|--------------------------------------------------------------------------------------------|--------------|

Sophisticated surveillance tools have reportedly been deployed in Morocco, and Moroccan activists have identified these tools as among the state’s most dangerous. <sup>1</sup>

In recent years, Rabat has reportedly used Pegasus—a spyware suite developed by the NSO Group of Israel and sold to governments—against a number of targets. <sup>2</sup> The list of targets includes Moroccan and international journalists, activists, French president Emmanuel Macron, and estranged members of the royal family. <sup>3</sup> Historian and activist Maati Monjib was arrested in January 2021 after having been targeted with Pegasus, and sentenced to a year in prison on a separate case for his work on establishing the Moroccan Association for Investigative Journalism. <sup>4</sup> Several other journalists who recently faced charges were

targeted with Pegasus, including Taoufik Bouachrine, Omar Radi, and Soulaïmane Raïssouni. <sup>5</sup> The targeted journalists have alleged that material gathered through surveillance was used to harass, threaten, and defame them in government-affiliated media outlets (see B5). In July 2021, an investigation published by the *Guardian* provided further evidence that Rabat had purchased Pegasus. <sup>6</sup>

In a 2019 report, Amnesty International highlighted how prominent HRDs were targets of Pegasus. <sup>7</sup> According to this report, Maati Monjib and human rights lawyer Abdessadak El Bouchattaoui received malicious links through short-message service (SMS) messages that made their devices vulnerable to the spyware. According to Amnesty International, these attacks are part of larger government strategy to silence critical voices. <sup>8</sup>

Reports, leaks, and interviews have revealed the government's use of malware products from Italian company Hacking Team to target Moroccan activists. <sup>9</sup> Previously, French news site Reflets.info had published an investigation of the Moroccan government's purchase of spyware from the French company Amesys. <sup>10</sup>

In recent years, the Moroccan government has been investing millions of dollars in artificial intelligence (AI) technology, ostensibly to “promote economic growth and increase digitalization.” However, given poor safeguards against digital surveillance, these tools could be used to infringe on online users' privacy. Although the constitution protects the right to privacy, surveillance of private communications is allowed with judicial approval. Furthermore, Morocco's data protection law (see C6) includes broad language that could allow authorities to access personal user data, especially given the lack of transparent oversight over the intelligence services. <sup>11</sup>

#### **C6** 0-6 pts

|                                                                                                                                             |              |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?</b> | <b>2</b> / 6 |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------|

Given the surveillance capabilities of the Moroccan state, authorities are likely able to obtain user data and monitor communications.

According to the National Control Commission for the Protection of Personal Data (CNDP), individuals maintain the right to approve or deny the processing of their personal data by both public and private entities, except in the following cases: if there is a legal obligation; if the individual is subject to a contractual agreement; if the individual is physically incapacitated or legally unable to give consent; if it is in the national interest; or if the party accessing the data holds a “legitimate interest.” <sup>1</sup> While Law 1-09-15 of 2009 leaves “exceptions” regarding access to people’s data, “the language is left open to interpretation,” according to Privacy International, which may yield inconsistencies in its legal application. <sup>2</sup>

In October 2021, authorities required citizens to use a mandatory COVID-19 vaccine pass to enter workplaces and public spaces, prompting several nationwide protests. <sup>3</sup> Those who did not comply could lose their jobs or face salary deductions. Although the CNDP has stated that the vaccine pass “does not involve the risk of automatic tracking or access to personal information,” activists have condemned the decision given the potential for data collection and threats to personal data. <sup>4</sup>

Facebook reported receiving 359 requests from the Moroccan government for data between July and December 2021 and complied with 65 percent of those requests. <sup>5</sup>

#### **C7** 0-5 pts

|                                                                                                                                                                |              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?</b> | <b>3 / 5</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|

Incidents of physical violence against users for their online activities are infrequent, but harassment and extralegal intimidation remain a major concern in the country.

During the coverage period, online trolls harassed prominent HRDs. In December 2021, Mohammed Ziane, the former head of the Moroccan Bar Association and former minister delegate of human rights, was harassed by hundreds of “e-flies” who instigated a defamation campaign against him on Facebook. Some of the anonymous accounts disseminated fabricated sexual photos of Ziane on the platform. <sup>1</sup> Many of these accounts openly expressed their loyalty to the Moroccan government (see B5).

Social media users sometimes face violence for their online content. In May 2022, Loubna Mourid, a social media influencer who posts about gender discrimination, was violently attacked by a stranger in Berrechid. While the assailant’s motive was unclear, Facebook users speculated that Mourid was attacked over the content of her Instagram account, which has over 500,000 followers. <sup>2</sup>

Online progovernment outlets often publish smear campaigns of government critics and activists to intimidate and silence them (see B5).

<sup>3</sup> In October 2020, ChoufTV published intimate and private details about women’s rights activist Karima Nadir, including a copy of her underage son’s birth certificate. <sup>4</sup> Later in 2020, ChoufTV uploaded a video of Mohammed Ziane, in which he can be seen undressing in a hotel room. <sup>5</sup> In February 2022, Ziane was sentenced to three years in prison over an array of charges, spanning from “insulting public servants” to “sexual harassment.” <sup>6</sup> In January 2021, in an interview with the *Economist*, human rights activist Fouad Abdelmoumni recounted how authorities used surveillance footage of him having sex with his partner in an attempt to silence and threaten him. <sup>7</sup>

Additionally, numerous accounts have been created by commentators on Twitter and Facebook, apparently with the sole purpose of harassing, intimidating, and threatening activists who criticize authorities. Activists believe that these progovernment commentators are also equipped with direct or indirect access to surveillance tools, since they have often obtained private information about other users. <sup>8</sup>



Online campaigns of harassment have been launched against LGBT+ people. The attackers, highlighted in an April 2020 HRW report, specifically targeted gay and bisexual men who used same-sex dating apps by disclosing their sexual orientation or gender identity without their consent. <sup>9</sup> This form of harassment can potentially lead to real-world attacks, persecution, discrimination, and the loss of employment or housing, especially since Moroccan law criminalizes same-sex sexual acts.

#### **C8** 0-3 pts

|                                                                                                                                                              |              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?</b> | <b>1 / 3</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|

Online news portals that carry dissenting views are subject to cyberattacks. <sup>1</sup>

Activists and journalists who publish critical content online have been subject to surveillance and hacking (see C5). <sup>2</sup> In one case, human rights activist Abdellatif el-Hamamouchi expressed concern after being hacked via WhatsApp, even though the platform claims to offer end-to-end encryption. <sup>3</sup>

During the coverage period, government websites were targeted by foreign cyberattacks. In November 2021, the website of the General Confederation of Moroccan Enterprises was targeted by a cyberattack likely originating in Algeria. Attackers hacked the organization's website and placed a photo of the Algerian flag with a message saying "no peace between systems" on the main landing page. This attack came amid growing tensions between Algeria and Morocco. <sup>4</sup> Between July and October 2021, Lyceum, an Iranian hacker group, launched cyberattacks against Moroccan ISPs. The extent of the disruption on the ISPs and their customers is unclear. <sup>5</sup>

Previous reports and interviews with prominent activists point to an ongoing campaign by anonymous hacking groups to target perceived opponents of the establishment. Groups such as the Monarchist Youth,

the Moroccan Repression Force, the Moroccan Nationalist Group, and the Royal Brigade of Dissuasion have hacked into activists' email and social media accounts, often publishing offensive content in a bid to harm the activists' reputations. <sup>6</sup>



### On Morocco

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### *Country Facts*

#### Global Freedom Score

**37 / 100**    Partly Free

#### Internet Freedom Score

**51 / 100**    Partly Free

#### Freedom in the World Status

**Partly Free**

#### Networks Restricted

**No**

#### Social Media Blocked

**No**

#### Websites Blocked

**No**

#### Pro-government Commentators

**Yes**

#### Users Arrested

**Yes**

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