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Freedom on the Net 2021 - Morocco

Partly Free

53

/ 100

A [Obstacles to Access](#) 15 / 25

B [Limits on Content](#) 22 / 35

C [Violations of User Rights](#) 16 / 40

Last Year's Score & Status

52 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Internet freedom in Morocco remained tenuous during the coverage period. While internet access continues to increase overall, the government is believed to maintain sophisticated surveillance systems, which in some cases have been used to constrain online speech. The space for independent media online continued to shrink, while the proliferation of progovernment outlets and state-sponsored propaganda drowns out critical voices online. Advertising laws restrict the financial viability of smaller independent outlets or those that publish content critical of the government. Problematic press and antiterrorism laws place high burdens on intermediaries, and numerous social media accounts exist with the sole purpose of harassing, defaming, intimidating, and threatening activists who criticize authorities. During the coverage period, authorities targeted online users domestically and abroad, and progovernment news websites published false information about activists and journalists. Specifically, government agencies warned Moroccan YouTubers living abroad that they could face criminal charges for expressing critical views online.

Morocco holds regular multiparty elections for the parliament, and reforms in 2011 shifted some governance authority from the monarchy to the elected legislature. Nevertheless, King Mohammed VI maintains 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, 2020 - May 31, 2021

- A network of inauthentic Facebook accounts attempted to manipulate the online space by drawing attention to articles from progovernment news outlet ChoufTV that praised the king's response to the COVID-19 pandemic and denounced human rights defenders and government critics (see B5).
- Online space for independent news outlets and government critics continued to shrink during the reporting period. Specifically, government agencies issued warnings to YouTubers who posted content criticizing Moroccan authorities (see B7 and C3).
- In February 2021, Moroccan-American citizen and YouTuber Chafik Omerani—known as 3robi f Merican—was arrested, sentenced to three months in prison, and fined 40,000 dirhams (\$4,360.44). He was charged for posting online videos that the prosecution characterized as “contemptuous of constitutional institutions, bodies and public officials” (see C3).
- A number of journalists and activists were targeted by the Moroccan government with Pegasus spying software, purchased from the Israeli company NSO Group (see C5).

- Activists, journalists, and human rights defenders often face online intimidation and harassment, at times by progovernment media outlets. In October 2020, Chouftv, an online outlet known for its close ties to the state, published intimate and private details about women's rights activist Karima Nadir (see C7).

A Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? **5 / 6**

Score Change: The score improved from 4 to 5 because more people have access to the internet in Morocco, according to some measurement sources.

Internet access in Morocco has slowly increased in recent years, though obstacles remain in certain areas of the country.

The percentage of people using the internet grew from 52 percent in 2010 to nearly 75 percent in 2019, according to the International Telecommunication Union (ITU). Meanwhile, there are 127 mobile subscriptions for every 100 inhabitants.¹

Speeds have also increased. As of April 2021, Morocco's mobile internet download speeds averaged 40 megabits per second (Mbps), up from 33 Mbps from in 2020, while upload speeds remained steady at 13 Mbps. In terms of fixed-broadband speeds, the average download speed was 28 Mbps, while upload speeds averaged 15 Mbps in 2021.² According to the Inclusive Internet Index 2020 report, Morocco's performance remained weak, despite ranking above average both regionally and globally. This was likely a result of "low digital literacy and limited development of e-inclusion and broadband strategies."³

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.⁴ The General Guidelines for the Further Development of the Telecommunications Sector by 2018 provides the latest framework for the development of ICTs.⁵ The program aims to increase fiber-optic and other high-speed connections throughout the country, reinforce the existing regulatory framework, and provide universal access. The National Telecommunications Regulatory Agency (ANRT) adopted general guidelines for the telecommunications sector through 2023.⁶

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 30.61 percent to 1,970 gigabytes (GB).⁷

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? **1 / 3**

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

According to the most recent annual report from the ANRT, which was released in 2017, urban dwellers are more likely to have internet access than rural inhabitants, with penetration at 67 percent compared with 43 percent. Some 92 percent of Morocco's population utilize mobile phones; of those, 73 percent are smartphone users, 86 percent of whom use their smartphones to access the internet, particularly in rural areas.⁸ Rural inhabitants constitute 38.7 percent of the overall population,⁹ 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. Some 47.5 percent of rural Moroccans are illiterate, 60.1 percent of whom are women.¹⁰

While there is a divide between rural and urban areas, internet use remains relatively affordable.¹¹ According to the Inclusive Internet Index 2020 report, Morocco ranks 73rd out of 120 countries surveyed for affordability.¹² For a fourth-generation plus (4G+) technology prepaid connection speed of up to 225 Mbps, customers pay 99 Moroccan dirham (\$10.79) per month for 15 GB of data; if exceeded, they can pay 20 dirham (\$2.18) for an additional 2 gigabyte package.¹³ Internet users pay on average 3 dirham (\$0.33) for one hour of connection in cybercafés.

A3 0-6 pts

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

Authorities did not impose any restrictions on connectivity over the past year. However, the centralization of Morocco's internet backbone facilitates the potential control of content and surveillance.

The three main telecommunications operators—Maroc Telecom, Orange Morocco, and Inwi—have varying access to international connectivity. Maroc Telecom, which is partially state-owned, dominates the sector for both fixed broadband and mobile internet, owns a majority of the submarine cables, and controls more than 10,000 kilometers (6,200 miles) on the fiber-optic backbone.¹⁴ The heavily centralized internet infrastructure enables the government to restrict connectivity.

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? 4 / 6

Internet service providers (ISPs), cybercafés, and mobile phone companies do not face major legal, regulatory, or economic obstacles.¹⁵

Maroc Telecom, Orange, and Inwi are the main licensed ISPs and mobile carriers. Maroc Telecom is a former state company that held a monopoly over the telecommunications sector until 1999, when licenses were granted to Medi Telecom and Inwi.¹⁶ The company is now owned by Etisalat of the United Arab Emirates (UAE) and the Moroccan state, which maintains a 30 percent stake.¹⁷ 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.¹⁸

Medi Telecom, previously a private consortium led by Spain's Telefónica, was rebranded and changed its name to Orange Morocco in December 2016 after the French Orange Group gained a 49 percent controlling interest in the company the previous year.¹⁹ Inwi (formerly called Wana and Maroc Connect) is a subsidiary of Al Mada, the Moroccan industrial conglomerate owned by the royal family. Three 4G licenses were granted to the three telecommunications companies, and the technology was first utilized in April 2015.²⁰

During the previous coverage period, the telecommunications industry witnessed a major struggle between Maroc Telecom and Inwi, raising questions regarding industry competition. In 2018, Inwi filed a complaint over claims that Maroc Telecom was not complying with competition regulations. In January 2020, the ANRT delivered an unprecedented 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."²¹ 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 have had an adverse impact in terms of limiting industry diversity.

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 telecommunications 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 telecommunications 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.²² The ANRT has struggled with maintaining consistency in its transparency, having failed to publish an annual report since 2018.²³

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 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.²⁴ The ANRT director and administrative board are appointed by a *dahir* (royal decree), leaving the agency open to politicization. However, international organizations such as the World Bank and the ITU have not expressed any major concerns regarding the ANRT's neutrality.²⁵

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. As of June 2021, there were 101,131 registered Moroccan domain names, up from 84,456 in June 2020.²⁶

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.²⁷ 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.²⁸ An Arabic-language version of Lakome was relaunched using the address lakome2.com.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force 2 publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards? / 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 that 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.²⁹ Activists have also described situations where security officials told them to remove or change critical content or face criminal charges.³⁰

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).³¹ The YouTube video is no longer available; whether it was taken down by the authorities or the account owner herself is unclear.

In March 2020, the Moroccan government proposed draft law No. 22.20, which was largely denounced by civil society organizations and was temporarily suspended in May 2020 (see C2). Article 8 of the draft law includes provisions that task “network providers” with “suppressing, prohibiting, restricting access to any electronic content which clearly constitutes a dangerous threat to security, public order or which would be likely to undermine the constants of the Kingdom, its sacredness and its symbols within a period of not more than 24 hours.”³² The vague language leaves space for further censorship of online content. As of July 2021, the law was still suspended.

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,³³ gives the government sweeping powers to filter and delete content that is deemed to “disrupt public order by intimidation, force, violence, fear, or terror.”³⁴ Article 218(6) assigns legal liability to the author and anyone who in any way 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.³⁵

Under the 2016 Press and Publications Code, known as the press code, 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

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

Moroccans openly discuss controversial social issues and political events on social media, though online news media continue to lack diversity.

During the coverage period, Moroccans living abroad have become more active in publishing critical commentary, primarily on YouTube, drawing a greater audience in the absence of an independent and free press in the country.³⁶ This growing presence of Moroccan users based abroad has also led to new policies aimed at constraining critical voices (see C3).

Activists and journalists also expressed concerns that they may be subject to surveillance, which encourages self-censorship.³⁷ In a recent journal article on self-censorship in Morocco, Abdelmalek El Kadoussi writes, “both content quality and normative social responsibilities of the press have been subverted because of excessive self-censorship.”³⁸

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).³⁹ Moreover, many online journalists have been jailed on or investigated on serious charges in a bid to silence them, with court proceedings often repeatedly postponed in order to maintain the threat of jail time; a number of such cases took place during this report’s coverage period (see C3).⁴⁰ In a state that punishes investigative reporting and whistleblowing, journalists with sensitive information tend to stay quiet to avoid possible retribution.

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

2
/
4

Many of the major online news sources are both directly and indirectly linked to powerful figures connected to or within the Moroccan state. The influence of these individuals, who range from wealthy businesspeople to royal advisers,⁴¹ could skew the online news landscape toward the interests of those in power.

Online media platforms like ChoufTV have been at the center of coordinated harassment campaigns against activists and journalists. Facebook’s February 2021 report on “Coordinated Inauthentic Behavior” noted that they removed 385 accounts, 6 pages, and 40 Instagram accounts that were primarily used for “comment[ing] 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.” Furthermore, these accounts praised the government’s response to the coronavirus pandemic.⁴²

There has been a growing trend of coordinated online activity self-dubbed the “Moorish” movement. According to recent research, pages and profiles associated with this trend “have started sharing exclusively patriarchal, ultra- and ethnonationalist, misogynist, and racist content shaped to look in line with ‘alt-right’ online aesthetics.”⁴³ In addition to targeting activists and journalists online, Moroccan officials regularly engage with these accounts, liking and sharing their content.⁴⁴ Likewise, many of these accounts actively share and promote the content of accounts belonging to Moroccan officials, namely diplomats and embassies.⁴⁵

In addition, progovernment online media outlets published private and false information about government critics.⁴⁶ For example, news outlets with close ties to security services published allegations that journalist and newspaper editor Soulaïman Raïssouni sexually assaulted a young man. These reports culminated in his arrest in May 2020.⁴⁷ Raïssouni worked with the independent newspaper *Akhbar Al-Yaoum*, whose previous editor, Taoufik Bouachrine, was arrested in February 2018 and charged with sexual assault; Bouachrine is currently serving a 20-year prison sentence. Raïssouni is the uncle of Hajar Raïssouni, a Moroccan journalist with the same publication who was arrested in August 2019 and later pardoned for charges of having an illegal abortion, which she denied.⁴⁸

When charges were pressed against Taoufik Bouachrine,⁴⁹ several women came forward alleging that authorities forced them to testify that he had sexually assaulted them, even though they claimed they were not assaulted.⁵⁰ Websites like Telexpresse and Barlamane threatened to leak an ostensibly “sexually scandalous” video of one of the women who came forward.⁵¹ Hajar Raïssouni was also the subject of defamatory articles on Barlamane and other similar websites.⁵² *Akhbar Al-Yaoum* remains one of the only independent and opposition daily newspapers, and the crackdown on its journalists fits into a broader pattern of authorities stifling independent news outlets, such as *Le Journal* and *Lakome*.

In January 2019, Morocco’s national police, the General Directorate of National Security (DGSN), opened an official Twitter account, signaling a more official presence of Moroccan state actors online.⁵³ Earlier, there had reportedly been instances of people pretending to represent government bodies and be officials online. The DGSN’s official presence on social media may indicate a push toward not just sharing official information but also controlling the information attributed to it.

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to 1 / publish content online? 3

Morocco's more critical online outlets operate in an environment where the government has used financial pressure to push the most outspoken print-based media outlets into closure or bankruptcy.

Advertising revenue provided by the government or government-linked companies is not split evenly between independent and progovernment publications.⁵⁴ The Moroccan media sector includes a variety of "shadow" outlets, which are nominally independent but editorially supportive of the state.⁵⁵ They exist primarily to divert attention from other news portals and to compete for online advertising money and audience share. There is no evidence linking these outlets to a larger state strategy to counter the growth of dissenting voices. However, they receive large amounts of advertising, possibly in return for their progovernment bias.

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.⁵⁶ In an interview, prominent journalist Aboubakr Jamaï explained that "the carrot in Morocco is bigger than the stick; the state would rather reward you for obedience than punish you for dissent."⁵⁷

Creating a news website in Morocco is relatively complicated.⁵⁸ For example, the Ministry of Culture and Communication had long refused to grant press cards to the directors of two important French-language online news sites, Yabiladi and Le Desk.⁵⁹ It took seven months before the directors, Mohamed Ezzouak and Ali Amar, received their cards in May 2018. According to the new 2016 press code, practicing journalism in Morocco without such cards is illegal.

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 authorizations from two different bodies, valid for one year at a time: from the Moroccan Cinema Center (CCM) to produce video content,⁶⁰ and from the ANRT to host domain names under press.ma.⁶¹ 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 authorizations based on the editorial policies of outlets.

Digital advertisers were obliged to pay a 5 percent tax starting in January 2018, after the General Tax Administration issued a memo calling for the new levy and the government duly modified Articles 251(b), 254, and 183(b) of the general tax code in its annual budget bill.⁶² The memo stipulates "an enlargement of the stamp tax duty for all advertising broadcast on all types of digital screens."⁶³ Critics warned that the tax will 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 will grow at the expense of local websites.⁶⁴ The Association of the Moroccan Digital Press and the Moroccan Federation of Newspaper Editors both denounced the decision.

B7 0-4 pts

Does the online information landscape lack diversity and reliability? 2 / 4

Score Change: The score declined from 3 to 2 due to the shrinking space for independent media and the proliferation of progovernment outlets online. Issues from rural areas and LGBT+ issues are rarely covered by national media, and online misinformation has increased.

As a result of closures and advertising boycotts, the online media space has increasingly lacked diversity and independence.⁶⁵ Despite this, social media remains largely open and diverse, with users openly joking about the monarchy and disseminating memes as a form of political expression, although authorities have at times clamped down on certain types of social media expression (see C3).

In general, debates on issues related to the monarchy do not make news, though social media users openly tackle such taboo subjects. Users have, for example, addressed topics that touched upon the king's rumored divorce.⁶⁶ Users also questioned the king's public support for a Moroccan pop singer who was jailed in Paris in October 2016 over accusations of rape,⁶⁷ even as online news outlets refrained from mentioning him when reporting on the topic.⁶⁸

A notable change in internet use among Moroccans has been the growing interest in domestic portals, especially an emerging genre of media that focuses on personal scandals. This applies notably to Chouftv, which is the highest-ranking domestic website in Morocco.⁶⁹ Chouftv has gained a reputation for publishing reports that are largely driven by clickbait, and critics have questioned the outlet's relationship with security forces given that it is almost always the first major media outlet to report from the scene of major news stories.⁷⁰ For example, activists and journalists noted that Chouftv was the only outlet to report from the scene of the abrupt arrest in May 2020 of Moroccan journalist Soulaïman Raïssouni. Activists and journalists believe suggests that Chouftv was tipped off by security forces.⁷¹

Misinformation has increased in recent years, specifically during politically sensitive times or around contentious issues, such as the COVID-19 pandemic or the disputed Western Sahara territory.⁷² For example, in December 2020, former US president Donald Trump officially recognized Morocco's claim to the disputed Western Sahara, which prompted a wave of misinformation that dominated the media.⁷³ 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 or issues do not receive much coverage from mainstream online media. For example, local news about rural towns and provinces in Morocco are excluded from national reporting.⁷⁴ 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 are typically only available on international news platforms, and usually only in English or French, not Arabic, making it inaccessible to broad audiences.⁷⁵

Journalists and activists describe a shrinking space for independent, diverse online content, partly due to the fear of surveillance or penalization by authorities.⁷⁶ During the coverage period, the government extended its reach abroad, threatening Moroccans living outside the country who post content critical of the state and security forces (see C3).⁷⁷ In addition to threatening internet users with criminal charges, there has been an upsurge of inauthentic behavior on social media platforms, which has sought to silence critical voices by harassing, defaming, and threatening activists and journalists online (see B5 and C7).

Online sites tend not to host robust investigative journalism, in part because journalists working for state-friendly, traditional-media outlets tend to be paid better.⁷⁸ Online news outlets also receive unofficial directives not to report on controversial issues or not to allow certain voices to be heard. Over the course of the previous coverage period, for example, 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.⁷⁹

In 2010, the country's top 10 most-visited websites did not include any Moroccan news sites.⁸⁰ By 2020, the list included six Moroccan websites—three news sites, one classified ad platform (Avito), and two sports sites. Other popular sites include Hespress, Hibapress, Aldar, 2m, and the sports site Elbotola.⁸¹

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, 5 / 6 particularly on political and social issues?

Internet users take advantage of various social media tools to educate, organize, and mobilize people on a wide variety of issues.

During the previous coverage period, several campaigns, such as #FreeKoulchi (Free Everyone), which began in 2014 and gained more momentum during the coverage period, called for the release of imprisoned journalists and activists.⁸² Such campaigns succeeded in gaining international media attention and at times resulted in concrete action, such as the release of jailed journalists Hajar Raissouni and Omar Radi (see C3).

A February 2020 Human Rights Watch 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 Mohammad VI have been arrested and charged. Those who encouraged Moroccans to protest socioeconomic injustices in the country and were similarly detained.⁸³

In September 2018, a collective of Moroccans mobilized online to create the #Masaktach ("I will not be silenced") campaign, which has been compared to the #MeToo movement.⁸⁴ Among the actions the group organized was encouraging women to blow whistles on the street if they faced sexual harassment.⁸⁵ The group also called for the removal from the airwaves of Saad Lamjarred, a Moroccan singer charged with rape in France. Two of Morocco's major radio stations, Radio 2M and Hit Radio, announced they would no longer play his music in response to the campaign.⁸⁶

Digital activists continue to provide a platform for the Hirak Rif protests centered in the northern coastal city of al-Hoceima. The ongoing demonstrations began in October 2016 after fish vendor Mouhcine Fikri was crushed in a trash compactor while trying to recover fish that the authorities had confiscated because it was allegedly caught illegally.⁸⁷ Two hashtags in Arabic—#takhanmo ("grind him") and #kulunamukhsinfikri ("We are all Mouhcine Fikri")—trended online and mobilized the initial street demonstrations.⁸⁸ The Hirak Rif protests are now focused on the release of the leader of the movement, Nasser Zefzafi, and other prominent activists. Zefzafi was arrested in May 2017 and sentenced to 20 years in prison in June 2018.⁸⁹

C Violations of User Rights

C1 0-6 pts

**Do the constitution or other laws fail to protect rights such as freedom of expression, 2
access to information, and press freedom, including on the internet, and are they /
enforced by a judiciary that lacks independence? 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). Moreover, because journalists must obtain a state-issued press card—a process the state has used to exclude critical journalists from the profession—they face greater risks of prosecution under the penal code if they lack such a card.

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.”⁹⁰ 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.⁹¹ In practice, the courts often fail to produce fair and balanced rulings, frequently basing their decisions on recommendations from security forces.⁹²

C2 0-4 pts

**Are there laws that assign criminal penalties or civil liability for online activities, 1
particularly those that are protected under international human rights standards? /
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 dirham (\$1,090 to \$21,800) for those convicted of condoning acts of terrorism through offline or online speech.⁹³ In addition to these laws, Moroccan authorities have also shifted their focus to criminalizing online speech of Moroccans living abroad (see B8 and C3).

The Moroccan government approved then withdrew draft law No. 22.20, a social media law that was largely denounced by civil society and temporarily suspended in May 2020 (see B2). Article 16 of the draft law included criminal provisions that state that “anyone who deliberately uses social networks, open broadcast networks, or similar networks to publish or promote electronic content containing false information shall be punished by imprisonment for three months to two years and a fine of 1,000 to 5,000 dirhams [\$109 to \$545], or either of these two penalties alone.”⁹⁴ False news is defined in vague terms, and civil society groups are concerned that the government would misuse this law to silence journalists, human rights defenders, and political opponents who may criticize them online.

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 enables the government to declare a ‘state of health emergency’ and take exceptional measures to stop the spread of disease.” Speech that contradicts or encourages 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 \$141).⁹⁵

The press code passed in June 2016 received mixed reactions from free speech activists.⁹⁶ Unlike the 2002 press code, the newer law contains provisions that specifically apply to online media.⁹⁷ 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 (\$21,800) for publishing content seen as disruptive to public order. The maximum fine is 500,000 dirhams (\$54,500) if the content offends the military. The fines are largely unaffordable for Moroccan journalists, who may be imprisoned for failure to pay.⁹⁸

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

C3 0-6 pts

**Are individuals penalized for online activities, particularly those that are protected 3 /
under international human rights standards? 6**

Score Change: The score improved from 2 to 3 due to fewer long prison sentences. However, internet users were still arrested for online content during the reporting period.

In recent years, Moroccans have faced a mounting campaign that targeted expression online. Prominent journalists and activists as well as ordinary social media users continue to face arrest and prosecution for their peaceful online activities. Although the press code ostensibly protects journalists from being jailed for their work, the government has found other ways to punish them. Court cases are often repeatedly postponed, allowing authorities to avoid international condemnation that might result from convictions and harsh sentences, while still encouraging self-censorship.

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.⁹⁹ The charges included “insulting public officials, spreading false information, and defamation” among others. 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 (see C3).

During the coverage period, Moroccan-American citizen and YouTuber Chafik Omerani—known as 3robi f Merican—was arrested upon his arrival in Morocco on February 6, 2021. Omerani was swiftly sentenced to three months in prison and a fine of 40,000 dirhams (\$43,600). He was charged for posting online videos that the prosecution characterized as “contemptuous of constitutional institutions, bodies and public officials.”¹⁰⁰ During his imprisonment, Omerani waged an 89-day hunger strike up until his release on May 6, 2021.¹⁰¹

In April 2019, journalist Omar Radi was questioned by police regarding a tweet that was critical of the judge who had handed down prison sentences against Hirak Rif activists.¹⁰² 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.¹⁰³ After an international campaign on his behalf, Radi was given a four-month suspended sentence.¹⁰⁴ Radi was again arrested on July 29, 2020, after Amnesty International released a report that the Moroccan government targeted him with surveillance spyware.¹⁰⁵ After the reporting period, Radi was sentenced to six years in prison.¹⁰⁶

Radi was among several participants in an episode of an online show called *1 Dîner 2 Cons*, in which guests gather to discuss social and political issues in Morocco. The last episode of the show was filmed in August 2018 at the headquarters of the nongovernmental organization (NGO) Racines, a Moroccan cultural group. Four months after the episode's release on YouTube, a judge ordered the dissolution of the NGO for hosting it.¹⁰⁷ A joint report from Amnesty International and Human Rights Watch denounced the court order, criticizing the decision as an attack on free speech and those who support it.¹⁰⁸

During the previous reporting period, seven social media users were convicted for speech-related offenses. A popular YouTube commentator, Mohamed Sekkaki (known as Moul Kaskita), was arrested on November 29, 2019, after posting a 12-minute video criticizing King Mohammed VI. He was subsequently sentenced to four years in prison and a \$4,000 fine for “offending institutions of the State” and “lacking due respect [for] the king.” Additionally, a high school student, Ayoub Mahfoud, was arrested on December 2, 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.”¹⁰⁹

With the rise of COVID-19, the 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).¹¹⁰

In October 2018, blogger Soufian al-Nguad was handed a two-year sentence and a fine of 20,000 dirhams (\$2,180) for using Facebook to incite people to participate in an unauthorized protest.¹¹¹ Al-Nguad was reacting to the death of Hayat Belkacem, a 19-year-old student who was shot and killed by the Moroccan coast guard as she was trying to migrate to Spain on a boat.¹¹² After an appeal in February 2019, the sentence was reduced to a year and a fine of 2,500 dirhams (\$273).¹¹³

Several online journalists and activists were arrested and imprisoned as part of a crackdown on the Hirak Rif protests. Protester Elmortada Iamrachen's conviction was upheld by an appeals court in November 2018. The previous year, he had been sentenced, based on a coerced signed confession, to five years in prison for incitement to terrorism on Facebook.¹¹⁴ Hamid Mahdaoui, editor-in-chief of the news site Badil, was arrested while attempting to cover demonstrations in al-Hoceima in July 2017 and was initially sentenced to three months in jail for unspecified speech offenses; the sentence was extended to one year on appeal in September 2018.¹¹⁵ He was separately charged with “failure to report a threat to state security,” based on a wiretap recording in which he reportedly received an unsolicited call from an individual who said he was planning to smuggle weapons into

the country. In June 2018, Mahdaoui was sentenced to three years in prison and fined 3,000 dirhams (\$327).¹¹⁶ Mahdaoui had become well known for uploading YouTube videos that expressed support for the Hirak Rif protests.

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.¹¹⁷

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.¹¹⁸ 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.¹¹⁹

Purchasers of SIM cards must register their names and national identity numbers with telecommunications operators under a 2014 decision by the ANRT.¹²⁰ Unregistered SIM cards are shut down after one month. At cybercafés, however, internet users do not need to register or provide identification.

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy? 1 / 6

Sophisticated surveillance tools have reportedly been deployed in Morocco, and Moroccan activists have identified surveillance capabilities as among the most dangerous instruments in the hands of the state.¹²¹

During the coverage period, a number of journalists and activists were reported to have been targeted by the Moroccan government with Pegasus spying software from the Israeli company NSO Group, which is sold only to governments.¹²² Historian and activist Maait 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.¹²³

In a 2018 report by Citizen Lab, a Canadian internet watchdog, Morocco is listed as one of 45 countries worldwide in which devices were likely breached by Pegasus, a targeted spyware software developed by the NSO Group, an Israeli technology firm.¹²⁴ While it is not entirely clear who may have been targeted, past targets of spying software in Morocco have included political activists.¹²⁵ A more recent report, published by Amnesty International in October 2019, highlighted how prominent human rights activists were the targets of the Pegasus spyware.¹²⁶ According to this report, historian and human rights activist 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 targeted digital attacks against two Moroccan HRDs [human rights defenders] are symptomatic of a larger pattern of reprisals against HRDs and dissident voices being carried out by Moroccan authorities.”¹²⁷ After the reporting period, in July 2021, an investigation published by *The Guardian* provided further evidence that the Moroccan government had purchased the Pegasus spyware.¹²⁸

Reports, leaks, and interviews have revealed the government's use of malware products from the Italian company Hacking Team to target Moroccan activists.¹²⁹ Previously, the French news site Reflets.info had published an investigation of the Moroccan government's purchase of spyware from the French company Amesys.¹³⁰

Activists have demanded that the state be more transparent about who conducts surveillance, who is targeted, and to what end.¹³¹ Instead, authorities have retaliated against the activists who voiced their concerns. After the publication of interviews and investigations into surveillance practices in Morocco by Privacy International and Morocco's Digital Rights Association (ADN), the Interior Ministry announced that a criminal complaint had been filed against “persons who distributed a report containing grave accusations about spying practices.”¹³²

The awareness of being systematically monitored affects the way activists perceive the risks they take and the margin of freedom they have. Hisham Almiraat, cofounder of the website Mamfakinch and one of the leaders of the February 20th Movement of 2011, explained that the state's capacity to own and reconstruct one's personal story, based on surveillance and monitoring, allows authorities to “assassinate your character and use your own information to hurt you.”¹³³

C6 0-6 pts

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

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.”¹³⁴ 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.¹³⁵

Facebook reported receiving 209 requests from the Moroccan government for data between January and June 2020 and complied with 58 percent of those requests.¹³⁶

C7 0-5 pts

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

There were no reported incidents of physical violence against users for their online activities during the coverage period, but harassment and extralegal intimidation remain a major concern in the country.

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 as an attempt to silence and threaten him.¹³⁷

Online progovernment news outlets often publish smear campaigns of government critics and activists in an attempt to intimidate and silence them. In October 2020, Chouftv, a publication known for its close ties to the state, published intimate and private details about women’s rights activist Karima Nadir, including a copy of her underage son’s birth certificate.¹³⁸ The same publication also shared surveillance footage of lawyer and former human rights minister, Mohamed Ziane, along with former police officer Ouahiba Khourchech.¹³⁹ In addition to serving as Khourchech’s lawyer in her sexual harassment complaint against her boss, Ziane also represented journalist Taoufik Bouachrine and several activists with the Hirak movement.¹⁴⁰

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.¹⁴¹ There is no clear indication of the identities behind the accounts or whether they are state-sponsored agents or simply overzealous private individuals. However, given the amount of time and energy needed to engage in such activity, and the access the commentators apparently have to private information, there are serious doubts that these are ordinary citizens acting on their own personal impetus.

During the previous reporting period, an online campaign of harassment was launched against LGBT+ people. The attacks, highlighted in a late April 2020 Human Rights Watch report, specifically targeted gay and bisexual men who used same-sex dating apps. According to the report, “A rash of people have been going on same-sex dating apps since mid-April 2020 to ‘out’ other app users—disclosing their sexual orientation or gender identity without their consent.”¹⁴² These forms of online harassment have the potential to lead to real-world attacks, persecution, and discriminatory measures. Because Moroccan law criminalizes sexual acts between people of the same sex, this outing campaign can put LGBT+ people in danger of legal action, of losing jobs and housing, and of being ostracized by the community.

C8 0-3 pts

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

Online news portals that carry dissenting views are subject to cyberattacks.¹⁴³

Activists and journalists who publish critical content online have also been subject to surveillance and hacking (see C5).¹⁴⁴ In one case, human rights activist Abdellatif el-Hamamouchi expressed his concern after being hacked through WhatsApp, even though the platform claims to offer end-to-end encryption.¹⁴⁵

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.¹⁴⁶ According to a recent report released by the security provider Kaspersky, Morocco ranks 34th worldwide in the list of countries with the most detected cyberthreats.¹⁴⁷

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