

Morocco

“Of course, I am for press freedom. But I would like that freedom to be responsible freedom [...] Journalists are not angels either. I personally appreciate the critical role that the press and Moroccan journalists play in public debate, but we need to be careful not to give in to the temptation of the imported model. The risk is seeing our own values alienated and individual freedoms challenged [...] These are the limits set by the law [...] It has to be applied to all. When the press talks of human rights it sometimes forgets to observe those rights”.

Statement from the King quoted in Reporters Without Borders 2001 annual report on Morocco.

Introduction

The 1999 coronation of King Muhammed VI renewed hope for liberalization and democratic reform leading people to believe that media reforms would result as well. The Moroccan media environment has traditionally been one of the freer systems in the Arab world as the Moroccan government has prioritized development of an independent media and supported media freedoms. However, as recently as 2001, several newspapers have been suspended due to coverage on the Western Sahara debate, corruption and the monarchy.

The Constitution

The section of the Moroccan Constitution that addresses media is Article 9, which guarantees, among other things, freedom of expression in the following terms:

The constitution shall guarantee all citizens the following:

“...Freedom of opinion, freedom of expression under all its forms, and freedom to assemble...No restrictions can be imposed on such freedoms other than by law.”

The Press Code

Morocco has a Press Code (Code de la Presse), adopted in 15 November 1958 (Dahir # 1-58-378) and amended by Parliament in March 2002. Additionally, the Fundamental Law for Professional Journalists was passed by parliament in January 1995 and entails the professional and ethical principles that govern the profession of journalism.

While the Press Code recognises the right to publish, it puts several restrictions on journalists and editors, particularly when reporting on issues related to the King, the royal family and the Sahara conflict. While there is no mention of prior censorship in the law, it

has been used in the past by the government, especially during periods of political crisis, to control and restrict information. The law also gives the Minister of the Interior extensive powers to order administrative seizure of any publication, which he deems representing a danger to public order. He can also suspend for an unlimited period any publication which “attacks the political and religious institutional foundations of the Kingdom”. The Prime Minister can also ban indefinitely any publication which disturbs public order.

The Press Code provides special protection against defamation of various public officials (Articles 45-46 and 48).

Article 42 forbids the publishing of false news when it is likely to have a negative impact on public order.

Articles 54-57 restrict reporting on matters under judicial consideration.

Article 54 for example, broadly prohibits reporting on criminal procedures and investigations, while Article 55 prohibits reporting on a variety of types of cases.

Article 51 prohibits publication of facts that are related to the private life of individuals.

In most past instances, government control of the media generally has been exercised through directives and “guidance” from the Ministry of Interior. Indeed, the Press Code empowers the Minister of Interior to confiscate publications that are judged offensive by the Government. Under the code, the Prime Minister may order the indefinite suspension of a publication. The Press Code also empowers the Government to censor newspapers directly by ordering them not to report on specific items or events.

Broadcasting

There are no precise laws defining the legal status of broadcasting in general, and its relationship with the government in particular. The existing regulations affirm only that broadcasting is a state monopoly, despite the fact that Médi I, a private radio station, 2M, a national television stations, and Canal-Horizons and ART, both satellite stations have created a new situation in the broadcasting scene in Morocco and effectively ended

the state monopoly. Other internal regulations deal with the administrative structure and hierarchy in television and radio.

In practice, broadcasting is under the strict control of the Ministry of the Interior, which justifies this situation by asserting the state's "right to have at its disposal a medium of communication to defend the viewpoint of the government in the face of the opposition which traditionally dominates the written press"¹.

The media are either directly controlled by the government through the Ministry of the Interior or through political organisations. Broadcasting is considered as the exclusive domain of the Ministry of the Interior. The Minister often personally intervenes to issue directives and advise on how certain issues should be reported.

For example, the press has reported that, since its integration into the public sector, 2M has been subjected to pressure and censorship, in particular by the Ministry of the Interior, which has attempted to influence political programmes. Television in Morocco has always been the focus of the struggle between the opposition and the government especially during elections. The opposition has been denied access to television during election campaigns and its activities have long been ignored. It was only in September 1992 that the government accepted to open broadcasting to political parties during election campaigns. The Journalists' Union has criticised the Ministry of the Interior for denying professional journalists their right to freedom of expression, the subjection of creative talents to heavy bureaucratic structures, and the marginalization of cultural and political diversity in Morocco.

The government owns the only television stations in the country, which can be received in most areas without the help of decoders or satellite antennas. In 1996, the country's only private station, 2M, was purchased by the government when its attempt to bring "pay service" television to the country failed. In order to save the station from bankruptcy, the government bought out a 68 percent share of 2M's stock, but says it plans to resell 2M to the private sector as the trend toward privatization increases. Moroccan TV programs are broadcast daily on EUTELSAT 2 and seen by millions around the world.

¹ Naji Jamaledin, *Structure du Paysage Médiatique National*, 1995. Unpublished Monograph.

Another major broadcaster is Medi-1, a radio station which operates from Tangier and broadcasts throughout Morocco and other parts of North Africa. While nominally private and independent, Medi-1 practices self-censorship, as do other media outlets. A government-appointed committee monitors broadcasts of all media outlets.

The Higher Authority for Radio and Television Broadcasting (Haute Autorite de la Communication Audiovisuelle) was created by Royal Decree in early September 2002 (Dahir # 1/2/212) and puts an end to the state monopoly in the broadcasting sector. It will be in charge of ensuring the principles of freedom of expression, pluralism and neutrality of operators in this sector. It is anticipated that parliament will pass a law in the near future to set the practical aspects of its mission such as mechanisms for sanctions, guidelines and instructions for obtaining licenses to establish a private radio or television station, and other regulations. As of October 2002, there is no law that refers to these practical items yet.

Mechanisms of Enforcement

The Press Code grants the government the authority to register and license domestic newspapers and journals. Authorities may use the licensing process to prevent the publication of materials that they believe crosses the threshold of tolerable dissent. Offending publications may be declared a danger to state security and seized, the publisher's license suspended, and equipment destroyed. The Ministry of Interior may control foreign publications by collecting "banned" publications after they have been distributed.

The regime of penalties set out in the Code de la Presse involves the possibility of imprisonment for a wide range of 'violations', as well as broad powers to seize and/or suspend newspapers.

Tribunals can, for example, suspend a newspaper if its owner or anyone else participating in its financing is not a Moroccan, unless it is defined as a foreign publication (Article 23(2)), or if it has carried material inciting crimes against His Majesty the King, insulting Islam or threatening territorial integrity (Article 41(3)).

The Press Code also provides for broad powers of administrative seizure, followed by confiscation and destruction after a court order. Administrative seizure is

permitted, for example, in relation to foreign newspapers which have been banned (Article 23(2)).

The end of 2000 saw a clampdown on independent weekly newspapers *Demain*, *Le Journal*, and *Al-Sahiffa*. The government claimed it banned the three newspapers because they had attacked “the most sacred institutional bases of our country” and threatened the “stability of the state”. All three publications were banned on December 2nd under article 77 for publishing or commenting on a letter allegedly written by former Moroccan leftist leader Mohamed Basri in 1974 implicating socialist politicians (including, by inference, Prime Minister Abderrahamane Youssefi) in a failed August 1972 coup attempt against the late King Hassan II. The publications, which had a reputation for pushing the limits, reemerged under different titles in 2001.

In addition to the three Moroccan magazines, authorities seized the December 14, 2000 issue of the French weekly *Courier International*. While authorities offered no explanation for the move, the 14 December issue contained a special report on Morocco, including contributions from editors of the three permanently banned Moroccan weeklies. Also related to the December 2nd bans, issue 827 (for the week of December 25 to 31, 2000) of the Spanish weekly *Epoca* was seized by authorities. The issue included a report titled “Morocco: the Totalitarian Temptation” criticising the government’s ban of *Demain*, *Le Journal* and *As-Sahiffa*. These actions demonstrated the authorities were prepared to censor foreign newspapers reporting on press freedom violations in Morocco.

On April 6, 2001, Moroccan authorities took action against the Islamic weekly *Rissalat Al Foutouwa*. Authorities, who gave no explanation for their action, seized issue 34. In this case, pressure was directly applied to the printers and distributors of the weekly. On April 20th, the Website of *Rissalat Al Fotowa* was also banned. The al-Adl Wal Ihsane group launched two websites in August 2000 to communicate with supporters and circumvent an official ban on its activity and publications. While access remained available abroad, local access to two of their websites was banned.

The government systematically restricts press freedom on several specific topics that it considers sensitive, and on which journalists continue to practice self-censorship, including criticism of the Monarchy, Morocco's claim to the Western Sahara, and the sanctity of Islam. Over the last few years, the government censored and banned several

domestic and foreign publications. Yet, the government permitted extensive coverage of formerly taboo topics.

History of Press and Broadcasting Regulations

In February 1994, the opposition parties in Parliament presented a draft law aimed to amend the 1958 Press Code by adding a provision giving the Ministry of Information the power to jam satellite television programmes which it deemed “immoral.” The draft was immediately withdrawn after it was criticised by human rights groups and journalists who considered it an attack on the fundamental right to freedom of information and after the opposition realised that it was technically impossible to jam satellite television programmes.

In 2000, the King announced that the Government was preparing legislation for reforming the Public Liberties Law, and Prime Minister Youssoufi's Cabinet reviewed a draft for the Press Code in December 2000. The most significant proposed change was to give the judiciary the authority to shut down or suspend a publication, removing that authority from the executive branch. The National Union of the Moroccan Press (SNPM) claimed that the draft still permits the Government to seize, confiscate, and ban publications, and to punish those convicted of libel and defamation with jail sentences. Domestic critics and human rights activists have long criticized such provisions that widely are perceived to repress and stifle freedom of expression, but the new Press Code was amended by Parliament in March 2001. The new code still permits the Government to seize, confiscate, and ban publications, and to punish those convicted of libel and defamation with jail sentences.

In 1924, the Post and Telecommunications Authority established a law that granted the state a monopoly for broadcasting, which was ended by the creation of The Higher Authority for Radio and Television Broadcasting (Haute Autorite de la Communication Audiovisuelle) by Royal Decree in early September 2002 (Dahir # 1/2/212).

Press Union

A number of organizations stand to protect the rights of media workers throughout the country and to influence media law and policy. The main one is the National Union of the Moroccan Press (SNPM) which was set up in January 1963 as an

autonomous professional association with the aim of defending the profession and the code of ethics. It receives an annual state subsidy of about 200,000 DH (19,000 USD). Other groups include the Press Club, the Association of the Higher Institute of Journalism Graduates and the Moroccan Association of Professional Journalists, the latter focuses on the role of women in Moroccan media.

Also, on November 7 2001, in Casablanca, the SNPM, four human rights organizations, the Union of Moroccan Writers, the Bar Association, the Publishers Association, and Transparency International created an independent body to promote journalistic ethics and freedom of expression.

International Influence

International political pressure does affect media freedom and coverage in light of the country's willingness to sustain its image of being a modern nation that has embarked on a process of liberalization and democratization. In April 2000, international press freedom organisations protested the recent censorship of newspapers and a television station by Moroccan authorities, as well as the dismissal of employees who work for television station 2M, which had some effect on the government's attitude.

Informal Media

Religious leaders receive instructions from the Ministry of Islamic Affairs that set the limits of the sermons they offer in mosques. The government monitors religious activities of mosques and restricts activities considered to be political in nature. Teaching in mosques is also watched to ensure that the approved doctrine is abided by.

The universities enjoy academic freedom in most areas, but as with the press, they are barred from open debate on the Moroccan monarchy, the Western Sahara, and Islam. Government informers monitor Islamist campus activities and rectors must be approved by the Ministry of Interior.

Regulation of International Media

The National Post and Telecommunications Authority (ONPT) attempted in 1992 to regulate access to satellite television by imposing an annual tax on individuals for the use of satellite dishes. The tax was fixed at Dh 5,000 (approximately 515 USD) per person, payable in a single instalment. Two years later, in August 1994, the

Constitutional Council ruled that the 1992 Decree imposing this tax was unconstitutional because Parliament was not consulted. Consequently the government abolished the tax.

The decision of the Council came as a relief to most Moroccans, especially to those who could not afford to pay this large amount and had taken their dishes down. The tax was unpopular because the people could not understand why the government taxed them for watching programmes to which the government had not financially contributed and which were received free of charge.

Satellite broadcasting is regulated at present, though the law provides very broad details. Anyone can possess a satellite dish at a very low market price. In fact, there are an estimated 1.2 million satellite dishes in Morocco². Dishes are not limited to urban areas but are widely present in many rural areas. Most Moroccans receive foreign television channels from Intelsat, Eutelsat, Hotbird and Astra satellites. Most dish owners direct their satellites towards Eutelsat.

Moroccans can access some foreign television terrestrially in the north and northeast of the country. In the north, in particular near the Spanish enclaves of Ceuta and Melilla, they can watch Spanish and Portuguese programmes and near the border with Algeria in the north east they can receive Algerian television.

The Government does not impede the reception of foreign broadcasts and generally does not restrict or impede Internet access. However, it reportedly blocked web sites for an Islamic movement. According to the CIA Factbook, in 2000, there were reportedly 200,000 Internet users. The low level of Internet use in Morocco is most likely due to the lack of a comprehensive government policy towards its development and high costs associated it.

² Middle East Broadcast & Satellite, May 1997. p. 27.