

REPORT OF THE MOROCCAN FORUM FOR YOUNG JOURNALISTS

SUBMITTED UNDER

THE 4TH CYCLE OF THE UNIVERSAL PERIODIC REVIEW (UPR) MECHANISM

I. Report Preparation Methodology

1. The elaboration of this report adopted the formal and substantive parameters contained in the guidelines for stakeholders' written submissions for the 4th cycle of the UPR mechanism.
2. This report is the culmination of a multiphase and multidimensional process of advocacy and preparation of several studies and memoranda addressed to the Government, Parliament and relevant institutions, including:
 - White Paper on Freedom of Opinion and Expression in Morocco¹ – published in 2021;
 - Memorandum for Civic Advocacy on the Protection of Female Journalists in Morocco: Current Status and Proposals for Legal Qualification² – published in 2021;
 - Report on Freedom of the Press in Morocco³ – published in 2020;
 - Memorandum on Cultural Diversity and Political Pluralism in National Media Practice⁴ – published in March 2022;
3. This report is also the fruit of a several consultative and reflection meetings with journalists, academics, human rights defenders and representatives of official institutions, held by the Moroccan Forum for Young Journalists over the period 2019-2021, which included namely:
 - Colloquium on the "National Charter of Journalistic Ethics", organized on March 27, 2019;
 - Workshop on "Right to Access Information between the Legal Framework and Practice Problems", organized on October 24, 2020;
 - Workshop on "Audiovisual media in Morocco: Legislative Challenges and the Economic Model", organized on December 12, 2020;
 - Symposium on "Reality of Media in Morocco: The Issue of Freedom, Ethics challenges and the Economic Model", organized on May 03, 2021;
 - Summer University for Journalists, organized under the theme "Role of National Media in Promoting Political and Cultural Pluralism", August 06, 07

¹ Download link:

<https://drive.google.com/file/d/1ETEUAQwtuK8pRzXAakHKJd3q1r1Ogsz/view?fbclid=IwAR1zLprL6IVqLgxRjX9yBvFBZmDN3ob2AVOfCslzxJYSpERnAvD9QWYhabQ>

² Download link: [https://drive.google.com/file/d/1pAfs1B2Qskaivi83-](https://drive.google.com/file/d/1pAfs1B2Qskaivi83-MAX1Sb65UQr3Ues/view?fbclid=IwAR0LFLAtv5Msl9G_guKcVjisXUF3xMNowReSuu7QqJXq1rVGqCXsJMGdqNw)

[MAX1Sb65UQr3Ues/view?fbclid=IwAR0LFLAtv5Msl9G_guKcVjisXUF3xMNowReSuu7QqJXq1rVGqCXsJMGdqNw](https://drive.google.com/file/d/1pAfs1B2Qskaivi83-MAX1Sb65UQr3Ues/view?fbclid=IwAR0LFLAtv5Msl9G_guKcVjisXUF3xMNowReSuu7QqJXq1rVGqCXsJMGdqNw)

³ Download link:

https://drive.google.com/file/d/1VHtuB36Gi1XSffekHTunPVeCxHAellzK/view?fbclid=IwAR2gHojwyO94uBRN3JPa15ZiUjgWl5CZOfq8Am6lpa--K2xqxT_W-T7GGZY

⁴ Download link: https://drive.google.com/file/d/1emvNgMbr7cRCT9w_czk_jdOpbwdyRcci/view

and 08, 2021;

- Workshop on "Political and Cultural Pluralism in the Moroccan Media", organized on October 23, 2021;
- Two training courses, in partnership with Reporters without Borders, on "Digital Safety for Journalists", organized over the period November 26 to December 1, 2021.

II. Report's Cornerstones and Frame of Reference

- Morocco's Treaty Practice in the Field of Human Rights

1. The present report brings up all the commitments arising from Morocco's ratification and accession to the nine principal conventions on human rights. In the meantime, the Forum acknowledges Morocco's gradual engagement in reviewing a number of reservations made in connection with its accession to these conventions, and calls for the speedy completion of accession to the Optional Protocols on individual complaints, annexed to the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.
2. Besides the commitments arising from Morocco's human rights treaty practice, this report takes also into consideration all the voluntary commitments expressed by Morocco on several international events.

- United Nations' Recommendations on Freedom of Opinion, Expression and the Press

3. The recommendations made by the various United Nations human rights mechanisms and Morocco's voluntary commitments provide the frame of reference for the preparation of this report, namely the recommendations on the freedom of opinion, expression and the press received by Morocco following its interaction with the various United Nations human rights mechanisms (treaty bodies, special procedures and the universal periodic review).
4. According to the Human Rights Index on the website of the Office of the High Commissioner for Human Rights (OHCHR), Morocco received, during the period between 2012 until the last national entitlement relating to the examination of human rights reports, 44 recommendations on the right to freedom of opinion, expression, belief, conscience and access to information. These recommendations were made by six mechanisms:
 - UPR mechanism (25 recommendations),
 - UN Commission on Human Rights (8 recommendations),
 - Committee on Economic, Social and Cultural Rights (2 recommendations),
 - Committee on the Rights of the Child (2 recommendations),
 - Committee on the Rights of Persons with Disabilities (4 recommendations), and
 - Special Rapporteur on trafficking in persons, especially women and children (3 recommendations).

- Legislative and institutional actions following the examination of the national report for the UPR 3rd cycle in 2017

5. Freedom of Opinion, Expression and the Press is governed by multiple legal and regulatory provisions, the most important of which are provided for in the Press and Publications Code, which includes the following Laws (promulgated in 2016):
 - Law no. 88-13 on the Press and publication⁵;
 - Law no. 89-13 on the Statute of Professional Journalists⁶;
 - Law no. 90-13 on the creation of the National Press Council⁷;
6. The Forum underscores the importance of both the constitutional protection of freedom of opinion and expression and the review of the legal system on Freedom of Expression and the Press in 2016, as this latter provides the first legal framework that limits the penalties involving the deprivation of liberty in cases related to peaceful expression. Additionally, the Forum notes other positive developments, which shall be highlighted throughout the remaining sections of this report, without overlooking the Law No. 31.13 on the Right to Access Information, which represents in fact an advanced legal framework for the promotion of freedom of opinion and expression.
7. In line with the above, other legal provisions have been enacted to govern the institutionalization of bodies concerned with Freedom of Expression and the Press. In this regard, there are Law No. 11.15 relating to the reorganization of the High Authority for Audiovisual Communication (HACA), issued on August 25, 2016, and Law No. 90.13 on the creation of the National Press Council, in addition to the organic laws related to the Public Media⁸ and the Arab Maghreb News Agency⁹ (MAP)...
8. Yet, the protection granted by these legal frameworks still faces a number of challenges related to the persistence of other legal provisions that limit and sometimes reverse these achievements, such as the Penal Code¹⁰, the Anti-Terrorism Law¹¹, the Electoral Code¹², as well as the Law on the Electronic Exchange of Legal Data, as amended and supplemented by the Law on Trust

⁵ See Official Gazette No. 6491 of 15 August 2016: http://www.sgg.gov.ma/BO/bo_ar/2016/BO_6491_Ar.pdf

⁶ See Official Gazette No. 6466 of 19 May 2016: http://www.sgg.gov.ma/BO/bo_ar/2016/BO_6466_Ar.pdf

⁷ See Official Gazette No. 6454 of 07 April 2016: http://www.sgg.gov.ma/BO/bo_ar/2016/BO_6454_Ar.pdf

⁸ See:

- Law No. 77.03 on Audiovisual Communication, as amended and supplemented on January 07, 2005.
- SOREAD's Requirements Specifications – 2M, for the year 2012.
- Requirements Specifications of the National Radio and Television Company's (SNRT) for the year 2012.

⁹ See Law no. 02.15 on the reorganization of the Arab Maghreb News Agency (MAP) of April 12, 2018 (Official Gazette No. 6667 of April 23, 2018): http://www.sgg.gov.ma/BO/bo_ar/2018/BO_6667_Ar.pdf

¹⁰ Dahir (Royal Decree) No. 1.59.413 of November 26, 1962, approving the amended Penal Code. (See the updated version of the Penal Code of November 14, 2021 on the website of the Ministry of Justice: <https://cutt.ly/mAw8vYA>)

¹¹ Law no. 03.03 on countering terrorism of October 30, 2003 (Official Gazette No. 5112 of May 29, 2003).

¹² Law no. 9.97 on the Electoral Code (Official Gazette No. 4470 of April 3, 1997).

III. Serious Concerns about Freedom of Opinion, Expression and the Press

i. Strengthening Women Journalists Protection System

9. The growing international concern about the protection of women journalists reflects their current troubling situation and its possible increasing deterioration in the near future.
10. Based on the conclusions and findings related to the status of protection of the rights of women journalists as set out in the Memorandum for Civil Advocacy on "The Protection of Women Journalists in Morocco: Current Status and Proposals for Legal Qualification,"¹⁴ prepared and published by the Forum in 2012, and in recalling some pilot international experiences in the field of women journalists protection, the Forum calls for:
 - Ratification of International Labour Organisation Convention No. 190 on Violence and Harassment in the World of Work of 2019, and its use, together with the Convention on the Elimination of all Forms of Discrimination against Women, to extend protection measures for the benefit of women journalists working in the public and private sectors.
 - Prohibition and criminalization of sexual harassment and other forms of gender-based violence against women journalists, namely all forms of violence against women journalists on the Internet or any forms facilitated by information and communication technology, with an eye to encouraging reporting of harassment and gender-based violence.
 - Strengthening women journalists protection mechanisms from harassment and sexual violence, as the findings of the second national research on the prevalence of violence against women in 2019 confirmed that the most frequent cases of violence against women in workplaces are of sexual nature.
 - Recalling protection of women journalists in the preparation process of the strategy to combat impunity, adoption of which was recommended by the National Action Plan on Democracy and Human Rights¹⁵.
 - Adoption of gender dimension as an indicator in the preparation of national reports on freedom of the press, namely in the reports prepared by the National Press Council. These reports must highlight, in particular, the measures taken to reduce impunity for crimes committed against women journalists, as they need to indicate the progress of investigations and judicial proceedings in relation to such criminal acts, in accordance with the resolutions

¹³ Law no. 20.43 on trust services for electronic transactions of December 31, 2020.

¹⁴ Download link: <https://drive.google.com/file/d/1pAfs1B2QSkaiVi83-MAX1Sb65UQr3Ues/view?fbclid=IwAR1Ea0jrfkXa0t5ifR4Avqt8Yccr8SUbwmhDGxZVKNQCU8Rz7Ar7ZvhXhLk>

¹⁵ See the measures of the seventh sub-axis on combating impunity of the National Action Plan on Democracy and Human Rights 2018-2021.

of the International Programme for the Development of Communication on the safety of journalists and impunity-related issues.

- Adoption of mechanisms for the application of pay equity within private press companies and prevention of discrimination against women journalists in terms of access to positions of responsibility, especially in public media companies.
- Strengthening the capacities of law enforcement officials (local authorities officers and agents, police, magistrates, solicitors and labour inspectors) in a manner that ensures the protection of women journalists safety.

ii. **Censorship and Freedom of Opinion and Expression**

11. Freedom of opinion and expression is inextricably linked to the protection of the anonymity of sources. This protection can only be achieved by empowering journalists with the right to encrypt information, withhold identity and restrict State and business censorship, by controlling contracts for the export and import of dual-use technologies, and by protecting whistle-blowers and human rights defenders.
12. Protection of the anonymity of sources needs better legal protection, in accordance with international human rights law standards. In this respect, the exceptions related to the protection of the anonymity of sources must be given the necessary precision and clarity, with a view to limiting misunderstandings and interpretations of these exceptions.

iii. **Self-organisation of the Press**

13. In continuation of its advocacy itinerary to promote freedom of opinion, expression and the press, and with a view to enhancing the prospects for self-organisation of the press and broadening the existing margins in law and practice, the Moroccan Forum for Young Journalists calls for a deep review of Law no. 90.13 on the creation of the National Press Council and its regulatory texts, in order to ensure that this institution stays in line with constant standards and leading experiences in the field of self-organisation of the press. On this point, the Forum reiterates its call for:

- Provision of a legal status for the National Press Council, similar to the one of other national institutions, namely the High Authority for Audiovisual Communication.
- Amending Law 90.13 in anticipation of a legal text that governs the composition and prerogatives of the Council. Yet, the detailed aspects of this status should be decided upon by journalists in order to comply with the requirements of self-organisation of the press, since the role of journalists is not only to abide by the regulations established by law, but also to contribute to the drafting of these regulations and measures.
- Redefinition of professional error concept to avoid any erroneous interpretation or unfair disciplinary decisions.
- Consideration of the universally recognized safeguards linked to the freedom of opinion and expression by the National Press Council when

dealing with the theme of "Ethical Responsibility for the Personal Publication of Journalists on Social Media Platforms".

- Revision of the conditions of candidacy for membership in the National Press Council, by reducing the condition of 15 years of experience required for candidacy to 10 years only.

- Promotion of Press Companies

14. In its report on "The Effects of the Coronavirus pandemic on the Press Sector and Measures to Mitigate the Crisis", conducted over the period May-June 2021, the National Press Council emphasized that the national press crisis, as is the case with most countries around the world, is a structural crisis with multiple causes, exacerbated by many factors, such as low reading rates, distribution problems, advertisement sector orientations and the growing competition of social media platforms.
15. The first aspects of this crisis emerged in 2013, but its severity has been exacerbated by the coronavirus pandemic. The daily average for the sale of national newspapers during the first three months of 2020 was 76,000 copies, then it dropped to 38,500 copies by the end of the same year, and is still in decline until the present. In this respect, out of all the newspapers before the pandemic¹⁶, only about half of them which resumed its publication by the end of 2020.
16. According to the report of the National Press Council, there are 731 national and regional press companies, 447 of which are electronic journalism (61%) versus 284 printing journalism (39%). Concerning the print journalism, over 53% of their businesses employ less than five journalists, and over 28% of them employ one journalist who is himself the director of publication and the editor-in-chief¹⁷.
17. As for digital journalism, about 86% of its businesses employ less than five journalists; whereas 47% of them employ one journalist, who is himself the director of publication, editor-in-chief and owner of the company. This situation has always raised questions regarding the social protection system granted for journalists¹⁸.

iv. Financial Independence of Press Companies

18. Several reports registered a decline in media companies' revenues, with a profitability rate that ranges between 1% and 7%¹⁹. This means that the financial capacity of news articles, although limited, depends on advertising revenue and public funding. Both sources raise intense debate about their compatibility with the editorial independence of press companies.

¹⁶ Intervention of Younes Mujahid (Head of the National Press Council), entitled "What options are available to meet the new challenges and win the qualification bet?", within the framework of the consultative meeting organized by the Ministry of Youth, Culture and Communication on January 7, 2022.

<https://cnp.press.ma/Press-National-any-options-for-confrontation-walt/>

¹⁷ See the report of the National Press Council on "Effects of Coronavirus on the Press Sector and Measures to Mitigate the Crisis", May 2021.

¹⁸ See the report of the National Press Council on "Effects of Coronavirus on the Press Sector and Measures to Mitigate the Crisis", May 2021.

<https://cnp.press.ma/1334-2/>

¹⁹ Resulted from the suspension of printing and distribution of newspapers during the period of quarantine, which was decided and executed unilaterally and unexpectedly.

19. According to the National Press Council, advertising investments are characterized by an unequal distribution among media companies, which is due to different standards adopted by each advertiser. On this point, Morocco's case remains quite interesting. Despite the rise of advertising revenues over the years, augmenting from 40 million dirhams in 1976 to about 2.8 billion dirhams in 2005, then to about 6 billion dirhams in recent years. Yet, these amounts remain insufficient to finance the various media companies²⁰.
20. A study conducted by the Association of Moroccan Advertisers in cooperation with Opinion Way indicates that 75% of advertisers have frozen their advertising campaigns, of which 8% have declared their cancelation definitively²¹.
21. the advertising market requires the positive intervention of the State via its Ministry of Communication. This latter was entrusted under Article 1 of Decree No. 2.08.782 of 11 May 2008, related to the organization and functions of the Ministry of Communication, with the preparation and implementation of Government policy in various fields of the communication sector, including advertising; as it was entrusted with the safeguarding of impartiality in the distribution of official advertisements and public publication, by augmenting the financial allocations granted to the Fund for the Promotion of Audiovisual Sector, Advertising and Public Publication.
22. With a view to limiting the advertisers' authority over freedom of opinion, expression and the press, the Moroccan Forum for Young Journalists reaffirms the importance of the proposals of the National Press Council, which calls for:²²
 - Strengthening transparency in the advertising market by creating an independent national inter-professional authority that ensures the impartiality of the advertising sector in its relationship with the various actors.
 - Creation of a Moroccan office for the verification of promotion and advertisements in print and electronic journalism, which monitors the transparency of figures through distribution, sales and readership, and works to apply the rules and content of following up advertising practices in the press.
 - Capping of commercial advertisements on the channels of the SNRT in Morocco, since it represents only a small percentage of its turnover, and that its budget depends mainly on public subsidies. Such action would transfer part of the advertisers' quotas to other media, including the press. For instance, France already took an action to prohibit public channels from broadcasting commercial advertisements only during night hours after prime time.
 - Accelerating the issuance of the circular of the Minister of Justice, allowing electronic journalism to publish administrative and judicial notices.

²⁰ See the report of the National Press Council on "Effects of Coronavirus on the Press Sector and Measures to Mitigate the Crisis", May 2021.

<https://cnp.press.ma/1334-2/>

²¹ See the report of the National Press Council on "Effects of Coronavirus on the Press Sector and Measures to Mitigate the Crisis", May 2021.

<https://cnp.press.ma/1334-2/>

²² See the report of the National Press Council on "Effects of Coronavirus on the Press Sector and Measures to Mitigate the Crisis", May 2021.

<https://cnp.press.ma/1334-2/>

23. The Forum applauds the initiative taken by the State to augment the value of public support for the press sector, and stresses the necessity to regulate it and render it more transparent.

v. Right to Access Information

24. The Forum commended the constitutional and legal protection of the right to access information, especially during the process of drafting Law No. 31.13 on the right to access information, which issued in 2018. Yet, the Forum has a number of critiques because some restrictions contained therein are incompatible with the nature of journalistic work, which is governed by the necessity to access information and invest it.

25. On this basis, the Forum calls for the revision of Law No. 31.13 with a view to:

- Affirming that the automatic and proactive dissemination of information is the norm; whereas its suppression is the exception;
- Simplifying procedures related to the access to information;
- Reducing deadlines of access to information for journalists;
- Detailing objective exceptions laid down in this Law;
- Detailing restrictions on the use and reuse of information.