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Report on The State Of Media in Morocco

Second Draft



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I- Chapter One: General Overview of Media in Morocco

The Moroccan media perspective is divided into audio, visual, written (press) and electronic press. On the visual level, there are currently nine public TV channels¹ run by the State, in terms of finance and in terms of administration and supervision². Their programs are mainly broadcasted in Arabic and French, before the Amazighe language (dialect in some Moroccan areas) significantly emerged in their programs. Moreover, Spanish can also be seen, especially in Channel 1, through some news bulletins aired in Spanish.

On the audio level, the country comprises 14 radio stations, some of which are national, while others are regional³. All are public state-run radio stations, except for Medi 1 Radio Station (known as the Mediterranean Sea International Radio Station), that is owned by the foreign private sector, and the US Sawa Radio, which broadcasts its programs from the Moroccan territory⁴.

As for press, there are 618 newspapers⁵. On the one hand, these newspapers are diverse in terms of language, i.e. Arabic and French⁶ mainly, and less in Amazighe and Spanish. On the second hand, they are diversified in terms of the periodicity of their publishing, i.e. daily, weekly, semi-monthly and monthly⁷. On the third hand, they vary in terms of their orientations, ranging between independent or party-affiliated newspapers⁸. On the fourth hand, they are diverse in terms of their interests, as news press or specialized press⁹. On the fifth hand, they are diversified in terms of

¹ Channel 1, Channel 2, Channel 4 (educational), Channel 6 (Holy Quran), Moroccan Satellite, Channel 1 Satellite, Channel 2 Satellite, al-Oyoun Regional Channel, Sports Channel (Broadcast will be shut down soon).

² These channels are supervised by a tutelage authority, embodied in the Ministry of Communications. The general managers of these channels are appointed by virtue of a Royal Decree (Zahir).

³ The national radio stations are: National Radio Station, Amazighe Radio Station, the international Chaine Inter, Channel 2 Radio Station, and Mohammed VI Radio Station for the Holy Quran. The regional ones include al-Dakhilah Radio Station, al-Oyoun Radio Station, Aghadi Radio Station, Marrakech Radio Station, Casablanca Radio Station, Wajda Radio Station, Fez Radio Station, Tatwan Radio Station and Tanjah Radio Station.

⁴ Currently, there is an ongoing discussion in Morocco regarding the status of this radio station. While the Higher Audio-Visual Communication Commission set a 6-month deadline with effect from August 2005 for all present contractors to settle their status in accordance with the Law No. 03/77 which is relevant to audio-visual communication, particularly in view of the terms of reference stipulated in the law, all the existing channels and radio stations respected the deadline, except for Sawa, which justifies its non-abidance by declaring that it is not subject to this law, as it was established by virtue of an agreement concluded by its country of origin (United States) and Morocco.

⁵ According to the Ministry of Communications' annual report of 2004 concerning the press, 13% of these newspapers are not published regularly.

⁶ 448 newspapers are published in Arabic while 164 in French, according to the statistics of the above-mentioned ministry report.

⁷ According to the same report, the daily newspapers reach 26, the weekly 136 and the semi-monthly 78; whereas, there are 254 monthly newspapers.

⁸ There around 698 independent newspapers, while the party-affiliated do not exceed 26.

⁹ Statistics in the above-mentioned report indicate that the news press dominate around 54%, while the specialized press comes as follows: Economics (10%), Culture (12%), Sports (6%), Tourism (2%), Women (2%), Announcements (9%), Arts (3%) and Local Communities (2%).



geographical coverage, i.e. be it press of a national character or a regional character, the distribution of which is limited to a certain geographical area¹⁰.

The spreading level of Moroccan newspapers is witnessing a sky-rocketing increase. Sales scored 250,000 copies per day in 2005, in comparison with 50,000 copies 40 years ago¹¹. However, comparing these sales to the population number in Morocco¹², to the coverage in other countries, including Arab countries, to the large number of newspapers and to the quality of the Moroccan press (printing, lay-out and other technical aspects...) renders Morocco the "worst student in class in the field of media"¹³. Moreover, comparing these sales to other Arab and international experiences, would make Morocco occupy late positions. For the Arab states, the total sales of Moroccan newspapers, on the one hand, do not reach those of one Algerian newspaper¹⁴. On the other hand, Morocco is ranked 15th, followed by Somalia, Mauritania and Yemen¹⁵. This difference becomes too obvious when compared to world experiences, where the average sales registered in Morocco (13 copies for every 1000 citizens) remains far from the world average which reaches 95 copies for every 1000 citizens.

Besides newspapers, Morocco has electronic press. Internet was introduced to the country in 1995. Figures indicate that there are 4 million users and dozens of such newspapers¹⁶ that are not published periodically and regularly. Such papers are distributed in independent websites private-owned and owned by certain individuals. Others are public and run by the State, the most important of which is the Ministry of Communications' website and "Menara". Moreover, most of the Ministries have their own websites, even if they are the object of debate nowadays as they do not provide citizens with good-quality and necessary information.

In general, this type of press, even if it enjoys a wide margin of freedom¹⁷, is still at its initial stages. Hence, its significance is still very limited in comparison with other types of media. This is confirmed by the experts' opinion polls in Morocco prepared by the International Information Co. in favor of the Arab Center for the Development of the Rule of Law and Integrity, stating that "what is interesting is that the internet and non-official information networks, such as religious and social authorities are not relied on to obtain information..." (17 repeated) (See the report in the annexes).

Even though most of the written media (press) are published by individuals or political parties, the State has an eminent role in this field. In the past, "al-Anba" (News) newspaper and "Maroc Soir" group¹⁸ were affiliated with the State. However,

¹⁰ The number of newspapers of a national character reaches 456 newspapers. As for the regional press, there are around 162 newspapers.

¹¹ This is according to the Ministry of Communications' statistics in the above-mentioned report on press.

¹² According to the last population census, Morocco has a population of around 30 million people.

¹³ This is how Robert Asraf described it in his study on "Press in all its conditions", published in "Jeune Afrique Intelligent", in its issue of November 20, 2005.

¹⁴ The sales of the Algerian "al-Khabar" alone reach 400,000 copies per day.

¹⁵ This is according to the statistics of Asraf's study that is mentioned above.

¹⁶ Five of them are published in French, two in English and one in Arabic, according to the Ministry of Communications' report on press.

¹⁷ Tarek Saadi's interview with those who prepared this report. Saadi is the webmaster of many portals.

¹⁸ It is a group that includes "al-Sahra' al-Maghribiya" (Moroccan Desert) published in Arabic, "Le Matin" and "Maroc Soir" published in French, as well as Lamaniana published in Spanish. Originally, the group was owned by a French old man before being "moroccanized" since the mid-60's to become the government's mouthpiece.



the suspension of the first and the conveyance of the second to a foreigner¹⁹ did not prevent newspapers in the group from behaving as public newspapers. “Arab Morocco News Agency” remains the best proof of the presence of an official written press. This agency, established in the late 50's, is considered as state-affiliated, whether in terms of supervision, financing or editorial orientations.

Until 2004, there has been 1782 Moroccan journalists²⁰, distributed into 802 in the written press, 526 in Moroccan radios and TVs, 131 in Channel 2, 40 in Medi 1, one journalist in the FM radio station, 208 in the Arab Morocco News Agency, 9 in the Moroccan Cinema Center, 10 in electronic press, 10 in production agencies in the field of communications, 6 in the photography department at the Ministry of Communications and 38 free-lancers.

However, most of those are not graduated from institutes specialized in press formation. They practice this profession based on their party affiliations with respect to party-based journalism or based on their university formation.

If the Moroccan media on the quantitative level knows significant diversity, the qualitative aspect (the how) triggers an unprecedented debate. Since 1999, a significant year where a change took place in the authority pyramid in Morocco with the decease of King Hassan II, who was succeeded by his son King Mohammed VI, the roles of journalism was the main subject to be discussed in Morocco. In light of the political vacuum caused by the participation of parties of the former opposition in the government as of March 14, 1998, and due to the lack of an alternative institutional opposition²¹, some viewed independent press as the only existing opposition press.

Such people base their judgment on the nature of subjects covered by this press, and the critical method in which this press tackles the issues. Discussing monarchy peculiarities, the King's and his family's private life, prostitution, sexual perversion, drug gangs, the issue of the Desert, religious issues, embezzlement of public funds, Moroccan diplomacy, as well as the political crimes perpetrated under the former King's regime, are no longer taboos for this press, as it was in the past, when tackling such issues even implicitly endangered the press and journalists²².

Hence, with the new roles of press in Morocco and the nature of topics covered, journalists found themselves before urgent questions, mainly: How can they conciliate between practicing the profession, i.e. conveying the truth as it is, and dealing with the piece of news with a touch of divinity and between the love of the country, trying

¹⁹ Transferring the ownership of this institution to the Saudi businessman Osman al-Amir raises questions and ambiguity among media stakeholders regarding its real status. While decree No. 15/90/42, issued on March 18, 2004, relevant to licensing the printing of the group's newspapers in Morocco, indicates that it is concerning a foreign company, the Moroccan government rendered this group among its national newspapers that benefited from the financial support in 2005.

²⁰ The above-mentioned report of the Ministry of Communications.

²¹ With the participation of traditional opposition parties in the government, it was expected that Islamic parties would play this role, particularly the Justice and Development Party. However, the terrorist acts witnessed by Casablanca on May 16, 2003 and the pressures exerted by the authority limited the efficiency of their opposition, forcing them to focus mainly on ethical aspects, neglecting any interest to criticize the government's action and choices.

²² At the end of the 80's, "La Malif" magazine, a famous independent magazine at that time, was suspended merely because it covered the topic of sexual perversion in Morocco. However today, dealing with this topic has become a cliché due to the excessive interest of the press in the same.



to avoid falling in traps where they could be exploited? What are the limits within which the so-called Moroccan "Divine Trio" (monarchy, territorial integrity and Islam) could be tackled? Where does the freedom of the press stop to mark the beginning of the people's freedom? Are there any aspects in a public person, whether he was a minister or a deputy, which could not be tackled by press? How can we balance between freedom and responsibility? Does journalism have any rules that transcend what is national and impose their implementation as they are, or shall these rules be hidden when they have to do with the society's values and customs? What is the solution when press finds itself facing a law that curbs it: shall it surrender to a de facto imposed by this law? Or shall it behave as if it does not exist? Should a journalist be above the law, who should not be followed or sued no matter what his errors are? Aren't the banners of respecting the law, the ethics of the profession, the respect of the private life and other slogans raised against a certain type of press rightful but are aimed to be used in the opposite sense? In other words, does not that hide attempts to back off the tolerance that the State has revealed towards this press at the beginning of the "new era"?

Facing these questions that specially confront the written press, the stagnation that remained prevalent on the public media level made it surrounded by other types of questions, such as: Until when will this type of media remain subject to the State's choices and propositions? Is it enough to change the mentalities of those in charge of media affairs in order to change the quality of service and the quality of functions that it should undertake? As the Moroccan Minister of Communications once said in one of his statements²³, to what extent did the exclusion of some officials at the Ministry of Interior, who supervised the public media²⁴, lead to the liberalization of this sector from the security approach that governed the State's work in this field? And how can we rehabilitate our media sector in a way that makes it able to face the competition witnessed by this sector in a globalized world? Is change on this level a purely technical issue or is it related to the political will of decision-makers? If the State has started, parallel to this debate²⁵, crystallizing its perception about reforming this sector, based on three dimensions- the first of which is related to liberalizing the audio-visual media and putting an end to the monopoly exercised by the State in this field; the second is related to the restructuring of the public media; and the third is related to the structuring of the written press- it seems that this reform project fails to achieve the prerequisites in media in this country, i.e. real launching of media. Moreover, much of the content of this reform project is governed by political concerns that are aimed, on the one hand, at orienting the media towards choices of no political impact, and on the other hand, at besieging the freedom of the press in certain limits that could not be overcome. This would be depicted by the report, based on the data that could be gathered via the different interviews conducted all along the preparation (list of interviews in the annexes), as well as the different studies, researches and special reports that could be accessed. We should note that this report tried focusing on the period between 1999 and 2006, i.e. the period that is currently known in Morocco by the "new era". This is an attempt to compare what used to

²³ This is about Mohammed al-Arabi al-Masari who was a Minister of Communications on behalf of the Independence Party in the government of the socialist Abdel-Rahman al-Yousofi (1998-2002).

²⁴ As of 1985, the communications sector was annexed to the Ministry of Interior, where the task of running the Moroccan Radio and TV was vested to a department at the Ministry of Interior. Things remained as such until the past few years, when these people were exempted from their media tasks to exercise their original work at the Ministry of Interior.

²⁵ The debate on the liberalization of this sector started with the government of the socialist



happen under the rule of King Hassan II with the current situation under his successor King Mohammed VI. The report also tries to reveal if there has been a shift from one regime to another.

II- Chapter Two: Analysis of Principles

1- Independence

The concept of independence in media is still ambiguous in terms of definition. The question raised was if independence meant independence from the State, political parties, capital or from all these parties. In earlier phases, when the media of the opposition was the first one to compete with the official media, the prevalent concept of independence meant in the first place independence vis-à-vis the State and its options. However, the perception towards this concept rapidly changed when independent press emerged on the media arena. This press succeeded in breaking the hegemony imposed by the partisan press. The concept has become more and more related to "professional considerations"²⁶, which means "seek to serve the recipient via the media of truth and integrity."

However, this vision of the media's independence, even if it became clearer in the rhetoric in the media, is facing some difficulties. Some of these difficulties are related to the legal framework regulating the media in Morocco, as there is contradiction between texts underlining the freedom and independence of press and others opposing this orientation. Other difficulties are linked to practice and the ambiguity of choices of political actors in terms of their vision of media in Morocco. The precipitations of the culture that prevailed during the conflict between the public media and the opposition's media are very present here.

1-1 Media Independence Guarantees

Whether in the Constitution, or in the Law of Press or other laws related to media, there are guarantees that either concern the freedom of speech in general or the freedom of the press in particular, or even with the freedom of the journalists' and media outlets association, or the right to access information. However, these guarantees find themselves surrounded by other conditions limiting them.

1-1-1 Freedom of Speech

The Moroccan Constitution guarantees the "freedom of opinion and speech of all forms" (Article 9). It also guarantees "the freedom of establishing association, as well as the freedom to join any syndicate or any political organization." The Constitution stresses that "curbing the practice of these freedoms could not occur except by virtue of the law."

There are other legal texts regulating the practice of the mentioned freedoms. For instance, the public freedoms decree (*zahir*), that preceded Morocco's entrance into

²⁶ Abdel-Nasser Fathallah: "Applaud for the speech of the leader: Political Communication in Morocco," Imperial Printing office, First Edition, 2002, p.54.



the constitutional life, renders the establishment of association a free act. It only restricted it by some procedural conditions that should be available²⁷.

By virtue of the amendments that this decree was subject to in 2002, administrative authorities have become obliged, once they receive the statement, to issue a temporary receipt, provided that the final receipt would be delivered within a period not exceeding 60 days, with effect from the date when the temporary receipt was handed over. In case the association did not receive the final receipt by the end of the deadline, it could practice its activities according to the objectives set in its statute.

Shifting from declaration- as was the case in the previous structure of the public freedom decree- to the temporary and final receipt system- as is the case in the new structure of this decree- triggered reactions among associations and legal circles. It was considered as an attempt to impose the licensing system and as an orientation to limit the freedom of establishing associations.

The same decree used to guarantee the freedom of establishing political parties, linking that to some simple procedural measures²⁸. However, this procedure will witness certain changes as of 2006 with the creation of a law on political parties, which is becoming more complicated. Changes have been introduced as well to the conditions required to establish a political party, becoming numerous and complicated²⁹.

In addition to the complicated procedure of establishing a party, this law has chained the party's freedom to practice its activity by trying to limit its choices and control its orientations. This is clear through banning the foundation of any party that seeks to offend the monarchy, Islam or the Kingdom's territorial integrity, or any party that is based on a religious or regional foundation, or even if its founders and directors are not registered in the general voters' list.

²⁷ In terms of submitting a statement to the local administrative authority headquarters where the association is located. The statement includes the association's name, objectives, list of names and surnames, gender, age, date and place of birth, profession, address of the members, and the quality under which they represent the association, regardless of its name and location, as well as its statute.

²⁸ It defined them by submitting a statement that includes the name, objectives, headquarters and statute of the party. It set as a condition that the party should comprise Moroccan citizens exclusively. A party should also be open to all citizens without discrimination in terms of race, religion or province. It should be established and run by national funds. It should have, as well, a statute that enables all of its members to take part effectively in its management.

²⁹ This law imposed foundation stages that could be limited in three stages. The first stage starts with submitting a file before the Ministry of Interior that includes a statements signed by three founding members. It should also include the first and last names of the statement signatories, their nationalities, dates and places of birth, professions and addresses. The statement should also include the name of the party, headquarters in Morocco and code. This is in addition to three articles of the Statute, the draft program of the party, as well as a written commitment, under the form of individual statements of at least 300 founding members, to hold the party's institutional conference within one year, provided that in each region, their number should not be less than 5% of the minimum number of the founding members stipulated in the law. The second stage takes place with the passing of 60 days after submitting this file, where the Minister of Interior would be bound to send a notice with acknowledgement of receipt to the founding members in the case when the party's conditions and procedures conform to the provisions of the law. As for the third stage, it is determined in holding the institutional conference within one month as of the founding members' receipt of the Minister of Interior notice. After the end of this conference, a representative delegated by the conference for this purpose is in charge of submitting a file before the Ministry of Interior in return for a dated and sealed receipt delivered immediately. The file shall include the minutes of the conference, and a list that includes the names of at least qualified 500 participants, as well as three articles of each the Statute and the program that were endorsed by the conference. The party is not considered legally founded except after the passing of 30 days, as of the date of submitting this file.



All that is applied on the freedom of establishing parties and associations and the freedom of their activities is also applied on another mechanism of expression, embodied in public gatherings. The public freedoms decree guaranteed this right, defining it in three types: public meetings, demonstrations on public roads and rallies. The decree did not restrict the practice of this right except with respecting certain conditions that do not limit the practice of these freedoms much.

Due to the importance of syndicates as a means of expression, the freedom to establish them was regulated by virtue of a decree dating back to 1957 before the promulgation of the decree of February 5, 1958 regarding the employees' practice of the syndical right. The decree acknowledges, in its first article, this right to the employees and the assistants of administrations, offices and public institutions. While article 5 entitled the punishment for "every suspension of work deliberately and every collective work that has led to the employees' disobedience," i.e. it practically banned the exercise of this right, the first Moroccan Constitution (Constitution of 1962) corrected that by stipulating that the "right to stage strikes is guaranteed" (Article 14), adding that there should be a regulating law to clarify the conditions and procedures with which this right could be exercised. However, the non-promulgation of this law until today rendered the exercise of this right ambiguous, as authorities often banned it, according to that decree.

If, in general, the freedom of speech was guaranteed in principle on the legal level, in practice, these laws guarantee the said right that remained often disrespected, either due to the non-implementation of some or the bad implementation of others. Certain parties were disbanded³⁰, while others were not allowed to be established³¹. Even those that were legally licensed, their activities were still confiscated and prohibited. So is the case with respect to the activities of many associations and syndicates.

If such practices are considered today as part of the past, or which press used to describe as "Lead years", the change taking place on the governance level in Morocco since 1999 did not lead to the total disappearance of these practices despite the disappearance of some of them. In fact, some of these political parties, organizations and associations remained chained in all of these movements³². Pressure on these parties increased, especially after the blasts that targeted Casablanca on May 16, 2003.

As a proof, it is sufficient to mention that one of the most disputed laws among law people is the "Anti-terrorism Law", which was approved a few days only after the blasts. This was not the only law that was regarded by legal associations as a restriction imposed on freedom, but this was rather their standpoints vis-à-vis other laws, particularly the Law on Political Parties and the law related to the national flag and anthem.

1-1-2 Freedom of the Press

³⁰ Case of the Communist Party that was disbanded at the end of 50's, under the pretext that its principles contradicted with Islam teachings. Even when this party changed its name to liberalization and socialism, it was banned again.

³¹ The Reform and Renewal Movement requested at the beginning of 90's to be turned into a party, but its request was quickly declined. Its request was approved after it was integrated in 1996 in the Social Constitutional Popular Movement that changed its name into Justice and Development. The establishment of many leftist organizations was prohibited.

³² The activities of the Islamic Justice and Charity Group remained banned in general. Moreover, some restrictions were imposed on the movements of the Justice and Development Party, which is represented inside the Parliament.



To date, there is no legal code in Morocco exclusively concerned with media and regulating it in terms of the rules, principles and objectives that govern it, as well as the content, scope of work, means and channels of broadcast thereof and the penalties that protect its material and mechanism of broadcast. Only scattered legal texts are available, governing certain media in terms of structuring, specialization, administrative management and penalties resulting from the violation of texts related to journalism³³.

The first regulation of the freedom of the press dates back to 1958 via the law which is known as the public freedoms decree. This decree was promulgated to regulate a practice that was prevalent long before that date, when newspapers were published in Morocco during the protectorate era. Though the law guaranteed the practice of this freedom in general, this practice witnessed many changes during the following period in its link to the political conflict between the government and the opposition.

Due to this conflict, that decree was subject to amendments in 1973 that were particularly aimed at reinforcing restrictions on the said freedom through increasing sanctions and fines and giving the executive power the possibility to suspend and prevent newspapers from resorting to the judiciary³⁴. Therefore, newspapers were subject to prohibition or suspension, and many journalists were detained and judgments were enforced against them.

If these practices affected the written press in particular, and specifically the opposition press and certain independent newspapers published during that period, the monopoly that the State continued exercising over the audio-visual media constituted the other side of the coin. This monopoly also revealed how the said type of media "was restricted to one type of rhetoric." This choice became more obvious when the State resorted as of 1985 to annexing the communications sector to the Interior Ministry, which led to the appointment of officials in this ministry as heads of the TV and radio sector.

This rule only had an exception through some aspects of openness that the radio and TV house started practicing vis-à-vis the opposition later time. On the one hand, this was clear during elections. With effect from 1992, the house is obliged under the electoral law to allocate shares to the parties taking part in elections in order to promote their programs. On the other hand, this openness was clear in the royal decision that entitled it to broadcast the parliament sessions, which enabled parties with a different opinion to air their proposals and messages via the public media. On a third hand, a non-official trend was obvious in the openness of Channel 2, since it started broadcasting in 1989. Although this channel remained a pay channel, it constituted an outlet for the opposition to air their views at least to the subscribers to the said channel.

The situation of the Arab Moroccan News Agency was not better than that of the audio-visual media. The agency remained totally controlled by the State, whether in terms of appointing supervisors or the material published. Rarely was a speech for an opposition political party quoted by the agency. Moreover, its bureaus spread across the world kept operating as though they were embassies.

If the comparison of the situation today to that prevailing at the end of the 80s reveals some change with respect to the freedom of the press and how the audio-visual media

³³ Abdel-Rahman Bin Amro: "Media and Judiciary in Morocco," an intervention during the international debate on media and truth, Rabat on March 1,2,3, 2003, p.83.

³⁴ Abdel-Aziz al-Noeuidi: "Interpretation of New Law on Public Freedoms in Morocco", Dar al-Aman publishing house, Rabat 2004, p.45.



started getting out of the "silence zone"³⁵, as one of the journalists said, this change still has its limits. Journalists are still enjoying an effective freedom of speech without the fear of any oppression, and are still enjoying sufficient legal protection to perform their duties, as confirmed by 71% of those who participated in the experts' opinion poll, and 50.4% of those who took part in the public opinion poll (32bis). This can be noticed at both the legal and practical levels.

On the legal level, we note that although legal restrictions of the media in Morocco have been eased, whether through the amendment of the Law on Press which reaffirmed the freedom of publishing newspapers, printing and publication, and the elimination of some conditions that restricted freedom in the previous law, or through the formation of the Supreme Commission for Audio-Visual Communication, the promulgation of the Audio-Visual Communication Law that rendered this type of media free (Article 3), and the cessation of the State's monopoly of the audio-visual communication, some constraints remained imposed on the freedom of the media.

If the Constitution itself still includes some restrictions in this field, particularly when it stipulates for the prohibition of discussing royal speeches (Article 28), most of these restrictions are included in the laws that regulate the media.

In the written press, these restrictions are revealed by the following elements:

- Obliging the manager of the newspaper to disclose the professional secret and reveal to the King's undersecretary the real identity of the article's writer in case a complaint is filed against the author of an unsigned article or an article that bears a pseudonym. (Article 17).
- Giving the Minister of Communications the right to prohibit all newspapers, as well as periodical or non-periodical prints published abroad from entering Morocco when he believes that they offend Islam, the monarchy or the territorial integrity, or include material that lacks the respect due to the King or the public order, in addition to giving him the right to ban any foreign newspaper printed inside Morocco for the same reasons (Article 29).
- Imposing a sentence of imprisonment that ranges between 3 to 5 years and a fine assessed between 10,000 and 1,000,000 Dirhams for lacking the respect due to the King, princes or princesses, or for offending Islam or threatening the monarchy or the territorial integrity, with the possibility of suspending the newspaper or the publication by virtue of the same judgment for a period not exceeding three months (Article 41).
- Imposing a prison sentence and a fine for public defamation against heads of states, prime ministers and foreign ministers of foreign countries and their dignity (Article 52), or against foreign diplomatic representatives or consuls accredited or officially delegated before the King (Article 53).
- Giving the Minister of Interior the right to issue a justified decision of administrative seizure of every issue of a newspaper or periodical that breaches the public order or the respect due to the King, princes or princesses, or offends Islam, or threatens the monarchy or the territorial integrity.

What is more interesting in these restrictions included in the Press Law is that they are based on general and ambiguous reasons, since it is not really clear what is meant by offending Islam or threatening the monarchy, and when there is offense and threat and

³⁵ Al-Arabi al-Masari: "Rationing the Freedom of the Press and Media in Morocco", an intervention during the international debate on media and truth, Rabat on March 1,2,3, 2003.



when there is not. Such general concepts make them subject to interpretation at every moment and according to the whims of the ruling party. For instance, the publication in the newspaper of the possibility of selling one of the royal palaces was interpreted as tampering with sacred things³⁶.

In its turn, the audio-visual media is subject to legal constraints that limit its freedom. This is obvious through the following:

- The Supreme Commission for Audio-Visual Communication, in charge of regulating and codifying this field, is placed under the direct authority of the King. It is considered as an advisory body placed under his authority (Article 1). This body gives its opinion on every matter referred to it by the King in this sector. The law relevant to its establishment was not based on the legislative procedure, that is usually adopted in promulgating laws, to discuss the said law but on Article 19 of the Constitution which makes the King the supreme representative of the nation, and thus, the first legislator. Such a situation might render the margin of the Commission's decisions related to official choices, and the Commission might not act freely, whether in the permits it grants or the decisions it issues.
- The King controls over the appointment of more than half the members of the Higher Audio-Visual Council. The latter includes nine members. The King appoints the chairman and four members (Article 6). Moreover, the decree, by virtue of which the Supreme Audio-Visual Commission was established, does not mention the term of those members, whereas the term of those appointed by the Speaker of House of Representatives, the Advisors and the Prime Minister, is fixed at five years that are renewable once (Article 6). This matter raises more than one question regarding the commission's independence while performing its work.
- Certain constraints are imposed on the freedom of audio-visual communication, which is stipulated by the decree that established the Supreme Commission. Among these constraints are the respect of religious values, preservation of the public order, good morals and prerequisites of national defense (Article 3). They are general concepts that could be interpreted as limiting freedom and breaching the fundamental features of the Moroccan Kingdom, as defined in the Constitution, among which those particularly related to Islam, the Kingdom's territorial integrity and the monarchy and those that breach public morals (Article 9).
- Political advertising is prohibited, whether in the public or private media, including the elections period (Article 2 of the Audio-Visual Law).

In practice, there are many aspects that depict the constraints facing the freedom of the media in its different forms. In the public media, it is clear through the following elements:

- It is no longer a secret that the priority in the appointment in the supervision posts in the public media is not given to the logic of competence but to a person's closeness to the decision-making circles, and more specifically the closeness to the King's entourage. This applies specifically to the President-Director General of the public sector, who occupies at the same time the position of director-general of the National Radio and TV Company, the news director, and the news directress at Channel 2 whose powers exceed those of the general manager of the same

³⁶ The director of Demain magazine was the accused in the said story.



- channel³⁷. It also applies to certain members appointed as the "wise men" of the Higher Audio-Visual Communication Council. Their appointment caused an unprecedented upheaval in the Moroccan media at the time.
- If the public media was mainly criticized because of its way of covering royal and governmental activities in previous phases, there hasn't been a significant change on this level. These activities still constitute a major part of the news bulletins on Channel 1, as the radio and TV "royal cell" is considered as the most active in the mentioned channel. A study on the fields of interest of the news bulletins revealed that interest in the activities of the members of the royal family and the princes reached 9.9%, and 61.8% with respect to governmental activities³⁸. If Channel 2 kept reporting the said activities professionally and allocating a limited part therefor in its news bulletins until 2000, it followed the example of Channel 1 in the method of keeping up-to-date on these activities.
 - If the activities of some organizations were banned absolutely from being reported in the public media outlets³⁹, the activities of other organizations remain limited and are subject to a type of "seasonality"⁴⁰.
 - If the public audio-visual media witnessed some attempts of restructuring by turning the Radio and TV into a national company and subject it, besides "Suriad Company-Channel 2", to certain specifications, the Arab Moroccan News Agency was not subject to the said reform, though its method of operation and preparation of the product that it delivers remained criticized throughout the previous periods.

On the level of the written press, although the past six years witnessed prosperity of this type of press, and many newspapers were published, and although topics were tackled with increased boldness, these six years were the period that witnessed an unprecedented crisis in Morocco's history, as indicated by the following facts:

- Direct prohibition was a weapon in the hands of the ruling party, pointed at the independent press during that period, as revealed by three occasions. The first dates back to 1999, when the weekly "Le Journal" was suspended because it interviewed Mohammed Abdul Aziz, the leader of the Polissario Front that demands separation from Morocco. This was not the only periodical harmed by this interview, but the advertisement about the newspaper's front page on Channel 2 led to the dismissal of the team running the channel (the general manager, the news director...). The second dates back to 2000, when three newspapers were suspended at the same time (The Newspaper (*al-Saheefa*), "Le Journal" and "Demain") for publishing a letter of a former opposition member in which he said that the Moroccan Left conspired with General Mohammed Oufkir, in an attempt to topple the regime of Hassan II. This was the first time that such a number of newspapers were suspended all at the same time. The third occasion was embodied in banning "Justice and Charity" newspaper, which is the official mouthpiece of the Islamic party that bears this name.

³⁷ Many events were tackled by different newspapers on the privileges enjoyed by the news directress at Channel 2, Samira Sitayil, among the King's entourage, and the conflict of power between her and Mostafa Benali, the director-general of the same channel.

³⁸ Abdel-Nasser Fathallah: "Applaud for the Speech of the leader" that is mentioned above.

³⁹ It is related to Justice, Charity and the Democratic Methodology in the first place....

⁴⁰ It is related to the activities of opposition political organizations (leftists and Islamic). The Independence Party, which is a principal party in Parliament and the government, had previously complained about its exclusion, particularly from programs broadcast by Channel 2.



- Moreover, judgments pronounced against newspapers and journalists were another weapon, and it was clear that it was targeting the freedom of the press:

In 2000, the judgment against the weekly "Le Journal" in the Moroccan Foreign Minister's case⁴¹ caused great turmoil in the Moroccan media, especially in terms of the large sum that the mentioned newspaper had to pay⁴².

In 2003, a few journalists were convicted in different cases. After being accused of "defamation of the sacred issues", journalist Ali al-Murabit, the manager of "Demain" magazine was sentenced to four years of effective imprisonment. He served seven months after going on a hunger strike of more than 40 days. His magazine was also banned.

Furthermore, after publishing an article of one of the "Afghan Moroccans", the director of "Moroccan Life (*al-Hayat al-Maghribiyyah*)" newspaper, Mustafa Qishni, and director of the "Orient (*al-Sharq*)" newspaper, Mohammed al-Hard, both published in the city of Wajda, found themselves before harsh rulings⁴³. This was parallel to the constraints on the freedoms after the events of May 16, 2003 in Casablanca.

In an event linked to these events, the publishing of a letter attributed to a movement known as the "*al-Saiqa*" (Thunderbolt) which claimed responsibility of these events, cost the veteran Moroccan journalist, Mustafa al-Alawi, director of "*al-Osboo*" (The Week), one month of detention before he was sentenced for 2 months of imprisonment with stay of execution of the sentence.

If the issuance thereafter of a royal pardon with respect to the detained journalists seemed to be the beginning of a period of easing tensions between the State and the press, the said period did not last long, as collective restrictions were imposed again on the press. The said new restrictions developed the way the State dealt with the press. Banning newspapers or detaining journalists was no longer the State's weapon in this regard, but other methods were created. Except for the case of the director of the "*Akhbar al-Osboo*" (Week's News), who was sentenced to six months of imprisonment, as he was accused of publishing news that accused a minister of sexual perversion⁴⁴, the rulings in the following cases had other forms.

In a Moroccan precedent, in 2005, journalist Ali al-Murabit (correspondent of Spanish daily "Il Mondo") was banned from writing for 10 years. At the end of the same year, a series of cases were filed against a number of independent newspapers. Two judgments were pronounced against "Tel Qu'il" magazine during the same period. The first one stipulated that it pay 800,000.000 Dirhams, and the second imposed a fine of

⁴¹ This case is attributed to a story covered by the mentioned newspaper regarding financial manipulations in selling the headquarters of the Moroccan Embassy in Washington, where the current Foreign Minister Mohammed Bin Issa was the Ambassador of Morocco.

⁴² The ruling of the Court of First Instance obliged "Le Journal" to pay 2 million Dirhams (\$200,000) before reducing this sum during the appeal stage to 700,000 Dirhams (\$70,000).

⁴³ The first was sentenced to one year of imprisonment, and his weekly was suspended for three months. As for the second, he was sentenced to three years of imprisonment, and his weekly was suspended for 3 months.

⁴⁴ This case caused wide dispute, not because Anas al-Tadli, director of this newspaper, was accused of publishing news that accused Finance Minister Fathallah Walalo of sexual perversion, but to activate another old case against him; a file that is so old and related to his customs duty evasion.



500,000.000 Dirhams. The nature of these judgments gave the impression that political motives were behind them and not just to do justice to the plaintiffs⁴⁵.

Because it published a file on "Women of the Royal Palace Among Three Kings", the director of the weekly "*al-Ayyam*" (Days) and a journalist working at the weekly were sentenced to four years in prison with stay of execution and a fine of 200,000 Dirhams each. The same weekly was charged with a fine that reached 120,000 Dirhams in another case, before being doubled during the appeal stage.

Lawsuits did not stop there. "Le Journal" magazine was once again, through its publishing director, Abu Bakr al-Jamie, and editor-in-chief, Fahd al-Iraqi, subject to a judgment that set a new record in terms of the fine's value (3 million Dirhams), following the doubts raised by the magazine about the scientific integrity of a report on the Polissario Front prepared by a European center. During the same period, the weekly "*al-Masha'al*" (The Torch) was convicted in a case related to defamation against a foreign head of state (Algerian President Abdel-Aziz Bou Tafeeqa). The director of the weekly "*al-Baydawi*" was interrogated after publishing a headline on the front page of his newspaper, saying: "Damn this country!", in an attempt to express the rage of part of the Moroccans vis-à-vis their country. He was convicted although the newspaper's owner solved the problem and changed the headline before the newspaper was distributed. The director of "Le Journal" magazine and the weekly "*al-Masha'al*" were also interrogated about the same subject for republishing the cover of "*al-Baydawi*".

In the case of "Monarchy is not suitable for Morocco", in which the accused is the director of the "*al-Osbooiyyah al-Jadidah*" (New Weekly) newspaper and two of its journalists, as well as the reporter who conducted the interview that angered the authorities⁴⁶, the court has not pronounced its judgment yet.

The interesting point in the pressures that newspapers were subject to during this period is what happened to "Le Journal" magazine, when some "associations" staged a protest before its headquarters, claiming that the magazine republished the caricatures that insulted the dignified Prophet (Peace be upon him). What drew the attention in this protest and rendered it a clear attempt to impose constraints on the magazine and its editorial orientation and to settle accounts with it is that, on one hand, such protest was not organized before the newspapers which really republished those caricatures (Moroccan daily "An-Nahar"), but before "Le Journal" which only published a very small photo of a person carrying the French "Le Soir" newspaper that included those caricatures before deleting them under print. On another hand, the State's involvement in the organization of the protest was confirmed. This was revealed by the attendance of some deputies in Casablanca and the transportation of people by buses that belong

⁴⁵ In the first case, the magazine was sued by parliamentarian Halima al-Assali, who considered that she was subject to libel. In the second one, it was sued by Thuraya al-Jaaydi, the head of an association and the wife of a senior official of the Ministry of Interior under the term of Idris al-Basri. She considered that the information published about her management of the mentioned association as false.

⁴⁶ Nadia Yasseen, the daughter of the leader of the unrecognized "Justice and Charity" group, stated in the said story that the "monarchy was not suitable for Morocco", considering that it was about to collapse.



to the districts of this city⁴⁷. On a third hand, the State's involvement was revealed by the public media's coverage of this demonstration⁴⁸.

The new types of constraints include the criminalization of the publication of photos of the Royal Family members, as what happened to the weekly "*al-Ayyam*" (Days) in the case of "Women of the Royal Palace among Three Kings". The public prosecution pressed unprecedented charges related to "publishing the photos of Royal Family members without prior permission from the Royal Court." This accusation was examined in the light of a decree issued in 1956, and never been used before. Recourse to the said accusation threatened the right to obtain photos, a right acknowledged by professional laws and customs in democratic countries. The accusation was also examined by the National Union of the Moroccan Press in its report on the freedom of the press and the media in Morocco (May 3, 2006).

- Advertisements were another weapon used by the ruling party to punish the independent press. Since it controls most of the economic institutions, the distribution of advertisements is not subject to the market logic, but to the nature of the ruling party's position vis-à-vis the editorial policy of every newspaper. Accordingly, we found how a newspaper the sales of which do not exceed 2000 copies could obtain double the advertisements of a newspaper the sales of which were way higher than the first one.
- If the Statute of professional journalists gives a professional journalist accredited in Morocco the right to have an approved press card, such card has, in certain events, been withdrawn from journalists for considerations related to their practice of their profession. The most obvious example is that of a correspondent of the Qatari "Al-Jazeera" channel, whose card was withdrawn after he covered protests in the desert area.

1-1-3 Association of Journalists and Media Outlets

There is no provision in the law relevant to the professional journalists' Statute that gives the journalists the right to association. However, the existence of such right could be depicted through its reference to the fact that the provisions of the legislation on labor are applied on professional journalists, unless they were contrary to the Statutes of journalists working in public institutions (Article 12).

In practice, except for some constrains on the freedom of syndical work in the public media during previous periods, the said right remained guaranteed in general. The mentioned questionnaire showed that 61% of those questioned agreed that journalists were able to set up their professional unions independently.

⁴⁷ Whether in "*al-Ahdath al-Maghribiyya*" (Moroccan Events) newspapers or in the "People's Voice" daily or in the "Newspaper" and "Le Journal" magazines, testimonies and photos have been published, depicting the authority's involvement in organizing this demonstration.

⁴⁸ The coverage of public channels, especially Channel 2, proved clear involvement of the State. This channel did not only cover the demonstration, but it accused the magazine's officials of offense against sacred matters. It also used Omar Sayyid, a member in the "Nas al-Giwan" Group, one of the most famous popular singing group in Morocco, when it included a statement by him while covering that demonstration in order to mislead the audience into believing that he took part in it. But he denied this information in an interview published by "*al-Saheefa*" (The Newspaper) in its issue of February 17, 2006.



In general, journalists associate in the National Union for the Moroccan Press, which is the only existing syndicate to date⁴⁹. Yet, this does not mean that all of them take part in its activities or bear membership cards.

The Union had never complained about constraints against its activities, at least during the past years. The State provides the Union with headquarters. This is in addition to an annual financial cover as a support, which is part of the budget that is allocated under the finance law to support parties, syndicates and the national press. The Statute for professional journalists and the decree applying it guarantee the right of representation, in addition to the governmental authority in charge of media and representatives of media outlets, with "the press card committee that undertakes annually supervision of the distribution of press cards and the task of control of the principles that the profession's code of ethics should be based on" (Article 7).

Except for the tug of war between the Union and the Communications Ministry under the mandate of former minister Mohammed Ashaari when the proposals of the Union concerning amendment of the Press Law, this Union was present in the debate on reforming the Moroccan media, particularly the written press. The Union initiated negotiations with the Communications Ministry regarding the amendments relative to the Press Law. It was also a major partner, whether in the national media debate that saw the signature of "Agreement of the Debate- Program" or during the preparation and signature of the collective agreement for professional journalists. The latter stipulated among other things for the "professional journalists' right to practice syndical work in accordance with the labor code, and in a pluralistic framework and without any discrimination, with respect to the freedom of work and professional conscience" (Article 18). It also stipulated that "every professional journalist is entitled to have the support of an employees' representative or a syndical representative, that he chooses and who is a member of a syndicate that is legally represented inside the journalism field, in procedures of discipline and lay-off as stipulated in the Labor Code (Article 18). It also gave the elected representatives and members of syndical bureaus the right to benefit from legal facilities and protection in order to perform their tasks, to have a bulletin board at their disposal so that they can perform their tasks.

This right which is guaranteed for journalists is guaranteed for journalistic outlets, most of which are part of the Moroccan Publishers Federation that has become a major partner in everything that has to do with the media in Morocco.

1-1-4 The Right to have access to information

The right to have access to information is one of the major difficulties facing the media business in Morocco. The aforementioned opinion survey showed that although 56% of those who answered agreed that journalists can obtain government and non-government documents at a rate of 70%, the government documents cannot be

⁴⁹ National Union for Moroccan Press was recently subject to two division attempts. The first time was when a few journalists withdrew from its conference before establishing a new syndicate called "Federation of Moroccan Journalists". However, it remained marginal before its activities were totally frozen. The second attempt was when some of its members, particularly those working in the Radio and TV, quit and established a syndicate affiliated with a trade-union (Democratic Labor Confederation).



obtained at the appropriate time (76%) or are unavailable without reliance on a certain favoritism (71%) or are inaccurate (69%) or are incomprehensive (58%).

In February 1995, the pressures exerted by the National Union for the Moroccan Press led to the Moroccan government's adoption of the Statute of professional journalists. The Statute stipulated for the "journalist's right to access news sources in the context of practice of his profession and within the limits of observance of the laws in force" (Article 4).

However, the stipulation of this right remained absent from the Press and Publishing Law until it was amended in 2002. The new formulation of the said law provided "the different media the right to access news sources \and to obtain the information from different sources, unless such information is confidential under the law" (Article 1). Although this right is stipulated in the mentioned laws, this "does not constitute in fact a sufficient and solid base to enjoy this right"⁵⁰. There are still legal difficulties, mainly the ambiguity that surrounds its stipulation in the Press Law, as well as the professional secret and the secrets of national defense.

1-1-4-1 Professional Secret:

The Statute of the civil service obliges every employee to keep the professional secret related to the "works and news that he learns while performing his duties or on the occasion of practicing the profession. The Statute forbids the embezzlement of papers or documents related to the profession and the notification thereof to others in a manner that violates the Statute" (Article 18). It gives the minister-the employee's superior alone, the right to release him of this duty.

The said text was opposed by many journalists. State experts worked on reforming the Civil Service Law, and concluded the said provision was used in an exaggerated manner. They recommended that the text should be revised in a way that renders "the information of the public the rule and the professional secret the exception, stating that such secret should be justified"⁵¹.

The penal code also binds the personnel of private sector institutions to preserve the professional secret. It punished by five year imprisonment and a fine of 120 to 250 Dirhams every director or worker who revealed or tried to reveal to any foreigners or Moroccans residing in a foreign country the secrets of the profession that he practices (Article 447).

In the same context, the decree that stipulated the establishment of the Supreme Audio-Visual Commission binds the members and the employees at the High Audio-Visual Council to keep the professional secret regarding the facts, business and information that they learn while performing their duties (Article 8). It is the same commitment that this decree imposes in Articles 15 and 20 on employees of the Supreme Audio-Visual Commission.

If it is natural that the professional secret concern the people or legitimate interests that require protection, the "circulation of the text and the domination exercised by most of the administrations, as well as the culture of secrecy rendered the Moroccan

⁵⁰ "Right to access information", a document prepared by the Moroccan Anti-Bribery Association (Transparency Morocco).

⁵¹ "In Defense of the Right to Access Information", a French document prepared in November 2005, "Center of Freedom of Media in the Middle East and North Africa".



Administration a closed world most of the time, and subjected the reporting of information to domination or favoritism even if was information that is ordinary or whose disclosure is required by the interests of an individual or a group.⁵²

1-1-4-2 Ambiguity of the Press Law:

Due to the important stipulation therefor in the new Press and Publishing Law, we note that the requirements that it carried "did not define the content of the right of the citizen(s) to information, and the State obligations under the said right. Nor did the requirements regulate the method used by the media to access the news source and obtain information from their different sources or the effects resulting from not giving the citizen or the media the right to access news and information. Moreover, these requirements do not ensure any procedure for complaint, not to mention that these requirements are only limited to the media to access news sources and obtain information, which almost makes it a right restricted to the media institutions and not a right available to every citizen, or individual or the journalist regardless of his belonging to a certain media institution"⁵³.

1-1-4-3 Secrets of National Defense:

The Moroccan Penal Code stipulates the secrets of national defense. Article 187 thereof defines four types consisting in the following:

- 1- military, diplomatic, economic or industrial information, the nature of which requires that only people in charge of preserving be given access to it, and whose confidentiality is required by the national defense interest;
- 2- items, tools, documents, drawings, designs, maps, copies, photographs or any other photos or documents of any type, the nature of which requires that only people in charge of using or preserving them peruse them and that they remain confidential with respect to any other person because they may lead to the disclosure of information of the types mentioned in the previous paragraph;
- 3- military information, whatever its nature, which has not been published by the government and does not fall within afore-said and whose publication, broadcasting, disclosure or photocopying was not prevented either by a *zahir* or by a decree taken in the Cabinet;
- 4- information related either to the procedures taken to reveal the perpetrators or accomplices in crimes or offenses against the foreign state security, or to arrest them, or related to the lawsuits and investigations, or even to discussions before the trial court.

The stipulation of the said secrets raises some remarks, among which the remark that the said text in particular "does not define the nature of the said military, diplomatic, economic and industrial information that should remain confidential, nor does it state how such information has been defined or who defined. It does not define the people who are competent to preserve and access the information. Moreover, it does not define the items, tools, documents, drawings, designs and photos...that should remain confidential and not be made public."⁵⁴

⁵² Document of the above-mentioned Moroccan Anti-Bribery Association.

⁵³ Same reference.

⁵⁴ Document of the Center for Freedom of Media that was above-mentioned.



1-1-4-5-Prohibition from accessing personal information:

A decree promulgated in 1968 renders the personal data collected by public administrations secrets that may not be accessed. It stipulates: "...information on individuals (...), which has to do with the private or family life, and in general, with facts and behavior of a special nature, whose access is not authorized by the services that possess it" (Article 8). It adds "Economic or financial information on individuals collected via questionnaires, could not, in all cases, be used for purposes related to surveillance, or fiscal or economic penalty", stating that public administration assistants who do not respect that would be subject to sanctions.

It can be understood from this text that even a moral person is not entitled to have access to the information that the administration obtains on his private or family life in order to investigate or rectify it. A moral person cannot know how such information has been obtained or used by the administration, except for the information related to the general population and housing survey that is regulated by a law inspired by the same requirements of the above-mentioned decree.

With respect to the said survey, we note that a new procedure has been adopted based on the survey conducted in 2004. The procedure stipulates that "the confidentiality of information should remain guaranteed. Once the survey is completed, the information relative to every individual should be collected under an encoded name that does not give any indication about the identity of the person surveyed. After verifying the said information, the original documents are destroyed automatically"⁵⁵.

1-2 Media Regulations

1-2-1 License System

Every initiative to establish a media outlet, be it a newspaper, a TV station, a radio station or an electronic newspaper, needs an official permission. Although the Press Law stipulates for the freedom of publishing a newspaper or periodical (Article 3), it links such publication to the submittal of a license (Article 5), signed by the publishing director, who receives a temporary receipt directly afterwards, provided that he be delivered a final receipt within 30 days as a maximum, otherwise the publication of a newspaper is permissible.

Foreign newspapers are subject to this prior license, issued in the form of a governmental decree after submittal of a written request regarding the said matter addressed to the governmental authority in charge of communications.

Although the establishment of a newspaper in Morocco does not cause any problems or the objection of authorities anymore, and the laws and regulations that specify the conditions of obtaining a license for media outlets have become relatively clear, as confirmed by 66% of the experts covered by the aforementioned opinion poll, there are still some cases where the authorities have resorted to lingering in giving a license to publish certain newspapers or have refused the publication of others.

⁵⁵ Same reference.



In the first case, Abu Bakr al-Jamei obtained in December 2000 the license to publish the two newspapers, "Le Journal Hebdomadaire" and "*al-Saheefa al-Osbooiyya*" (Weekly Newspaper) after going on a hunger strike to protest the authorities' rejection of the application he submitted. The said rejection followed the ban on his two newspapers "Le Journal" and "*al-Saheefa al-Jadida*" (New Newspaper).

In the second case, the authorities refused to grant the same person the license to publish the Arab version of "Le Monde Diplomatique" in Morocco. Thus, he was forced to publish the said newspaper as a special supplement of "*al-Saheefa al-Osbooiyya*". The authorities also refused to respond to two other requests submitted by the daily London-based "al-Quds al-Arabi" and the daily Paris-based "Le Monde" for printing in Morocco. We note that negotiations between the two institutions and the Moroccan Communications Ministry on this topic had progressed a lot before the two newspapers were surprised by the Minister's decision to reject their applications. On the level of audio-visual media, the said prior license is required for the setting up of an institution for such type of media. The Audio-Visual Communication Law stipulates for the necessity that "every upgrading and utilization of networks to broadcast audio-visual communication services via the ground hertz network or satellites or both..." (Article 16).

Although the said license was only given previously to two radio stations, "Medi 1" and "Sawa", as this domain was only restricted to the public sector, entering the liberation era will no doubt increase the number of parties that will obtain such licenses.

1-2-2 Media Management

Three parties in Morocco are in charge of giving licenses for the establishment of media institutions. With respect to the written press, the party that is entitled to give out these licenses is applying a double standard between the national press whose licensing falls within the jurisdiction of a judicial authority, namely the Court of First Instance, within whose jurisdiction are located the headquarters of the newspaper to be founded, for it is the authority to which is presented the license whose submittal is imposed by the Press Law, and the foreign press whose licensing is undertaken by an administrative authority represented by the Ministry of Communications.

With respect to the audio-visual media, there is only one party authorized for this purpose, namely the Higher Audio-Visual Council. It is of an administrative nature, which, theoretically, is not independent due to its consultative nature with the King, on the one hand, and the nature of its structure and the dominance of those appointed with the council by the executive authority (the King and the government) on the other hand, as was previously mentioned in this report.

1-2-3 Conditions of Granting Permits

The establishment of a media institution requires certain conditions that differ according to the type of media, (newspaper, channel, radio station). The establishment of a newspaper passes the submittal of a license from three departments. The license shall include "the name of the newspaper, the method of publication and distribution thereof, the civil status of the publishing director or assistant publishing director, if any and the permanent editors, as well as their nationalities, places of domicile,



education, numbers of national ID cards or the residence permits with respect to foreigners, the name and address of print-house in charge of printing, the registration number of the institution in the commercial register if necessary, the capital invested in the institution, stating the source thereof, the nationality of capital owners with regard to moral persons, and stating the language(s) to be used in publication" (Article 5), in addition to other conditions related to institutions taking the form of companies, in terms of "the date of the memorandum of association of the company, the place of the legal registration, the civil status of the members of board of directors or shareholders, and the managers and members of the company in general."

The setting up also requires, for a newspaper to be Moroccan, that all the owners of newspapers, companies, shareholders, lenders, financiers and other contributors to the financing of publications in Morocco be of a Moroccan nationality. Except for this last condition, the other conditions are the same as those imposed by the law regarding the foundation of foreign newspapers in Morocco.

If, through these conditions, it appears that the establishment of a newspaper is merely a procedural matter, there are however two clear remarks in this regard. The first is related to the distinction made by the new Press Law between the temporary receipt and the final receipt, which distinction was not provided in the previous law. This raises the question of whether its integration in the current law is aimed at complicating the procedures of establishing newspapers and limiting freedom in this regard. The second concerns one of the law articles which requires that, in the event where the major part of the capital of a journalistic institution is owned by one person, such person should be the publishing director. Such a condition, even if not applied, may be aimed at influencing the editorial independence of newspapers, taking the latter hostage to capital and investors.

With respect to the establishment of an audio-visual institution, the audio-visual law requires that "the candidate for a permit not be a shareholding company that is subject to the Moroccan Law, and that the shares representing its capital be nominal, and that its shareholders include at least a qualified entrepreneur (natural or moral person) who has a clear professional experience in the audio-visual communication field and owns or commits to own at least 10% of the capital of the company and the right to vote at the company. The candidate shall not be a shareholder that is in a state of judicial settlement or judicial liquidation, and shall commit to preserve a strong share in the capital, consisting of either of one shareholder owning 51% of the shares and voting rights in the company or of many shareholders linked to one another with a shareholder alliance (Article 18)." Moreover, the law obliges the license applicants to observe the clauses of the terms of reference that is prepared by the Supreme Audio-Visual Communication Commission and reveals the administrative, technical and financial licensing conditions (Article 17). These conditions apply to all the applications, concerning both the foreign and national capitals.

In turn, the said conditions raise some remarks, the most important of which perhaps is that they do not enable associations, political parties and unions to submit similar drafts, as adopted in a number of countries.

1-2-4 Slander and Libel

The Press and Publishing Law includes a special section (Section III) for offenses involving persons. It distinguishes between slander and libel. According to the said law, libel is "the allegation or attribution of an incident to a person or an entity if such



incident affects the honor or dignity of the person or entity to whom the incident is attributed" (Article 44). As for slander, "it is every heinous or degrading word or expression of humiliation causing damage to dignity or defamation that does not include any attribution of any certain incident."

This law assumes the publishing of the slander and libel, directly or by conveyance, even if such publishing raises doubts and suspicions, or mentions a person or a body that was not explicitly designated. However, slander and libel could be understood through speeches, cries, threats, writings, publications, posters or incriminating announcements (Article 44).

The penalty in the event of libel is imprisonment ranging from one month to a year and a fine that ranges between 1200 and 10,000 Dirhams, or either of the two penalties only in the event of libel against judicial councils, courts, armies, public bodies, institutions and administrations, or against one or several ministers for their tasks or capacities, or a civil servant or government employee, or any person in charge of a public interest and task, temporary or continuous, or a judicial assistant or a witness upon giving his testimony.

The said penalty becomes an imprisonment ranging from one to six months and a fine amounting between 10,000 and 50,000 Dirhams, or either of the two penalties when the libel targets the mentioned figures in their private lives.

In the event of slander directed with the same means against the same figures, the fine ranges between 50,000 and 100,000 Dirhams, and is reduced to 5,000 to 50,000 Dirhams in the event where slander is directed at the private lives of the said figures.

However, if the draft gives the possibility of incrimination of such behavior, the nature of the penalties relative to this offense seem to be harsh and might hinder a journalist's work, especially if it involves inaccurate and abstract concepts that can be interpreted in many ways.

The said facts were confirmed by the results of the same opinion polls which showed that 49% of those questioned agree that the laws and regulations in force do not clearly define the libel and slander works and that 75% of them believe that the requirements of slander and libel mentioned in the Press Law are misused. Therefore, the said penalties often faced objections from the press corps as a whole which requires in particular that imprisonment sentences for such crimes be abolished and that the fines only be kept.

1-2-5 Confiscation of the Press Card

The Moroccan law does not give any possibility to confiscate the press card from the holder thereof, except in two events: the first is when a final judgment is pronounced, finding a journalist guilty for committing acts in breach of morality (Article 9 of the Professional Journalists Statute). The second concerns professional journalists accredited in Morocco. The administration is entitled to withdraw their accreditation card in the event where they do not practice their profession in a way that respects national sovereignty, professional code of ethics and the legislative texts in force (Article 228 of the Professional Journalists Statute). Such conditions related to the confiscation of the accreditation card remain general and could be interpreted in a way that limits the freedom of the press. Thus, the cards of many journalists were confiscated for political considerations⁵⁶.

⁵⁶ The above-mentioned case of Abdel-Salam Razzak, "al-Jazeera| correspondent.



1-2-6 Suspension and Seizure of Media Outlets

The Press Law imposes a number of penalties against media outlets. Some are related to formal procedures relating for example to the non-respect of the conditions required for publishing newspapers. Others are either related to political reasons or ethical and moral reasons, etc... The said penalties are five in number: seizure, suspension, ban, confiscation and destruction and the prohibition of broadcasting bulletins and performances.

1-2-6-1 Seizure:

According to the Moroccan Press Law, seizure concerns one issue of the newspaper. By virtue of article 77, the Interior Minister is entitled to order administrative seizure of every issue of a newspaper or a periodical that breaches the public order or offends the monarchy, Islam or territorial integrity. As a result of the arbitrary decision and the abuse of power behind the recourse to this decision, especially before the generality and the ambiguity of the actions upon which relies the right to the Minister of Interior, the law forced the latter to justify his decision. It also gave the injured party (the newspaper) the possibility to challenge the decision before the administrative court, within whose jurisdiction the headquarters of the seized newspaper is found, binding it to reach a decision on the said challenge within a maximum of 24 hours from the date of submittal of the application, meaning it added the summary characteristic to the said subject.

The same law defines three other possibilities enabling administrative authorities to resort to the said type of penalty against different newspapers and publications. In the first, the subject of the seizure is related to the issues published by a foreign newspaper before it obtained prior permission to be established inside Morocco, as provided for in Article 28 of the mentioned law. In the second, seizure concerns the issues, newspapers, and foreign publications printed outside Morocco, as well as the issues transited therefrom and banned in Morocco, deemed by the Minister of Communications (whose decision in this regard should be justified) to include offenses to Islam, the monarchy or the territorial integrity, or to include material that lacks the respect due to the King or is in breach of the public order (Article 29). The third possibility gives the judicial police the right to seize the writings, drawings, movies or carvings in breach of morals. We note that the law states the said possibility should be supervised by the public prosecution (the judiciary) until the court renders a ruling with regard thereto (Article 64).

1-2-6-2 Suspension:

Suspension means banning the newspaper for a certain period of time. Before the amendment in 2002, the Press Law gave the Interior Minister the possibility to issue an order of suspension of a newspaper, regardless of other criminal sanctions, whenever the newspaper publishes something that is offensive to the foundations and political or religious conditions of the Kingdom (Article 77). However, due to the severe objection to the said article raised by the press corps and associations for the defense of rights, an amendment was introduced, whereby the imposition of the said penalty linked to the charge of lacking the respect due to the King, princes and princesses or the offense against Islam, the monarchy, or even the territorial integrity was included in the powers of the judiciary and not the Ministry of Interior.



This law states that there is a possibility to suspend newspapers when "the newspaper incites the perpetration of crimes or felonies (...) or when it publishes false news in bad faith or breaches the public order or instigates fear among people" (Article 42). The law states that the said suspension is fixed at 3 months (Article 75).

There are other cases that lead to the suspension of a newspaper, but they are not linked to political but procedural considerations, among which are:

- Non-observance of the provisions of Article 4 of the Press Law, which binds the publishing director, in the event where the latter is a parliamentarian enjoying the immunity stipulated in Article 39 of the Constitution, to appoint an assistant publishing director within one month from the date he becomes a parliamentarian. In such case, the governmental authority in charge of communication shall serve a warning to the newspaper manager by means of a registered letter with acknowledgement of receipt. If the manager concerned continued to ignore abidance by the law, the newspaper is suspended by virtue of a governmental decree.
- Disrespect of the provision of Article 12 of the same law that oblige all the newspaper owners, companies, shareholders, creditors, financiers and other contributors to the finance of publications printed in Morocco to be of the Moroccan nationality. If the said provision is not observed, the public prosecution is entitled to order the suspension of the said newspaper permanently or temporarily.

1-2-6-3 Ban:

Banning a newspaper leads to cancellation of its right to be published. The previous Press Law gave this possibility to the Prime Minister in the event where it is believed that the newspaper breached security or the Kingdom's political or religious situation. However, if the new law kept this possibility, it kept the said possibility existent and within the jurisdiction of the judiciary and not the government, on one hand, and on the other hand, did not link it to the violation of security or the Kingdom's political or religious conditions, as the previous law stipulated, but rather to the "infringement of the respect due to the King, or prince or princesses or the offense against Islam, the monarchy or the territorial integrity" (Article 41).

In accordance with the provisions of the said law, the ban also concerns foreign newspapers that commit the mentioned felonies with a difference, namely that the ban in such event is not imposed under a court judgment but by a resolution of the Minister of Communication. This also applies to newspapers imported from abroad or supported by foreigners, defaming the sacred concepts in the country or damaging the nation's primary interests. As a result, the distribution, sale and display of such newspapers for the public or the holding thereof for sale or display for publicity is banned (Article 30).

1-2-6-4 Confiscation and Destruction:

In the event where the judicial police seizes writings, drawings or films or carvings that are in breach of morals and are exposed before the public, the Press Law gave the court the right to order the destruction of the seized material and order confiscation thereof. Yet, at the same time, it entitles the interested party to refer the matter to the administrative court in order to decide on the validity of seizure. The law does not



specify, in its new formulation, the place to keep the seized material, as did the previous law which stated that they could be deposited with State groups or warehouses.

1-2-6-5 Prohibition of broadcasting bulletins and shows:

These prohibitions concerns the bulletins and shows, violating morals or causing harm to the youth and are broadcasted and open before the public. The prime minister or the authorities, as well as the local authorities, within their jurisdiction, are authorized to impose such prohibition. In accordance with Article 66 of the Press Law, the prohibition decision should be justified.

1-3 Media Censorship

Censorship, of the two types thereof, pre and post, remained a sword pointed at journalism in Morocco for a long time, particularly the opposition press. The printing offices of many newspapers and media institutions were broken into by security forces while they were under print.

The Press and Publishing Law does not include any indication of such censorship. Yet, this did not prevent censorship from being imposed to date. The data revealed by the experts opinion poll led to the same results. 65% of those polled confirmed that both self and government censorship markedly obstruct the independence of the media. The daily "*An-Nahar al-Maghribiyya*" had complained about being subject to this practice on two occasions. On the first, it said that at the end of 2005, security forces broke into its printing office in order to exert pressure on the officers in charge of printing to obtain a copy of the newspaper before printing. On the second, its headquarters was broken into, coinciding with a long interrogation carried out by the daily with the wife of one of an Islamic activist against whom terrorism are brought⁵⁷.

In 2004, the monthly "*Point of View (Wojhat Nazar)*" magazine was subject to such a practice when its printing office was raided and 8,000 copies were destroyed before distribution, on the ground that it published a special file on the monarchy in Morocco. The file included a lecture delivered by the Prince Moulay Hisham, the King's cousin, at the French International Relations Institute on the "Family Code", as well as an article on the army in Morocco. The front page of the confiscated issue showed a picture of King Mohammed VI and his cousin. After the magazine's manager resorted to court, a ruling was pronounced compensating him for part of the loss he incurred. In another case, the weekly "*al-Baydawi*" was forced, under print, to change the cover's title, according to what has been previously mentioned in the said report.

The precedent set by the French "*Le Nouvel Observateur*" magazine in March 2006 is worth nothing in this regard. The magazine, after preparing the material of a file on Morocco, sent the said file to the Ministry of Communications, inquiring if such material would cause any problems or not.

⁵⁷ The wife of Abdel-Karim al-Majati who was one of the most wanted in terrorism cases, before being killed in clashes with Saudi security forces.



1-3-1 Official Directives

Except for a unique article in the Audio-Visual Law that obliges the public media to broadcast the royal speeches and activities, parliament sessions, as well as the notifications and speeches that the government may include the program every now and then, and to abide by the pluralistic expression of different opinions and intellectual trends (Article 48), there are no other texts that impose direct directives on the method according to which the different media should exercise their functions or on the content of what they produce. However, this does not mean that such directives are absent. But they are present through multiple techniques.

The existence of legal texts that define certain "constants" and "sacred concepts" and that impose penalties for violation thereof, can only fall within the framework of an attempt to restrict the space of freedom that the media should enjoy when tackling different topics. This is clearly obvious when the tackling by the media of the said issues trigger the reactions of the authorities. It is hard for a newspaper to publish a questionnaire or any other press material that says that "monarchy is not adequate for Morocco," or discusses the "budget of the royal court", or that gives a say to the other party regarding the conflict of the Western Desert, or when it brings up the plurality of religious sects in Morocco. In the event where a newspaper dares to embark on such adventure, it is often confronted by sanctions, or is at least attacked by part of the public media and certain members of the King's entourage⁵⁸.

The same thing is applied to other legal texts that punish everything that is published and is estimated to be contrary to the public morals and magnanimity. Such provisions render the media's discussion of issues related to sex and sexual perversion risky, and this might expose the newspaper and the journalist to sanctions at any time.

These restrictions are not only limited to the Moroccan press and the foreign press printed inside Morocco, but also to the newspapers coming in from abroad, whose entry to and distribution and publication in Morocco, may in turn, be banned, in the event where the State considers that the topics discussed in them as defaming sacred concepts, as if the foreign press too is required as well to believe in the monarchy and the Moroccan identity of the desert.

Directives to the media do not only exist through the limits set by the legal texts on how to deal with certain cases, but through other techniques as well. Since the entourage of the King controls the positions of responsibility in public media, this gives them a larger possibility to control the content of the presented media material. Therefore, "official activities are very much present in the public press product, especially in news bulletins, to the extent that the rule adopted in arranging material is not subject to the descending importance of events according to the editorial principle, known as the inverted pyramid, but the said rule is substituted by the descending importance of the persons concerned. For instance, you will never find a piece of news about the Prime Minister preceding news about the King, and nor news about a scribe preceding news about a minister⁵⁹."

Therefore, there is a lot of material prepared by a channel, but it does not find its way to broadcast⁶⁰. Moreover, many people were invited to take part in certain programs

⁵⁸ It is a paradox that some journalists, whether those in the written press or in public media are the first to attack the independent press.

⁵⁹ Abdel-Nasser Fateh: "Hail the Speech of the Leader."

⁶⁰ The latest material published by media in this regard is the ban of "Rasd" program broadcast by Channel 1 because it prepared a poll on the city of Meknes. "al-Saheefa" magazine that published the news emphasized that this was due to pressure by the governor, Hassan Orid, who supervised the



and yet, their attendance was objected to⁶¹. Journalists in the public media confirm the existence of a list of prohibited people⁶², as well as a prior agreement with powerful statesmen regarding who should be guests in talk-shows broadcast by these channels⁶³.

Such directives appear more in the Arab Morocco News Agency, where journalists report the presence of internal evidence of certain directives concerning the material produced inside the agency. Among the facts that most indicate that the said agency is subject to directives concerning its business was what happened at the end of 2005 when the agency's administration broadcast a statement attributed to a French person named Francois Claire, who as the private physician of King Mohammed V (grandfather of the current King), in which he denied that he gave statements to the weekly "*al-Ayyam*" on the "Life of Women" under the rule of the mentioned king. However, a phone call between another Moroccan weekly⁶⁴ and the mentioned physician revealed that the said doctor clung to every word of the interview that was published by "*al-Ayyam*" and led to legal action against the latter. The agency did not apologize for what it published or at least clarify what happened.

1-3-2 Self-Censorship

Faced with the constraints that the opposition media and the independent media remained subject to in the previous periods, and to avoid the control that the authorities were exercising in this regard, self-censorship prevailed among journalists and in media institutions alike. The Press usually avoided direct criticism of anything related to the monarchy and its activities, preferring instead the language of signs and addressing criticism through the Minister of Interior, who remained the channel of direct contact with the King in the Moroccan political life.

If certain media institutions, especially independent newspapers, went far in canceling such type of censorship, this does not mean the total disappearance thereof. The Public media, of all forms, still subject themselves to terms of reference that specify people and topics that should not be covered by reports or discussed. One cannot imagine that in this type of media there could be material that criticizes any governmental official. Nor can it be perceived that there could be anything broadcast which carries critical assessment of the King's or government's work. Even when the

administration of the city, and was considered among the King's friends during school days. Before that, he was the King's official spokesman.

⁶¹ It is sufficient to mention in this regard the case of journalist Ahmed Bouz, the editorial secretary of "*al-Saheefa*" newspaper who was prohibited from taking part in the programs of Channel 2 on two occasions. The first in 2002 when he was invited to take part in the program "the Press has an opinion". The second was in 2006, when he was invited to participate in the program "Live With You". Every time he was told that the news director in this channel objected to his attendance,

⁶² For example, there are popular figures in the media or in the legal or political circles who never took part in the programs of public media channels, such as Abu Bakr al-Jamei, director of "Le Journal", Ali al-Murabit, director of the suspended "Demain", Mohammed Hafiz, director of "*al-Saheefa*", Ahmed Rida Bin Shamsi, director of "Tel Qu'il" magazine, Abdel-Hamid Amin, president of the Moroccan Human Rights Association, Mohammed Sasi, secretary-general of the Unified Socialist Party, Ahmed Binjaloun and Abdel-Rahman Bin Amro, secretary-general and deputy secretary-general of "*taleea*" Party respectively, as well as the artist Ahmed al-Sannousi who was forbidden to appear in the public media since 1986.

⁶³ The most obvious case is related to the program "Dialogue" broadcast by Channel 1.

⁶⁴ Magazine "*al-Saheefa*" interviewed the mentioned doctor on December 12, 2005.



participation of certain journalists, or the activities of the civil society or rights defense or political associations, that keep their distance from the State's official choice is, in some programs, considered as an exception to the rule, their tackling of the topics they are invited to discuss are often well-planned, either because program editors want to avoid certain problems or avoid the possibility of not inviting them again to participate. In fact, certain journalists were arrested, just because they invited a certain person⁶⁵ or because another person said something that officials did not like in one of the programs⁶⁶.

1-4 Media, Governmental and Non-governmental Influences

1-4-1 Independence of the Media

Data revealed by an opinion poll of Moroccan experts on the subject indicate that a large percentage of those polled believe that the media is subject to the influence of the government (70%), political groups (58%) and advertisers (82%). The said percentages reflect a large aspect of the data gathered during preparation of this report. In fact, there is more than one indicator that shows to what extent the State exerted pressure on the media, and how such pressure was prepared by more than one means. Journalists were detained, newspapers were banned. In following periods, other methods were developed, mainly the economic blockade (control of distribution of advertisements), before heavy financial fines became another method used in this regard. However, the new thing about these pressures was that they became associated with other religious, political and even civil parties, although they were imposed by the State in the past.

The following facts are a proof of the foregoing:

- The adverse publicity in the Moroccan media and the call for the boycott of certain newspapers by Islamic organizations that criticize them⁶⁷.
- Protests that were organized against some media institutions, as those organized in 2005 by the Justice and Development (an Islamic Party) against Channel 2, to protest the bias of this channel against the party. Another example is the protest organized during the same year by civil associations and even journalists against the "*al-Tajdeed*" (The Renewal) newspaper, the official mouthpiece of the said party, for publishing an article whose author which considered the Tsunami as God's rage.
- Some media outlets and journalists received suspicious packages⁶⁸ and threat letters⁶⁹, while others were confronted with violent statements against them⁷⁰.

⁶⁵ In the early 90's, journalist Anas Bou Slamti was arrested by Channel 2 for interviewing the Iraqi Ambassador. At that time, Iraq was being attacked by the international coalition following the occupation of Kuwait.

⁶⁶ Malika Malik, a journalist in Channel 2, was also arrested in 1997 after journalist Hassan Najmi, who was the host of the program "*Wajh wa Hadath*" which she supervises. She criticized the Minister of Interior at the time, accusing him of rigging elections.

⁶⁷ "*al-Ahdath al-Maghribiyya*" (Moroccan Events) newspaper and "*Sawt an-Nas*" (People's Voice) newspaper.

⁶⁸ This is related to "*al-Ahdath al-Maghribiyya*" events.

⁶⁹ This is related to Channel 2 and researcher Said Kahl who writes in "*al-Ahdath al-Maghribiyya*", which severely criticize Islamists.



- The "citizenship call" launched by civil activists, politicians and journalists, some of whom were close to the King's entourage, constituted another incident that revealed the presence of part of the public opinion in the pressure exerted on the press. The call addressed explicit and blatant criticism against what he called the press that disrupts the "New Era" and hinders the process of "Democratic Transition", before this call turns into an independent association founded on the same criticism. One of the leaders of the said call, who will become the president of the association, discussed in one of his statements the techniques that could be used to face the said press, including the possibility of those newspapers being returned via mail to their headquarters as a form of protest and rejection of the topics they tackle.
- Always in the context of such type of pressures, the individuals taking legal action against newspapers is a new phenomenon in Morocco. The large number of cases filed, the nature of the parties filing them⁷¹, and the nature of topics for which lawsuits are filed⁷², as well as the judgments pronounced later and the quality of the newspapers targeted by such lawsuits (independent newspapers) are all elements which, as verified by the media circles, were part of the pressures exerted on the independence of newspapers and freedom of the press.
- Two other incidents can be added here. The first is related to the protests that were called for by political organizations and syndicates in the city of Maysour at the beginning of 2006 against what was published by "*al-Saheefa al-Maghribiyya*" magazine, in that the late King Hassan II used to describe that city as the "capital of donkeys". The said organizations and syndicates threatened to take legal action against the mentioned magazine, before the city's representative in the Parliament raised the issue in the context of an oral question. They were protests that were clearly aimed at exerting pressure on the newspaper to shut it down.

In the second incident, the temporary National Council of the Veterans of the Resistance and Liberation Army wanted to join as a civil party in the case against the weekly "*al-Ayyam*" filed with regard to "Women of the Royal Palace".

1-4-2 Media and Economic Stability

If we leave aside the public media that is funded by the State, and whose continuity is guaranteed by the latter, the other media, particularly the written press, is currently facing major difficulties. Many newspapers and magazines are threatened by closure at any moment. This is due to two reasons: the first relates to the drop in the sales of Moroccan newspapers in general, with the sales of the largest Moroccan newspaper not exceeding 60,000 copies a day. The second concerns the recession of the advertising market, especially its mal-distribution, and its dependency on political considerations rather than the logic of the market. This is indicated by the placing of advertisements in the French-speaking press more than the Arab press, and the newspapers that are reconciled with the government and approved of its choices more than those that adopt a critical editorial line. This helps powerful statesmen to control most economic institutions and major ones in particular, which renders the

⁷⁰ Mohammed al-Fizazi, a sheikh of the *jihadi* salafi organization who was detained after May 16 events, stated that if the perpetrators of May 16 events wanted to target the freedom of speech, they would have blown the "Socialist Union" newspaper and Channel 2.

⁷¹ Justice Ministry and other people close to the authorities.

⁷² The desert in the cases of Ali al-Murabit and "Le Journal", and "Women of the Royal Palace" in the case of "*al-Ayyam*".



advertisement a political weapon used to punish the media outlets believed to be a dissenting voice.

Figures revealed by a study⁷³, recently conducted on the market of the press in Morocco, reflect this reality. For instance, they indicate that if the percentage of advertisement represented 80% of the total income of some newspapers, they, on the one hand, do not exceed 0.6% of the total national income. On the other hand, the lion's share goes to major media institutions (21%), followed by the press in second place, then the television. On the third hand, the francophone press benefits from advertisements, while the Arab press, which accounts for 75% of sales of the written press, gets 30% of the advertising income.

As a result of the debate over the distribution of advertisements in Morocco, this issue was an item on the agenda of the negotiations between the ministry in charge of the media sector and the Moroccan Federation for Newspaper Publishers, before being included in the "contract-program" concluded between the two. The said contract stipulates that the Ministry of Communications shall draw up an action plan to encourage advertising in the written press by helping newspaper the amounts due to them by public institutions for the publication of administrative advertisements, and setting efficient and prompt procedures to pay the price of administrative advertisements, reviewing the prices thereof in the written press to increase it, as well as monitoring the advertisement market in terms of prices, especially in the written press and the audio-visual media, preserving the market share of the written press, putting an end to the free public or low-price advertisements in the written press and monitoring the fair distribution of administrative advertisements among journalistic institutions. However, the said procedures are still ink on paper. Moreover, the setting up of the office for the verification of newspapers circulation has still not achieved the intended results.

Whereas party newspapers guaranteed their financial balance through the financial aid provided by the State, whether the aid received from the prime minister in the form of an annual financial cover that comes as part of the subsidies allocated for political parties, syndicates and the national press, or that provided by the Ministry of Communications in the form of a compensation for certain expenses⁷⁴, the independent press remained deprived of these subsidies.

This situation only changed after 2005 when the national debate on the media was an occasion to launch two initiatives in this direction. Through the first initiative, King Mohammed VI announced an increase in the financial cover to support newspapers from Dirhams 200,000.000 to Dirhams five million. The second consisted in the signature of the aforementioned "contract-program", by virtue of which all newspapers, including the independent press, could obtain the said support if they abided by certain terms of reference. According to the terms of reference, the newspaper or the media outlet should enjoy a sound status vis-à-vis the laws in force. They should also be subject to the Moroccan Corporate Law and have a general national and regional news character. Moreover, the space allocated for advertisements should not exceed half of the newspaper as an annual average. The media outlet should be addressed to the public. It shall sign the collective agreement

⁷³ Robert Asraf: "Press in all its types", "Jeune Afrique Intelligent" magazine in the issue of November 20, 2005.

⁷⁴ This support consists in covering the expenses of 25% of price of paper, 50% of the expenses of four telephone lines, free subscription to the Arab Morocco News Agency, and free transportation of a certain quantity of the newspapers distributed abroad.



and employ at least 5 (weeklies) and 8 journalists (dailies). Furthermore, the issues shall be published regularly and the operational accounts should be published annually, in addition to the sales of every issue.

This new procedure of distribution of subsidies did not, on the one hand, put restrictions on the privileged status of the party press which continued to benefit from two types of subsidies: one which falls with the framework of supporting parties, and the other which benefits all the newspapers. On the other hand, the said procedure did not rely on the level of the circulation and sales of the newspapers to distribute the said subsidies.

Moreover, the first experiment of distribution of subsidies within the framework of these new standards triggered some remarks. Some of these newspapers received the subsidies without having fulfilled the required conditions⁷⁵. Others obtained subsidies though they are the property of foreigners⁷⁶.

1-5 Personal Independence of Journalists

1-5-1 Control of Content

The data revealed by the opinion poll shows that 51% of those polled believe that journalists control the contents of their articles. The said percentage reveals the weakness of the personal independence of the journalists exercising their profession. We also note that the said journalists differ in this regard from those working in the public media and those of the written press. In the latter, they differ in terms of those working in the independent press and those working with a party newspaper or the pro-government press. With respect to the first type of journalists (those working in the public media), their control over their agenda and their editorial standpoints is relatively limited. They are found in a status that resembles that of a civil servant, where the hierarchy is strict, and where entry to and exit from the company requires the signature of the attendance sheets. There were many journalists, whether in Channel 1 or Channel 2 or at the Arab Morocco News Agency, who expressed their discomfort and their complaints vis-à-vis this situation while they were interviewed during the preparation of this report.

Things are not much different for journalists working in a party newspaper. Their editorial standpoints are often not those discussed during the editorial meetings, but are imposed by the orientations or choices of the party, especially if the supervisors of positions of responsibility in these newspapers, are, with no exception, members of the political bureaus or central committees of the parties that publish those newspapers⁷⁷.

The situation is very different with respect to the independent press. Most of the newspapers leave a wide margin for the movement of their journalists, whether in terms of organization of their work or the nature of the topics tackled. Most of the times, it is enough to inform the editor-in-chief and sometimes raise the subject during the editorial meeting and discuss it with the other journalists. The editorial standpoints of journalists in such type of press are generally marked by total independence from

⁷⁵ This is related to some party newspapers that are not subject to the conditions imposed by the "contract-program" agreement, and yet, they benefited from the subsidies based on another standard set by the Ministry of Communications and is related to encouraging pluralism.

⁷⁶ The group of "Maroc Soir" newspaper.

⁷⁷ There is no partisan newspaper whose supervisor is not a leading member in the party publishing it.



official choices and the influence of other political parties. Actually, they are usually in contradiction with such choices and provoke such parties.

Inside the independent press, there are exceptions whereby a journalist's personal independence is relatively chained. In some of these newspapers, the remnants of the resistance press still exist, either due to former or current belonging of some of its supervisors or founders to political parties and their previous work in the media institutions thereof. In some of the said newspapers, journalists are forbidden, for instance, to interview activists from Islamic groups. In other pro-government newspapers, the editorial standpoints of the journalists are much influenced by such closeness to the government⁷⁸.

1-5-2 Freedom of the Movement of Journalists

In general, no restrictions are imposed on the movements of Moroccan journalists. The facts confirm that. The complaints of journalist Ali al-Mourabit about harassments that he was subject to while performing his duties are an exception to this rule. This Moroccan journalist, whose three newspapers (Demain Magazine, Demain in Arabic and Demain in French) were banned, and who spent months in jail before a judgment was pronounced, prohibiting him from writing for 10 years, disclosed for a number of newspapers recordings of security men who tracked his movements when he was a correspondent for the Spanish daily "Il Mondo" in areas of the Moroccan South.

With regard to foreign journalists, many facts were registered in the past few years revealing the harassments they were subject to. For instance, the journalist Jean Pierre Toquoi at the French daily "Le Monde" had already told Moroccan newspapers during 2006 that he was prohibited from entering Morocco⁷⁹, saying that the Moroccan authorities were not happy with the articles he wrote about Morocco, especially his two banned books: "Last of the Kings", in which he gave details about the King's private life and how the royal family is running the country, and "Your Majesty the King: I Owe Your Father A Lot", which reveals the hidden secrets of the Moroccan-French relations.

Other French journalists were subject to harassments in Morocco, like the expulsion of Claude Govenille, the manager of the French News Agency Bureau during the past few years because of a story reported by the news agency on issues relating to Morocco. Another example is Joseph Tial who was accompanied by a team from France 2 channel where he works, while visiting a place where one of the most popular secret jails (Tazmamart) once stood under the late King Hassan II.

In the same context, more than one Spanish journalist complained about the harassments that they were subject to when they tried to visit the desert areas disputed between Morocco and the Algerian-backed Polissario Front.

1-5-3 Press and Judicial Verdicts

The lawsuits against newspapers and the subsequent judgments remain the most controversial issue in the Moroccan media. In 2005 alone, 28 press-related cases were filed before the Moroccan courts, six of which were automatically activated by the

⁷⁸ Such as "Aujourd'hui Le Maroc", "La Vie Economique", "Maroc Soir" group, and "Maroc Hebdo".

⁷⁹ See the interview with "*al-Saheefa al-Maghribiyya*" magazine in its issue No.25 of March 10, 2006.



public prosecution (the Ministry of Justice) and six others were direct complaints filed by individuals to the president of the court. Moreover, 16 cases were filed by individuals in the form of complaints to the public prosecution. Of the total number of the said cases, three saw imprisonment sentences with stay of execution and a fine; and five others saw the imposition of fines. The public prosecution reserved two complaints, and thus, 18 cases remain under investigation before the judicial police⁸⁰. During 2004, the number of journalists against whom charges were pressed was 33, accused of 29 felonies, 24 of which were related to slander and libel. The remaining cases were related to forgery, insulting an employee while he performed his duties and publishing of erroneous information⁸¹.

During 2003, the media witnessed around 40 cases of felonies, against 49 journalists, 99% of which were related to slander and libel, and the rest to violations of non-publication of the right to respond, fraud and forgery⁸².

What is interesting about the said trials is not their number but the way the courts dealt with them. In more than one case, whether those related to public affairs (sacred things) or those related to slander and libel, the credibility and the integrity of the judiciary remained in the dock. Lawyers of some newspapers withdrew from the trial sessions, protesting about the proceedings thereof⁸³. Journalists and the National Press Union protested against the proceedings of the said trials. No ruling was rendered in favor of the press in any of the cases to which the latter was party. Even in the case of "*Wojhat Nazar*" (Point of View) magazine, which was the only exception, as previously mentioned, the judgment was not completely fair, for the compensation amount awarded to it was not equal to the volume of loss it incurred⁸⁴. The opinion poll confirmed these facts: 52% of those polled considered that the journalists were subject to arbitrary criminal legal action.

Courts and judges alike are subject to the authority of the Minister of Justice. The latter heads the public prosecution that triggers lawsuits. He also presides, on behalf of the King, over the Higher Judicial Council, which runs everything relating to the social status of judges. Hence, their independence and integrity are the most controversial in these trials.

There are other provisions that render the judicial apparatus subject to the government authorities, mainly those that "entitle the Minister of Justice to arrest the judge, as he may deem suitable before referring him to the disciplinary council and the Higher Judicial Council"⁸⁵, and entitle him to prepare the judges' promotion list and, pursuant to Article 48 of the Law of Criminal Procedure, to issue orders to the public prosecution to initiate criminal proceedings and give the latter orders and directives to file before the courts or the competent court any requests that it deems appropriate.

1-5-4 Physical and Economic Protection

⁸⁰ Statement of the Minister of Justice to the daily "*al-Sabah*" (Morning) on January 6, 2006.

⁸¹ Report of the Ministry of Communications of 2004 on press.

⁸² Same reference.

⁸³ During the trial of "*Le Journal*" in the case of the European Information Center's report on the Polisario Front, the lawyers of the Center withdrew due to the non-response of the Court of First Instance to the witnesses who were summoned.

⁸⁴ According to the interview with Abdel-Latif Hosni, the magazine's director, with "*al-Saheefa*" in Issue No.29 of April 7, 2006.

⁸⁵ Abdel-Rahman Bin Amro: "Media and Judicial Authority in Morocco", proceedings of the international debate on "Media and Reality", Rabat on March 1, 2, 3, 2002, p.42.



Whether in the past or today, there were no assassinations, abduction or taking of journalists as hostages. However, this does not mean the absence of harassments against a number of them. In many cases, journalists were subject to inspection, surveillance or property confiscation.

Whereas such practices are not common anymore, some of the reported cases revealed that harassments were ongoing. The case of journalist Ali al-Murabit, mentioned above in this report, is an example, but is not the only case. During April 2006, the director of the International Agency for Communications and the Press complained that his camera was confiscated by bodyguards of King Mohammed VI, while he was taking a picture of the King in his car parked in a street in Casablanca. The National Union for the Moroccan Press, in its report on the occasion of the World Freedom of Speech Day (March 3, 2006), mentioned other examples of constraints on the freedom of the press, the most serious being the aggression or harassment against a number of correspondents, by authorities, or elected members or anonymous individuals who have interests or may belong to local mafias, without being provided with any security protection. The headquarters of "Here and Now" (*Houna wal An*) magazine based in Wirzazat, were set on fire on the eve of June 22, 2005, after the magazine director was summoned by the royal police, according to the annual report on the freedom of the press published by the National Union for the Moroccan Press on May 3, 2006.

1-5-5 Civil Society Organizations and Protection of Journalists:

Although the Moroccan society is fragile, with weak capabilities, and part thereof is infiltrated by the State and the other is linked to political parties taking part in the government, this does not mean that violations related to the press are reflected in the civil society. Some of the rights defense organizations in Morocco, especially the Moroccan Human Rights Association and the Moroccan Human Rights Organization are an example in this regard. In every case against journalists or newspapers, such organizations and associations issued statements denouncing the harassments against newspapers. Sometimes, such organizations staged protests in the streets to condemn violations of freedoms. The protest that was called by the Moroccan Human Rights Association on February 23, 2006, parallel to the beginning of the trial of the weekly "*al-Ayyam*" is an example in this regard. There were other rallies organized by human rights activists. In the protest called by "*Tel Qu'il*" magazine, following a harsh court judgment against it in a case to which a female member of parliament was also party, human activists were strongly present. This was also the case when another magazine "*Le Journal*" organized a press conference after the Ministry of Interior confronted it and after a judgment was pronounced against it in the case of the European Information and Security Center's report on the Polissario Front. In this latter case, the Moroccan Human Rights Organization, in a first-of-a-kind initiative, filed a complaint to the Supreme Audio-Visual Commission related to its manner of dealing with the public media, especially Channel 2, and organized a protest in front of the mentioned magazine.

When the director of the two weeklies "*Le Journal*" and "*al-Saheefa al-Jadeedah*" banned at the end of 2000 went on a hunger strike, protesting against being denied a license to publish other publications, some right activists expressed readiness to go on a hunger strike with him, which was noteworthy.



The support shown to newspapers subject to pressures is not limited to the civil society in the narrow sense, but the concept of the latter expands to include other bodies. The leftist groups that are not participating in the government supported the said newspapers. They did not content themselves with issuing solidarity statements but were keen more than once on attending protests that were organized then.

The most recent events witnessed the participation of two parliamentarians and leaders from the Unified Socialist Party and two others from the Socialist Democratic Talee'aa Party, the Democratic Methodology and the Federal National Conference in the "Tel Qu'il" protest was noteworthy. The same thing recurred in a press conference organized by "Le Journal Hebdomadaire".

Similarly, the protests launched by local organizations in the city of Maysour to support "*al-Saheefa al-Maghribiyya*" magazine as a result of pressures that other groups related to parties in the government tried to exert on the magazine, as aforementioned, constituted a unique case in terms of the role that the civil society could play to protect the freedom of the press.

Due to the influence resulting from the support given by the "civil society", especially the associations for the defense of rights, to the cases of the press and journalists, as well as the protection ensured by such support to journalism, the State sought to establish its own civil society whose priority is to rein in the press. This is represented by the filing by a member in a rights defense association set up in desert areas of a court case against the journalist Ali al-Murabit because he stated in an interview with a Moroccan weekly that the refugees in the Tandof camps were not detained by the Polissario Front as Moroccan officials would always repeat. The said journalist reached this conclusion after examining the situation of those people inside the camps. He had returned from there after interviewing the leader of the Front, Mohammed Abdel-Aziz for the Spanish "Il Mondo". Hence, this "rights defense association"- contrary to the requirements of its work- turned from an organization in defense of freedom to an organization to repress freedom.

The manner of establishment of the above-mentioned "citizenship call", followed by that of an association that bore the same name, along with the standpoints against press, is proof of the role that the civil society is required to play in issues relating to freedom in general, and the freedom of the press in particular.

2- Integrity

2-1 Ethics of the Profession

A major question is raised today by journalistic practice in Morocco concerning the extent to which one could reconcile between observance of the code of ethics of the profession and the respect of the principle of the freedom of the press. If freedom, as stated by the secretary-general of the National Union for the Moroccan Press⁸⁶, is a fundamental principle, and the freedom of press is the real and actual embodiment of

⁸⁶ Younes Mujahid: "Rules, Ethics and Freedom of Press in Morocco", proceedings of the international debate on "Media and Reality", Rabat on March 1, 2, 3, 2002.



the principle of the freedom of speech, responsibility is still a matter of debate; i.e. how is this freedom practiced with responsibility?

Based on this question, and in light of the absence of a legal text relative to the code of ethics of the profession until the mid-90's, the mentioned union tried to gather some interpretative judgments in this regard. At its second general conference held in 1993, "it sought to establish a committee for the ethnics of the profession, comprising prominent media figures, with the task of supervising the code of honor adopted by the union ever since that date"⁸⁷. In order to promote the status of journalism and to preserve its dignity, the union included the code of honor in the membership card for perusal and for confirming the commitment of the member to the observance thereof. Hence, membership of the union became an obligation for observance of this code⁸⁸.

The national debate on media and communications in 1993 was an occasion to bring up the discussion on the ethical controls of the profession. "Following the third national general conference held in 1996, which imposed the respect of the profession's ethics and the improvement of the journalists' status as a condition for development of the profession, the union established a special committee concerned with the ethics of the profession, entrusted with the task of examining the incessant flow of complaints of practices violating the integrity of the profession"⁸⁹.

The promulgation of the press law in 1995 was a step forward in the track that the discussion on this subject. It stipulated in Article 7 that "the press card committee shall be in charge of regulating the principles that the ethics of the profession should be based on", before the Ministry of Communications reinforced the provisions of the said provision by initiating a discussion with the union concerned. This was crowned with a joint study day in 2000, during which the union requested that the mentioned article (Article 7) be crossed out from the said law, basing the said request on the fact that the code of ethics and regulations of journalism should be the business of journalists.

Through this attitude, the union feared that if the Press Card committee, which is related to the ministry, prepared these regulations, this might lead to exploiting them to limit the freedom of the press or to apply the said regulations in an improper manner.

Another development took place in the discussion on the profession's ethics. The "first workshop of contemplation of the ethics of the journalism profession in Morocco", was organized by the union in cooperation with the German Frederick Hebert Institution. Pursuant to the workshop's recommendations, a final text was prepared in relation to the establishment of the "National Independent Commission for the ethics of the profession and the freedom of speech", which is composed of journalists, publishers, civil society representatives, and is headed by a prominent human rights figure⁹⁰. This is in addition to the preparation of the code of ethics of the profession.

In another development in this regard, the Press Law amended in 2002 stipulated for the necessity to practice the freedom of the press within the framework of the ethics of the profession, and the necessity for the media to report news honestly and sincerely.

⁸⁷ Jamal al-Muhafez: "Ethics of Journalism in Morocco", proceedings of the international debate on "Media and Reality", Rabat on March 1, 2, 3, 2002.

⁸⁸ Same reference.

⁸⁹ Same reference.

⁹⁰ This is related to former Minister of Justice, Mohammed al-Alami al-Mashish.



The latest development in this regard was the collective agreement for professional journalists which stipulated that non-observance by a journalist of the ethics of the profession, especially if he takes part in bribery or refuses to carry out the tasks that fall within the nature of his competencies, shall be considered as punishable gross errors. The agreement also binds journalistic institutions to adopt codes of honor or provisions concerning the ethics of the profession ratified by professional organizations.

2-1-1 Becoming a Professional Journalist

The National Union for the Moroccan Press summarizes the ethics of journalism in nine fundamental principles as follows:

- 1- A journalist derives the elements of the integrity of the profession from the universal principles of the freedom of speech and human rights;
- 2- He shall commit to look for facts and inform the public opinion about them with honesty and loyalty, as a sign of respect of the citizen's right to information;
- 3- He shall undertake to observe the sources of news he reports and shall not plagiarize news and articles;
- 4- He shall abstain from mixing up between journalistic work and advertisement;
- 5- He shall avoid defamation and slander;
- 6- He shall respect the plurality of opinion;
- 7- He shall refuse any professional intervention and any temptation that violates the 'ethics of the profession';
- 8- He shall support his colleagues in lawsuits resulting from practicing the profession with integrity;
- 9- He shall defend the dignity of a journalist against all forms of exploitation and deceit.

If certain newspapers and certain journalists are keen on respecting and defending these rules, other newspapers and journalists often ignore them. The "Yellow Press", as called in the past, was the most accused of violations on this level, but was not alone, because "respectable" newspapers adopted such practices sometimes.

In this regard, the annual reports, prepared by the National Union for the Moroccan Press on the situation of the press and journalists in Morocco, present many examples on such practices, such as "piracy, not mentioning the source, rumors and non-respect of right to reply, defamation, slander and libel, confusion, blackmail and acceptance of bribery, mixing-up between news and advertisement, settlement of personal problems among the journalists themselves and between journalists and others"⁹¹.

The experience of the ethics of the profession committee which preceded the "National Independent Commission for the Ethics of the Profession and the Freedom of Speech", reveals that most complaints were related to journalists, the non-respect of sources of news and plagiarising of the articles and news of others, and the adoption of articles by journalists who just translated them⁹². According to a study prepared by a member in the national office of the mentioned union⁹³, the same experience shows that press photographers remain the category most harmed in this

⁹¹ Jamal al-Muhafez: "Ethics of Journalism in Morocco", previously mentioned reference.

⁹² Same reference.

⁹³ Same reference.



profession, as their efforts remain unknown, and their moral and intellectual property rights are not reserved most of the times.

Furthermore, the study indicates that rumors are still heavily prevalent among professionals. They do not affect only the "Sidewalk Press" but go beyond it to affect the press that should stand up against such type of practices. The study confirms that "the yellow press is a special example of moral degradation. Certain tabloids specialized in political blackmail and start-up of battles, virtual at times and marginal at others; while others were devoted to crimes and offense against the dignity of citizens, men, women and children alike, supporting its published stories with colored photos."

The cases which the study says the union has examples of include racial discrimination⁹⁴, the restructuring of some statements and interviews (for example the aforementioned case of the artist Omar Sayyed), the use of headlines that are not related in any way to the content and bribery...

We can add to that the exploitation of certain circumstances to obtain confessions from certain people. What Channel 2 did during 2005 in one of the prisons is a remarkable example on that. When detainees from the desert area went on a hunger strike, a team of journalists of the said channel, and in agreement with the prison management, installed a hidden camera inside the prison to record the conversations of the prisoners. The channel broadcast a report from inside the prison that included statements obtained from those prisoners by manipulation. The purpose behind this report was to show that what the hunger strikers claimed about their being forced to go on such strike was not true. This practice was not only a blatant violation of the ethics of the profession but also of the Moroccan law that bans the publication of prisoners' photos without their permission.

2-1-2 Fighting Corruption

The Press Law does not include any provision relating to fighting bribery in the media. However, the criminal code, implemented in this case, considers bribery a crime. The Collective Agreement for Professional Journalists considers non-observance of these ethics (especially in cases of bribery) as severe errors that should be punished (Article 14).

This practice is common in the media, and is brought up especially in sports press and among local correspondents. The opinion poll revealed the said facts: 52% of those polled said that journalists are prone to accepting bribes. The said practice takes many forms. Sometimes a sum of money is directly offered to certain journalists. At other times, services are offered to them, such as recruiting relatives, or providing facilities related to lodging or vacations...

Proving bribery is difficult because the practice is usually carried out in complete secrecy between the briber and the bribed. However, some cases did come to light. In 2002, more than one Moroccan newspaper published a list of correspondents in the city of al-Jadeedah whom local authorities provided with services (finding jobs for their relatives). The said list was prepared by a branch of the Moroccan Association for Unemployed Graduates which considered that its members were more deserving of the said positions. However, the law was not enforced to combat such practice nor

⁹⁴ "al-Shamal" regional newspaper, in one of the issues of 2005, described African immigrants that emigrate to Morocco, in an attempt to have access to Europe, as "Black Locusts", triggering reactions in the Moroccan media, before its publishing director apologized, considering that as an unintentional error.



did the media institutions that employ the said correspondents, some of whom belonged to independent press, arrest them.

In 2005, a weekly newspaper⁹⁵ published a story on bribes that the General Mutual Corporation used to give to certain journalists. The story included a document signed by a reporter with a daily newspaper⁹⁶, and proving that he received bribes. However, in this case, the institution where the journalist was employed fired him.

In other cases, a number of journalists with more than one media institution complained about bribery attempts against them. A journalist in a weekly newspaper⁹⁷ accused Mohammed Arshan, a parliamentarian and secretary-general of the Democratic Social Movement Party, of trying to bribe him. In the same weekly, another journalist gave a statement regarding an attempt to bribe her⁹⁸. In another weekly, another journalist⁹⁹ stated that he was subject to a bribery attempt from businessmen and a member of a political party who was nominated for the head of the city council of Sella, which is close to the capital city of Rabat¹⁰⁰. The last testimony submitted to date is that given by a journalist¹⁰¹ against Mohammed al-Mansouri, Minister of Labor and Social Affairs, and a leading member of the Popular Movement Party.

In addition, a rumor circulated that the former Minister of Interior used to offer presents to officials of certain newspapers and to journalists on some occasions.

2-1-3 Discrimination in Recruiting Journalists

The Constitution gives the right to employment to all Moroccans without any exception (Article 13), and does not discriminate at all in this regard, neither on the basis of sex, religion or color. Although one of its articles (Article 8) does not make women equal to men except in political rights, women, civil and political groups continued requesting the amendment of this article in such way as to promote gender equality in all rights. On the practical level, no discriminatory practices are registered, as women are found side by side with men in this field. The very low number of female journalists practicing this profession (468 journalists) compared to that of male journalists is not due to discriminatory considerations in the selection of journalists in media institutions, but may be originally due to the fact that women are not very much attracted to this profession. The number of women in the written press is higher than that of women in the audio-visual media.

2-1-4 Selection and Promotion of Journalists

There are no special regulations that determine the criteria for selection of journalists. This selection is left to the assessment of media institutions. The methodology of selecting journalists in many media outlets gives a clear idea about the criteria for such selection.

⁹⁵ "al-Saheefa al-Maghribiyya" in its issue published on September 16, 2005.

⁹⁶ This is related to the French-speaking daily "Le Matin".

⁹⁷ This is related to journalist Anas Mazour.

⁹⁸ This is related to journalist Mariam Makrim.

⁹⁹ This is related to journalist Hassan Awwad who works at "al-Saheefa al-Maghribiyya" magazine.

¹⁰⁰ This is related to Mohammed Awwad from Independence Party.

¹⁰¹ This is related to journalist Mohammed Taha from the weekly "al-Osbooiyya al-Jadeedah".



In some outlets, the formation standards, i.e. graduation from private institutes are very important. In other institutions, other criteria are taken into consideration, including private, and sometimes family relationships, membership of the party with respect to party-related press, as well as the effort to ensure jobs for the unemployed. At other times, concern with selecting young candidates was a determining factor in this process. In certain journalistic experiments, the fear of not earning good salaries is also present. In the past few years, some media institutions were keen on organizing exams to select journalists.

The degree of reliance on any criterion to select journalists depends on whether the media institution is public or private. In the first event, political considerations prevail over the criteria of efficiency and specialization. This is the same conclusion reached by the opinion poll which showed that 63% of those polled believe that this factor is present in the selected journalists. In private contracts, political considerations do exist but are limited, as confirmed by the opinion poll which showed that 59% of those polled maintain that private institutions do not attach any importance to political considerations when selecting journalists. Since journalists working at media institutions are subject to the provisions of the Labor Code, the stipulation of the said law regarding this point is still applied in theory. In practice, these provisions remained “ink on paper”. The National Union for the Moroccan Press continued to request media institutions to adopt a collective agreement that determines a framework for the regulation of employment relationships between the media institutions and professional journalists, but was always opposed by the owners of these institutions. The union continued its efforts in this regard, before crowning them with the signature of this agreement with the Moroccan Federation for Newspaper Publishers at the end of 2005, under the supervision of the Ministry of Communications, even if most of the press institutions have not signed them yet.

With respect to promotion, this agreement obliges every media institution to prepare a categorization chart for professional journalists, according to its needs and employees, allowing promotion inside the institution's ranks. The rank of journalists is determined according to objective standards set in advance and taking particularly into account basic training, acquired professional competence, productivity, professional experience, saturation with the culture, values and interests of the institution, as well as seniority. By virtue of this agreement, promotion is a reward according to an objective appraisal of professional commitment, efficiency, productivity, maturity and professional qualifications of the journalist.

The agreement indicates the necessity of establishing a bilateral joint committee by December 2006. The committee shall include representatives from the National Union for the Moroccan Press and the Moroccan Federation for Newspaper Publishers. It shall be in charge of setting the basic elements of a fair network of reference that defines the different professional frameworks of journalists and ladder of promotion according to the standards that should be adopted by all media institutions which are members of the mentioned federation.

2-2 Diversity of the Media

2-2-1 Diversity of Ownership

Except for the audio-visual media that remained subject to State monopoly until 2006, the ownership of media remains diverse. The public sector (the State), possesses TV



channels, radio stations and newspapers. As for the private sector, it is strongly present in the press. In addition to these two sectors, political parties and professional unions, as well as some associations have their own newspapers. This sector is heading towards more pluralism, parallel to the coming of the liberalization of the audio-visual sector into force, as clarified in details in other parts of this report.

2-2-2 Pluralistic Media

Moroccan journalism is known as being more participatory and less investigative. This issue is considered as the remnants of the struggling Moroccan press at present. However, this does not mean that there is no diverse journalism that includes different known types of journalism.

If the margin of freedom left to a journalist in the public media and his weak training did not help guarantee the existence of all of these types, some public media channels have, on the other hand, developed their business in this regard. In Channel 2, in particular, important stories are covered, sometimes with complete professionalism. In this regard, it is sufficient to mention the work carried out by "*al-Zawiya al-Kubra*" or "*Tahqeeq*" or "*Moukhtafoun*" programs... As for the press, significant steps have been made.

Pluralism in the Moroccan media exists through openness to different opinions. However, this is done with a less degree in the public media. As previously mentioned, some opinions remain repressed, especially those adopting choices that oppose official directives. Specified persons were affected by the sword of unannounced ban. The Moroccan radio station, compared to other public media, oversteps objections against certain opinions and certain individuals. It is unknown if this is due to the limited impact of radio on the adaptation of the public opinion, in comparison with the impact of TV, or for other reasons.

As a result of the discussion that this topic triggered in the Moroccan media, the electoral law imposed the respect of the diversity of opinion during elections, allocating specific times for the intervention of political parties to promote their electoral programs and their candidates. However, on this level too, the law fell short of guaranteeing all opinions, as the parties boycotting elections were denied this right. Openness to different opinions was reinforced by the decree that established the Supreme Audio-Visual Commission vested in the commission the power to monitor the abidance by diversity in speech for intellectual and opinion movements, especially when it has to do with the political media, whether by the private sector or the public sector for the audio-visual communication" (Article 3).

The mentioned commission heads towards reinforcing pluralism through the work it is preparing at present concerning the criteria to be adopted to guarantee the participation of political parties in the programs of the public media on ordinary occasions.

The pluralism of opinion is heavily present in the written press which is fully owned by the private sector. With the exception of very few newspapers where the editorial line specifies some of the opinions that should not be adopted¹⁰², the remaining newspapers, in general, include all opinions, political and intellectual speeches in Morocco.

¹⁰² We mentioned above that there were newspapers that did not publish the opinions of some Islamic organizations.



2-2-3 Media and Coverage

A lot of information confirms that the media coverage is extending rapidly, reaching different areas and social categories. The transistors were used for many years by all Moroccan households, which helped decrease their prices drastically. Television which started broadcasting in Morocco since the end of the 50's has extended its coverage in the past few years. According to available figures, the Moroccan Radio and TV Corporation covers 98% of the Moroccan territory. Channel 2 covers around 90%¹⁰³.

Every urban Moroccan family has a TV set. Even in rural areas, more and more people are buying a TV set. Although the weak electric network relatively hinders the use of this set, the installation of electric networks in the rural areas helped overcome this hurdle.

The decrease in the prices of TV sets, especially the spread of smuggling, contributed to increasing demand for TV sets. Dish receivers are installed across Morocco, including the marginal areas. This means that openness to digital television in Morocco has increased, which encouraged "the freedom to access the names"¹⁰⁴ available in Morocco, as there is no law that regulates the reception of foreign channels in this country or limits its freedom.

Moroccans watch mainly the programs broadcast by the Qatari "al-Jazeera" channel. A first-of-a-kind study on the percentage of Moroccan TV viewers¹⁰⁵ revealed that they are very much interested in watching Al Jazeera channel which ranked third after the two only channels broadcasting in Morocco at the time the study was conducted (Channel 1 and Channel 2).

However, although the volume of consumption in the audio-visual field is significant in Morocco, it does not necessarily reflect a high percentage of benefit and increase of knowledge and awareness. Nor does it reflect the strong presence of "the recipient-citizen"¹⁰⁶, i.e. critical, mature and voluntary watching of the media product.

This is particularly obvious through the quality of media material that captures most the interests of Moroccan viewers. They are most interested in sports, entertainment and arts programs and movies. To prove the aforesaid, it is enough to say that the program that captures the audience most in Moroccan channels is an entertainment program¹⁰⁷.

Political talk-shows like "*Wajh wa Hadath*", followed by "*Fi al-Wajiha*" program on Channel 2 were most viewed, but were later suspended.

Contrary to the wide coverage by the audio-visual media, the coverage of the written press remains limited. As mentioned in this report, figures on sales of newspapers reflect part of the reality. However, it is necessary to mention the difference between the percentage of sales and the percentage of reading, as the copying and renting of newspapers among newspaper customers renders the volume of sales much less than the volume of readers.

¹⁰³ Statistics presented by Ahmed al-Ghazali, Head of the Higher Audio-Visual Council, during our interview with him while preparing this report.

¹⁰⁴ According to the statement by Mr. Ahmed al-Ghazali, Head of the Higher Audio-Visual Council, during our interview with him while preparing this report.

¹⁰⁵ This study was conducted by the Independent Advertisement Authority on a sample of 4820 people above the age of 6 and from different social categories.

¹⁰⁶ Abdel-Nasser Fathallah, "Hail the Leader's Speech..."p.86

¹⁰⁷ "Studio 2M" program that has to do with singing.



There are many different interpretations on the decline of the press coverage in Morocco. Some attribute such decline to cultural factors relating to the fact that Moroccan citizens are reading less in general. Others attribute it to the similarity between the contents of newspapers which often have similar covers to the extent of being identical some times. Others mention the dominance of the journalism of commentaries and the continuity of the tough journalism press (partisan newspapers) in the independent press at the expense of the investigative journalism. Others attribute it to the widespread of images broadcast on TV and the role of electronic media today. Another opinion that links this matter to economic considerations, namely the weak purchase power of the Moroccan citizen¹⁰⁸ against the high cost of purchase of newspapers¹⁰⁹.

Although electronic media has started paving its way to many Moroccan homes, with 190,000 Moroccan families having access thereto owing to the successive discounts in subscription fees¹¹⁰, as well as the spread of internet cafes in different Moroccan cities, reliance on this type of media is, however, still below level. This is indicated by the limited number of users of this type of media, and mainly by the quality of this use which is often for entertainment purposes.

All Moroccan newspapers, with no exception, have internet services. Some also have their own websites, particularly the French-speaking newspapers. The names of a number of electronic newspapers are being circulated in media¹¹¹. Some associations and ministries, except for the Ministry of Interior, have websites. And all political parties have their websites, except for some¹¹². "Most of the said websites lack the interaction dimension (forums), or the language they use is not the language of all Moroccans, or are poorly designed and suffer from the absence of optical identity unit."¹¹³

3- Competence

Competence is one of the basic pillars in developed journalism. Competence relies more on the element of proficiency which means "complete training in the techniques of journalism and continuous updating, total awareness of the community responsibility of the media institution and the journalist." Today, this element is the subject of debate in the media. The continuing dominance of journalists who did not graduate from journalism schools, the weak curricula in certain institutes, the spread of the phenomena of hobby and "seasonal work" in journalism, the limited keeping up to date with the technical media developments by some institutions, as well as the lack of clear and objective standards for access to the world of journalism and the very few opportunities available to undergo specialized training are all elements that give more legitimacy to the debate on this topic.

¹⁰⁸ Income per capita in Morocco does not exceed 32.451 Dirhams, according to the data in the economic memorandum issued by the World Bank on April 14, 2006.

¹⁰⁹ Prices of newspapers in Morocco are unified at 2.50 Dirhams, and most weekly newspapers at 5 Dirhams. As for weekly magazines, prices range between 10 and 15 Dirhams.

¹¹⁰ Internet subscription fees do not exceed 190 Dirhams (Less than \$20) per month, in addition to 100 Dirhams (\$10) as subscription fees in the fixed telephone line.

¹¹¹ Major websites are: Elaph, Marrakech, and Minara.

¹¹² Mainly, website of Justice and Charity Group, and Unification and Reform Movement that is close to Justice and Development Party.

¹¹³ Abdel-Nasser Fathallah: "Hail the Leader's Speech..."



3-1 Qualifications of Journalists

3-1-1 Standards of Practicing the Journalism Profession

The Professional Journalist Law defines a professional journalist, as "a person whose main, permanent profession is journalism, practiced in one or more daily and periodical newspapers published in Morocco or in one or more news agencies, or one or more radio stations and TV channels headquartered in Morocco" (Article 1). The capacity of a professional journalist, in accordance with this provision, also applies to "direct editorial assistants, such as editorial translators, note-takers, designers, photographers, cameramen and their assistants, except for advertising agents and all of those who only help accidentally in this regard."

This definition shows that the law does not link the practice of this profession to degrees in journalism although there is a State-run institute (High Institute for Information and Communication) which, until 2000, graduated 800 journalists and another private institute¹¹⁴. Hence, there are few media institutions that rely on graduates from these institutes. A study of the characteristics and structure of the Moroccan press corps¹¹⁵ revealed that four journalists out of 10 currently exercising the profession in different national media outlets have received training relating to the media; whereas, 39.1% of Moroccan journalists graduated from faculties of arts, law and human sciences." The percentage of graduates from institutes is lower when it comes to the written press; whereas, the Arab Morocco News Agency attracts 50%, TV 48.2% and radio 44.3% out of these graduates.

3-1-2 Specialized Training

Specialized periodical training sessions or training programs are almost lacking in most of the Moroccan media institutions. If found, they are often "restricted to the contribution of certain journalists to some training sessions organized by national and international non-governmental organizations, and do not meet the existing demands or the interest of the public media institutions"¹¹⁶. A study¹¹⁷ revealed that less than half of practicing journalists (45.4%) were, at the time the study was conducted, benefiting from the training, while the others did not have same opportunity (54.3%). According to the data provided by the same study, the largest percentage of those who benefited from this type of training are found in the Arab Morocco News Agency (64%) and TV (53.1%). The study revealed the strong desire among journalists to undergo training (92.1%). These facts are confirmed by the results of the opinion poll which show that a large percentage (47%) of those polled said that journalists received specialized training.

These figures reflect the minimal importance attached by media institutions to human resources, although they remain the backbone of journalism. The reason why this situation is partly related to inadequate financial capabilities of some institutions,

¹¹⁴ In addition to the High Institute for Information and Communication, there are other institutes for journalism training.

¹¹⁵ See Mohammed Said and Younes Moujahed: "Characteristics and Structure of the Moroccan Journalistic Corps", Moroccan periodical for communication researches, Issue No.14, 2002, p.64.

¹¹⁶ Al-Wazee'a' Khaled: "legislative, technical and human problems of partisan media institutions in Morocco", Moroccan periodical for communication researches, Issue No.14, 2002, p.32.

¹¹⁷ This is related to the study conducted by Mohammed Said and Younes Moujahed.



especially those relating to the written press, in comparison with the high cost required by such training, is linked to other factors, some of which are cultural and may be summarized in the lack of awareness vis-à-vis the value of training in developing journalism and media institutions alike.

In the absence of internal training, practice and daily contact with colleagues inside the institution, as well as personal efforts, are determining factors for developing the potentials of most journalists and refining their talents.

In appreciation of the importance of training, the National Union for Moroccan Press lobbied towards forcing media outlets to attach special importance to the said subject and make it obligatory. The collective agreement for professional journalists stipulates that "press institutions, professional journalists and their syndicates should show joint interest in vocational training and cooperate for the development thereof." It added that "every press institution should draw up a training plan, taking into account the objectives of its development, as well as the rehabilitation and training requirements for the benefit of professional journalists," stressing that "professional journalists should seek to improving their competence continuously, whether through training programs organized by the institution or professional organizations, or by other means, including those made available by public education and research institutions."

3-2 Access to the Profession

In general, embarking on a career in journalism is considered as an open field for those interested therein. Although there is an institute for journalistic training, accessed after passing an examination for those who have earned a Baccalaureate degree, the certificate earned after four years of studying at the said institute is not compulsory to practice the profession. The same applies to the certificates conferred by private journalism institutes. Therefore, as aforementioned, the majority of practitioners have not received any specialized journalistic training. The only condition for practicing this profession is to obtain a press card, as it is the only tool that entitles him to practice of the profession and "to benefit from the privileges that the administrative authorities or any other person from the public or private sector gives to representatives of the written press or the audio-visual media" (Article 2 of the Professional Journalists Law).

This card is given by the Ministry of Communications after consulting the "Committee of the Press Card", composed of representatives of the Ministry of Communications and the National Union for the Moroccan Press. The said card was given randomly in the past. For instance, many secretary-generals of parties were given this card just because they owned newspapers in their names. Moreover, some executives of the managements of parties were given this card because they were listed as staff members of the newspapers of their parties. In addition, this card was offered to some technicians in press institutions who had the capacity of a journalist. However, in the past few years, the card has been granted only to those practicing journalism and have the capacity of a journalist.

If favoritism exists in one way or another in the practice of this profession although proving it remains a difficult issue, there are facts of a certain discrimination in journalistic practice, based on gender, political opinions or sexual preference.



III- Chapter Three: The Media, Elections and the Rule of Law

How do the media cover elections in Morocco? And to what extent is it impartial and independent in covering the said issue? Is it free to cover any story it wishes to during this occasion? Raising these questions has particular importance with regard to the last parliamentary elections in Morocco (elections of September 27, 2002), for many reasons:

- These elections were the first of their kind in Morocco's history in the presence of an independent, active and efficient press that almost dominates the media in Morocco, contrary to the previous elections which were covered by two types of press, the partisan press and the official press or the public media. Such coverage lacked the required impartiality and integrity, as the partisan newspapers usually promoted the programs of the parties that published them. Even when they tried to disclose election violations, this was not always accompanied by objectivity. The same applies to the official press, the main concern of which was to defend the State's choices and justify the results, and sometimes respond to those who had doubts about the results. However, the existence of an independent press during the last elections gave a greater possibility to cover the elections with professionalism, integrity and impartiality.
- This ballot was the first of its type under what is known as "the new era", which meant a tendency to overcome the forgery that tarnished the previous elections, particularly with the significant changes that covered the legal framework regulating elections, such as shifting from individual nominal vote in a single session, considered by the former opposition as of the main factors that facilitated forgery, to a new ballot system based on list-voting according to proportional representation and to the largest remaining number of votes, in addition to the adoption of the signs systems in the voting process instead of colors and the making of a national list for women...
- These were the first elections in which certain parties took part as members of the government, whereas in the past, they participated in the elections as opposition and challenged the results of the elections.
- These were the first elections which the media was urged to cover at the insistence of the Ministry of Interior. The said ministry, which was accused in the past of faking elections and fabricating the results, tried to change this stereotyped image. It intensified election-related activities in the media (seminars, media conferences, advertisements and posters in the different types of media...), and for the first time, created a website to keep up to date with the election proceedings, even though the website was shut down one day after the election¹¹⁸.

Although all this data is aimed at giving the media coverage of the said elections more integrity, freedom and objectivity, following up the proceedings thereof showed that as much as elections were strongly present in the different media and as much as the techniques used in the said coverage were diverse and developed, the media could not have access to all the aspects related to the electoral process, either due to the lack of the freedom in some (the public media and the partisan press) or to the lack of potential and professionalism in others (the independent press).

¹¹⁸ Shutting down this website was one of the reasons that newspapers used as a pretext to cast doubts on the integrity of elections.



1- Public Media and Narrow Margin of Freedom

Although the public media, including TV, radio and news agencies, have largely developed the method of coverage of elections in Morocco, in comparison to previous periods, they could not get rid of the remnants of the previous practice. The previous practice was based on guidance and on rendering the media a means of advertising for the party that funded and supervised it. Thus, efforts were lacking and the rules of the profession were not observed. This is indicated by the following elements:

- Although the public media covered all stages of the electoral process since the launch of the electoral campaign until the announcement of results, they however remained governed by law stipulations (Electoral Code) concerning the time allocated for the intervention of political parties participating in the elections, as agreed by the members of the public media usage committee¹¹⁹. All the programs allocated for the elections reflected this legal aspect.

- In some cases, this type of media showed bias in favor of particular political parties. An advertisement was aired for an electoral campaign in which an actor¹²⁰, known for his beard, had it shaved, to avoid giving the impression of calling for voting for Islamists (Justice and Development Party). However, more than one advertisement implied an invitation to vote for the Socialist Federation Party which led the government that supervised the elections. One of these famous advertisements showed a blooming rose at the height of the campaign. During the same period, a cooking program, broadcast by Channel 2, did not find what to broadcast, except for "a rose of sweets", and the program editor did not forget to put a bouquet of roses in the kitchen, which was the first and last time the roses appeared in such a program. The repetitive appearance of the rose, which is the logo of the Socialist Federation Party, in programs at Channel 2 was viewed as an underlying desire by the party that controlled the channel to encourage voters to vote for the said party. This impression was reinforced by the fact that the period that preceded elections saw the appearance of many members of the said party, ministers and others, in the programs of the said channel, which competing parties complained about.

-In some cases, the public media showed disrespect not only of the required impartiality and objectivity but of the laws in force. For example, the pedagogic advertisements that targeted citizens, particularly the uneducated, to teach them how to vote with one paper and how to put a check mark by the candidate selected by the

¹¹⁹ According to the agreement among the members of this committee, each of the five parties identified according to certain standards, was given 9-minutes of broadcast, based on three shares for every party in the radio, Channel 1 and Channel 2. Ten other parties were given another broadcast share of 7 minutes for every party, based on three shares. With respect to the other new parties, one share of broadcast of five minutes was given for parties, the candidacy of which does not cover more than 30% of electoral constituencies, as well as two shares of five minutes for parties, the candidacy of which covers more than 50% of electoral constituencies. In addition, it was agreed that parties could benefit from the allocated shares to be hosted in news bulletins.

¹²⁰ Actor Abdel-Qader Mutaa'.



voter. The anchor of these said advertisements¹²¹ used to urge voters to put two check marks, one on the code of the local list that he selected, and another on the same code designated for the national list. This was contradictory to the law, which entitles the voter to put a check mark on the list or the candidate on the level of the local constituency and a check mark on the list or candidate on the national level. This procedure enabled him to choose a list on the local level and another list on the national level. Some observers viewed that as "a method that undermined the will of the citizen and violated his freedom in choosing his representatives."¹²²

- The public media did not air TV debates between rival parties. This idea had been mentioned at the beginning of 90's in a proposal by the Ministry of Communications. However, parties of the opposition at that time rejected it, justifying, in their newspaper, that they did not recognize the parties loyal to the government because they were made by the administration. Instead, they suggested organizing confrontations with the government¹²³. The public media did not air reports or polls on the electoral process, and direct coverage in programs was absent. Thus, the usual enthusiasm and vitality at such electoral moments were lacking.

- Public media failed to mention the violations registered on the elections day and which were handled by the written press. Moreover, the doubts cast among observers regarding the unexpected delay in announcing the elections results¹²⁴ did not find their way towards this type of media. The public media justified that delay, which depicts the narrow margin of freedom that it has. The confusion in this media was clear during the press conference that was broadcasted by Channel 1 and Channel 2 on the eve of elections. Before the delay in announcing the results, the Moroccan TV shifted its focus from the content of the results to a biography on elections through presenting photos on the techniques used (advertisement, technology,...) to cover the elections. It was an attempt to promote the new technique before the recipient. However, the main objective was covering the political dispute that started circulating as soon as the voting process ended.

- As this media presented some penal procedures against men of power whose involvement in advertising for some candidates was proved, it did not mention other cases, the most significant of which was the one through which a worker in the province of Azilal was shifted to the central administration via the Ministry of Interior after being accused of nepotism vis-à-vis some candidates.

- This type of media did not reflect all the opinions on the Moroccan political arena, particularly those that called for boycotting the electoral process. The only time this rule was broken was when the national secretary of the Democratic Methodology Party¹²⁵ participated in a special program on elections prepared by Channel 1 though it did not receive the legal acknowledgement receipt.

¹²¹ Actor Abdel-Qader Mutaa' and actress Naeema al-Mashriqi.

¹²² Al-Saadiyya Qabeel: "TV advertisements violate the Constitutional Council's decision", Moroccan Magazine for Local Governance and Development, series of "texts and documents", Issue No.73, p.2003, p.192.

¹²³ Hassan Qronfol: "Political Elite and Power", Africa of the Orient, 1997, p.195.

¹²⁴ Balloting ended on Friday evening on September 27. However,

¹²⁵ It is an extension of the "Move Forward" Communist movement that appeared at the end of the 60's



- If these elections witnessed civil observers for the first time, represented in the association textile to monitor the elections which were acknowledged as symbolic observers, the work they carried out was not well covered by public media, except for one or two pieces of material in Channel 2. More interest in this unprecedented work in the Moroccan political life would have given it more power and reinforced its moral authority.

2- Party-based Press subject to Parties

In the electoral stages preceding the 2002 elections, party-based press, especially the press of opposition parties, adopted two methods in their follow-up of the electoral process. On one hand, these newspapers promoted the electoral programs of parties that own the newspapers or the parties that form alliances and blocs with these newspapers. As of the first day of the campaign, they are issued with the same trend as that of the party, and unleash the statements and interviews with party leaders or candidates, as well as photos and different advertisements of candidates... On the other hand, they were the voice that disclosed the different violations and infringements witnessed by the elections, whether in terms of the authority's bias, manipulation with the results or carrying out a premature electoral campaign, or using illegitimate means...

This press was assisted in its work by its dependence on the branches network of the owning party and as well as the party's observers at the poll stations. These observers were an important channel that connected the poll stations to the outside world¹²⁶. Thus, the journalistic material that was the most present in these newspapers during elections was those related to violations.

However, through the follow-up with the method that this press used to deal with in the 2002 elections, it becomes clear that a significant change occurred in this regard. If this press relatively preserved its advertising role of political parties, which is natural, its other role was very limited and stagnant. That type of press became less interested in aspects related to violations and the non-respect of law, as well as rival discussions that used to distinguish them were absent. Those newspapers sought to defend their parties and acquit them from the violations more than attacking the counterpart and accusing him of committing those violations.

It seems that this new behavior of the party-based press, or at least the influential press in the past, is not only related to the fact that the vast majority of political parties took the credibility of elections and the credibility of the results for granted¹²⁷, but to other factors, the most important of which was that those newspapers, when they used to cover elections in a critical manner, the parties to which they belonged were in the opposition, which enabled a larger space for criticism and depiction of defects.

However, during the past elections, the more defects of these newspapers affected practically the parties to which they belonged, since they supervised them, based on their participation in the government. In addition, those parties expressed their content in general towards the announced results since they were in their interest. Hence, it

¹²⁶ This type of press conducted inquiries on the registered in voters' lists in order to unveil any manipulations, especially the registration of dead people. For example, the work carried out by the weekly "*al-Nashra*" in the city of "Sela" during the 1997 elections. The weekly was issued by the "Federation's Youth" association related to the opposing Socialist Federation Party until that time.

¹²⁷ Except for the Federal National Conference Party (leftist opposition) and the Unified Socialist Left Party (leftist opposition), all other parties believed in the credibility of these results. Even those who had some remarks considered them the least bad elections in Moroccan's history.



was not possible to imagine that party-based press would go to the furthest extents in verifying the credibility of the electoral process. The proof of which is that they ignored the most controversial aspects in those elections, such as the delay in announcing the results and the non-publishing of detailed results in the official gazette¹²⁸.

It is a paradox that the newspapers of the "new" opposition have also followed the same behavior. Though most of the suspicions regarding those elections were related to possible interference in the results to hinder the Justice and Development Party, its press, even if it mentioned some of the violations, avoided search and investigation in the events occurring during that period.

3- Independent Press and Weak Potentials

Independent press might be the turning point in the relation of media with the elections in Morocco, as it managed to convey the presence of developed media patterns in covering elections through discussing the programs of political parties, presenting a socio-professional image about candidates, and unveiling some notorious electoral practices. Thus, they replaced parties in discussing their programs and shifting discussion from the public media and from within party conglomerations to their pages. Their situation enabling them to be freer in covering elections and disclosing their hidden aspects had helped them in this fact.

It was noticeable that the newspapers' coverage of the elections is that it was not up to the required level and could not make up for the role played by the press of the former opposition during the elections. In general, this press was free in covering all occurring events, in conveying the different violations that took place, reflecting the different opinions, looking after the aspects related to the ballot, criticizing the nature of the way with which public media deals with this event, and even questioning the integrity of elections, as most of the articles, editorials and analyses in those newspapers revealed. However, they failed to cover the elections accurately.

Few are the reports that were conducted on the violations¹²⁹ in some constituencies. Furthermore, the investigations on the doubts cast on the elections results were not completed except one year after the ballot¹³⁰. This is due to reasons, some of which are related to the margin of freedom even in part of the independent press, either because it avoids everything that could bother the State¹³¹ or some parties¹³². Others are related to the weak potentials in many of these newspapers. For instance, some weekly newspapers, not having more than 7 or 8 journalists, are not expected to

¹²⁸ The 2002 parliamentary elections remained an exception in the Moroccan electoral life, as they are the only elections of which the detailed results have not been published in the official gazette, which raises more than one question mark on their credibility.

¹²⁹ Among the reports conducted in this regard was the one by the weekly "*al-Ayyam*" on the event occurring in Azilal, where a worker at this province was convoked to the central administration of the Ministry of Interior. This is in addition to the report conducted by the weekly "*al-Saheefa*" in the city of Sala when a candidate from the Independence Party, Khaled Fathi, challenged the result that was for the benefit of the candidate of the Socialist Federation Party, al-Siddiq al-Zanbeer.

¹³⁰ The report conducted by "*Le Journal Hebdomadaire*" and "*Tel Qu'il*".

¹³¹ Such as "*al-Sabah*", "*La Vie Economique*" and "*Maroc Hebdomadaire*."

¹³² Some of these newspapers were founded by members of these parties and even leaders at these parties. Hence, it could not be perceived that these newspapers might unveil any defects in elections that might harm those parties.



follow all the details of elections, especially in light of the absence of the necessary training for most journalists on such occasions.

All that is applied on the media's coverage of elections is also applied on its coverage of the parliament, resulting from these elections. The latter coverage remains superficial and does not infiltrate into all aspects related to the legislative institution, with some disparities according to the quality of media. Upon dealing with this situation, public media are often marked by being mere spectators or celebrators: broadcasting the parliament's session as they are¹³³: transferring the royal speeches that the King delivers at the opening of every legislative year, coverage of some committees' works, broadcast of the discussions on the financial law, the ministerial statement... Even when Channel 1 tried to expand its zone of interest in Parliament's affairs by allotting a program for parliamentary affairs, the guests were only parliamentarians, which did not pave the way to expand debate on issues raised inside this institution and involve other stakeholders. If Channel 2 started broadcasting a special program on parliamentary affairs, in response to the provisions of the terms of reference that were prepared by the Higher Audio-Visual Council, this program is still in its early years. Hence, it would be difficult to judge the method of dealing with this matter.

When following-up with the affairs of this institution, the party-based press is usually contented with initiatives launched by the government or the parliamentary groups of the parties they belong to. This is not often done through specialized journalists that newspapers delegate for this mission, but through employees in these parliamentary groups. Hence, proficiency lacks and so does professionalism when following-up with parliamentary affairs.

As for the independent press, except for some daily newspapers that take interest in parliamentary issues and that have experienced journalists in this regard, who have established relations that rendered them close to this institution, weekly newspapers are not that interested in this topic. On one hand, this is due to the lack of specialized journalists in this regard and the lack of a sufficient number of journalists in any of these newspapers to delegate one of them, at least, to look after this matter. On the other hand, this is due to those newspapers' evaluation that the media material relative to this institution does not have a wide base of audience, as the general image among the public opinion is that the legislative institution is a fake institution that does not exercise its functions in the fields of legislation and monitoring. It is contented with applauding for the initiatives launched by the King or the government¹³⁴.

Therefore, the interest of this type of newspapers in parliamentary affairs is barely restricted to the occasions when there is a dispute inside this institution or between its components, or even scandals provoked inside and around the Parliament, such as cases of public funds embezzlement that the institution was exposed to, or cases that were laid for discussion inside the parliamentary institution when it established fact-finding committees.

¹³³ Even regarding these sessions, once the broadcast was cut off, when discussion intensified on one of the issues.

¹³⁴ Due to the doubts that roam the results of elections, the diminution of the Parliament's legislative function for the benefit of the King and the government, the lack of separation of powers, the non-emanation of the Prime Minister based on the elections' results, as well as the weak interest in political and party-related affairs in particular, make citizens look at this institution and its decisions with little interest.



IV-Chapter Four: Recommendations of Public Policy

At light of the analysis carried out in the previous chapters of this report, and based on the information and the interviews conducted, it is found that the basic conclusion that could be drawn up here is as follows: If the field of media in Morocco becomes mobile, it still has not freed itself from the chains that faced it in previous stages. In fact, some practices that took place in the past few years triggered pessimism regarding the future of this sector, especially when it adopted an unprecedented methodological character. Decision-makers say that they were building a new era on the remnants of this character¹³⁵.

If we tried now to define the main constraints facing journalism in Morocco and limiting its freedom and capacity of creating, innovating and facing the changes witnessed by this field due to globalization, we are able to talk about three main elements¹³⁶:

- 1- Continuous practices of the past that are based on the security concern, as well as the bureaucracy and favoritism in public media, and the attempt to control the content of press through imposing red lines.
- 2- Weak financial and technical potentials, absence or scarcity of qualified human resources, and lack in the adequate conditions for creative and innovative work, which forces a good percentage of our audio-visual productions not to be up to the required professional level.
- 3- Lack of a clear future vision that is based on a well-planned strategy, in return for the dominance of improvisation, ambiguity and moodiness sometimes. Hence, our radios and TVs could not turn into modern institutions that are capable of competing, in terms of production and marketing.

Based on this diagnosis, overcoming these constraints necessitates work in three directions: the first one is related to the revision of the organized legal arsenal of media in a way that promotes the guarantees of its independence and freedom. The second is related to human resources and means to rehabilitate them in order to fulfill their tasks with professionalism and proficiency. As for the third, it is related to media outlets and the need to make them qualified to face the prerequisites of competition.

1- Reexamining legal texts

Reform on the legal level has two dimensions. The first is related to the revision of the existing texts, while the second is related to the formulation of new texts.

On the level of the existing texts, the following is required:

1-1 Constitution:

¹³⁵ Cinema and TV critic Ahmed al-Sijlumasi in an interview with "*al-Saheefa*" magazine in issue No.25 of March 10, p.40.

¹³⁶ This means the harassments that more than one newspaper and journalist were subject to, and which took different forms of prohibition of publishing to imprisonment, passing through prohibition of writing, and finally the lawsuits against press.



- Stipulate the supremacy of international instruments over the internal law, and not ensure the adequacy of the latter with the instruments.
- Eliminate article 28 that bans the discussion of royal speeches that the King delivers before the Parliament.
- Stipulate the right to guarantee the right to access news and information.

1-2 Press and Publishing Law:

- Render it void of all the freedom-depriving sanctions, except for those related to provoking violence, terrorism, theft, apartheid and racial discrimination.
- Eliminate all red lines set by this law facing the freedom of press under the form of "sacrificials", which is defined in the monarchy, Islam and territorial integrity, and "be contented with swearing and libel against the King, which is a practice that should be banned and fined."¹³⁷
- Eliminate all the clichés and elastic terms in this law, in terms of the public order, harm the youth, abuse of the monarchy, territorial integrity and Islam, as the generality of these concepts might render them interpretable in order to oppress and hinder freedom.
- Swearing and defamation with ill-intention should be the object of lawsuit and punishment.
- Render the judiciary as the competent authority with respect to seizure instead of the Ministry of Interior, as is the case now, and stipulate that it should be based on a judicial verdict.
- Remove the constraints imposed on the entrance of foreign press to Morocco, and abolish the possibility that the Minister of Communications could ban or seize in case it tampered with the "sacrificials", as called by the Law.
- Eliminate article 15 of this law that stipulates that the largest shareholder in the media institution should be the publishing director of the newspaper.
- Eliminate article 17 that binds the publishing director, in case of filing a lawsuit against an author of an unsigned article or that bears a pseudo-name, to notify the King's general undersecretary about the real identity of the author.
- Stipulate that the Law of Press is implemented in all matters related to press. This proposal derives its importance from the presence of press and publishing-related matters that were referred to the implementation of the penal code in order to enforce stricter sanctions¹³⁸.
- Establish specialized judiciary in cases of press, opposite to all that is taking place at present, where the files of these cases are grouped with files of other cases and that are settled by unspecialized judges.
- Abolish the ambiguity in this law regarding the right to access information through defining the content of the citizen's right to information and the State's obligations in this regard. Organize the method of media's access to the sources of news and the method of obtaining the information from different sources, as well as the consequences resulting from the citizen's or the media's inability to enjoy this right.
- Stipulate a certain limit that shall not be exceeded by the penalties imposed on the journalists and journalistic institutions.

¹³⁷ This is suggested by the National Union for Moroccan Press during its negotiations with the Communications Ministry regarding the amendment of the Press Law.

¹³⁸ This happened with journalist Ali al-Murabit when he was banned from writing for 10 years, in accordance with the Penal Code and not the Law of Press.



- Abolish the possibility available before the judge to suspend the newspaper in case of the pronouncement of a verdict in a lawsuit of defamation (Article 75).

1-3 Professional Journalist Law:

- Render all the powers related to the formulation of a code of ethics that of the "National Independent Commission for the ethics of the profession and freedom of expression", which is now next to the National Union for Moroccan Press.
- Reconsider the concept of a professional journalist in a way that widens the circle of those belonging to this category.

1-4 Contract-Program Agreement:

- Set the level of the newspapers' spreading (sales) a basic standard to determine the support provided to press.
- Stipulate that institutions with foreign capital operating in Morocco are not entitled to benefit from the subsidies to press. Hence, Annex 1 of the agreement stating that the facility should be subject to the Moroccan Corporate Law in order to benefit from the subsidies should be amended and replaced by another paragraph that sets as a condition that the facility should be Moroccan in order to benefit from the subsidies.

1-5 Updated Decree on the Supreme Audio-Visual Commission:

- Reconsider the status of the commission in the way of transforming it from an advisory royal commission into a reporting commission in terms of all the tasks assigned to it, and hence, this turns it into a commission making decisions and not merely giving opinions.
- Render the possibility to file complaints regarding the audio-visual communication's violation of the laws and regulations enforced available for individuals and associations, and not only for political organizations, syndicates or public-benefit associations, as stipulated in Article 4 of this decree.
- Render the appointment of all the members of the Higher Audio-Visual Council, or at least the majority, the competence of the legislative institution, contrary to the current case, where half of the council's members, as well as its president, are appointed by the King.
- Stipulate that the appointed members should be experienced in this field, and they should be academically qualified to be able to fulfill their tasks. They should also enjoy bravery, integrity and honesty in order to perform these tasks.
- Abolish the commitment imposed on the employees of the commission not to reveal professional secrets, as stipulated in articles 15 and 20 of the decree.
- Determine the mandate of all the council's members in order to overcome the overlapping that the current decree causes between those appointed by the King, whose mandate is not specified, and those appointed by the government and the Parliament, whose mandate is specified in 5 years, renewable once (Article 6).
- Render the professional secrets imposed on members and employees of the Higher Audio-Visual Council restricted to the members of the council on one hand, and on the other hand, restricted to the issues that the council is examining or settling, and not "all the facts, actions and information that they peruse while performing



their tasks", as stipulated by the current decree. Moreover, a deadline should be set, after which all the archives of the supreme commission would be at the public's reach.

- Stipulate that the council should draft an annual report on its actions and inform the public of the same.

1-6 Audio-Visual Law:

- Eliminate the constraints imposed by this law on the freedom of audio-visual, such as the respect of religious values, preservation of public order, good ethics and requirements of the national defense that are stipulated by Article 3 and those stipulated by Article 98 concerning "infringing the constants of the Moroccan Kingdom, as they are stipulated in the Constitution, including in particular those related to Islam, the Kingdom's territorial integrity and the monarchy," and those tampering with public moralities.
- Entitle physical persons, associations, parties and syndicates to possess their own broadcasting means. The Audio-Visual Law ignored this issue when it stated that the candidates to apply for such companies should be anonymous companies.
- Stipulate the restriction of pluralism of opinion, intellect and political pluralism to the public media and not public and private media, as stated by the decree that established the Supreme Audio-Visual Commission. The decree stipulated that one of the higher council's tasks is to "observe the abidance by pluralistic expression of different currents of intellect and opinion, especially those related to political media, whether by the private sector or by the public sector (Paragraph 13 of Article 3 of the decree establishing the commission).
- Relinquish the ban of advertisement of political character imposed by this law, in its second article, on public and private media, where this ban should be restricted to public media only. (The participants in the Academic Day suggested the deletion of this recommendation).

1-7 Public Profession Law

- Eliminate the article that obliges the workers of the private sector institutions to preserve the professional secret (Article 447) and expect penalties for the violation thereof.
- Reconsider the text that prohibits revealing the secrets of national defense (Article 187) through defining the nature of the military, diplomatic, economic and industrial information that should remain a secret, and setting the method of how and who to reveal them. Moreover, the people who are specialized in preserving and accessing those secrets should be clarified as well as the items, tools, drawings, articles, designs and photos that should remain secret.

As per the texts that should be updated, they could be defined in the following:

- Create a special code for the laws on freedoms as is the case in other fields (Elections Code, Labor Code...)
- Create a law relative to the right to access news and information.
- Set a law relative to free zones in the field of audio-visual media.
- Establish a law relative to the regulation of rules related to different forms of pluralism during elections.



2-Rehabilitation of human resources

The independence and freedom of media are not automatically related to legal aspects, but they are related to other aspects that could help promote this freedom and independence. In this context, it is important to look after human resources in media.

It takes four main aspects:

- 1- Reconsider the work methodology of journalists by implementing the labor contract. Information in this report reveals that most of the journalists do not operate according to a contract signed between them and their companies.
- 2- Improve the journalists' salaries, which are currently considered as low and are not parallel to the rapid increase in the cost of living¹³⁹. In this context, the standards in the collective agreement of professional journalists are a starting point in this direction if respected by journalistic institutions.
- 3- Give importance to the journalists' social rights, as it turns out that these rights are not in a better condition than salaries. Health insurance is not generalized in all journalistic institutions as well as the case with respect to pension and complementary retirement. "These phenomena contradict the priorities of Labor Code that binds the employers to respect the minimum rights of workers. Moreover, some institutions abstain from declaring the true number of their journalists and refuse to register them in the National Social Security Fund¹⁴⁰.
- 4- Training is a vital issue in journalism. If the situation observed by this report reveals that this aspect is still weak in journalism, making the latter more professional and proficient means giving more importance to this topic, whether in terms of training inside journalistic institutions or in terms of establishing relations and partnerships with other internal and external parties. If the collective agreement concluded between the National Union for Moroccan Press and the Moroccan Publishers' Federation offered important suggestions in the field of rehabilitating human resources and imposed basic obligations and commitments on journalistic institutions in this regard, pressure should be exerted on these institutions, not only to sign them but to implement them as well. Moreover, sanctions must be imposed on institutions that breach these commitments by depriving them from the subsidies that State offers to the press, particularly that the "Contract-Program" agreement, which is considered as a basis for subsidies, made the signature of the collective agreement a condition to receive subsidies.

With respect to the issue of training, reconsidering the existing training institute is an important issue. The issue is raised whether in terms of its status, through transforming it into a public autonomous institution or in terms of the nature of training provided inside, through educational coordination, equal opportunities, retraining of professors, exposure to more external experiences and establishment of a bonus system for teachers and administrative employees.

¹³⁹ The above-mentioned study of al-Wazee'a' Khaled indicates that the average salary of a journalist does not exceed 3000 Dirhams. In spite of seniority, the wages of some journalists do not exceed 3500 Dirhams.

¹⁴⁰ Same reference.



3-Developing media outlets

Development and updating of media outlets is a very significant issue. In this regard, we can discuss certain useful elements:

- Introduction of modern technology in production.
- Improvement of the accounting system and support of expenditure control
- Introduction of financial reforms in order to facilitate the obtainment of loans.
- Promotion of competence and improvement of management methods.
- Development of marketing competencies.
- Introduction of modern technologies to media and promotion of digital information.
- Development of national and international partnerships and alliances.

If these suggestions, which were included in the contract-program agreement concluded between the Ministry of Communications and the Moroccan Publishers' Federation, should be implemented, there are other factors that are as much important in developing media institutions. Reconsidering how advertisement is distributed and guaranteeing its transparency is a major matter, as it could ensure some sort of economic independence of these outlets. In addition to the possibility of creating a fund to be financed by the taxes imposed on the announcement boards of which the income is allocated to the support of newspapers. This was launched during the discussions of the Academic Day specified for the discussion of this report.

Moreover, the issue of distribution causes some problems, especially with the presence of a quasi monopoly network in this regard, as there are two distribution companies. However, since the distribution points of one of them are limited to greater cities (Choupress), the dominance of the other (Express) over the distribution market is at the account of the newspaper's spreading to the farthest areas. Sometimes, this company would besiege this newspaper or that, due to the pressures practiced on it, particularly that the Press Law includes the distributor in the list of those who could be punished for all that is published in newspapers and that concerns the "sacred concepts".

Printing is related to distribution. Even if there are plenty of printing offices, the weak resources of different independent newspapers and their incapacity to have their own printers rendered them at times subject to printing offices. Facts reveal that others were pressured by parties in the State in order to give up the printing of some newspapers. Hence, this issue remains at the core of debate on the independence of press and necessitates a solution. Due to non-democratic arrangement witnessed by the public media in Morocco, it would be useful to think of creating a forum for the democratization of the media means. The importance of obliging the public and private media institutions to set liberation pacts is related to the issue of democratization of the media means.