The Unfreedom Monitor

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A Methodology for Tracking Digital
Authoritarianism Around the World
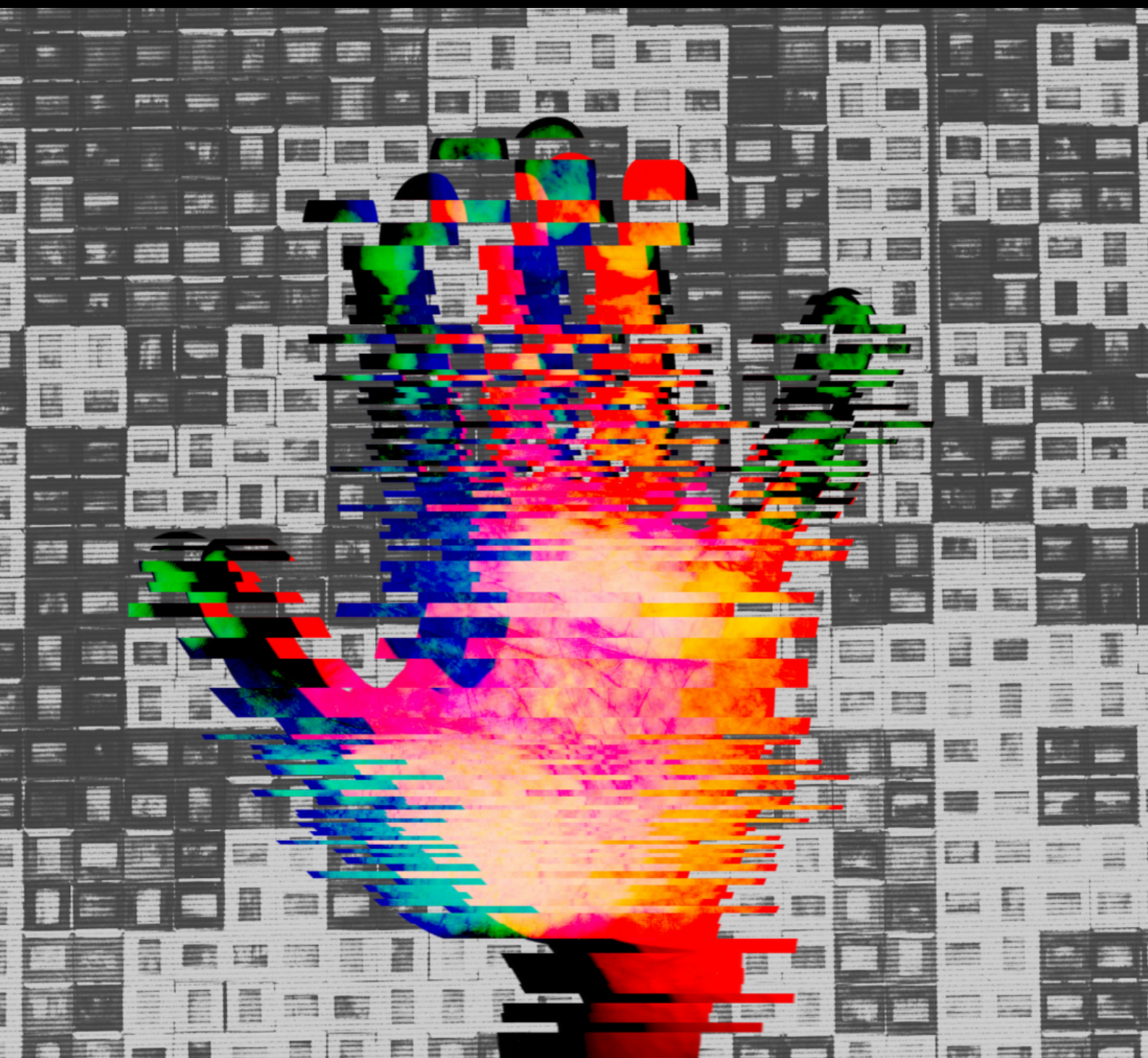
MOROCCO
COUNTRY REPORT

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Acknowledgements

Stichting Global Voices
Kingsfordweg 151
1043GR Amsterdam
The Netherlands
https://globalvoices.org

EXECUTIVE SUMMARY

Since 2011, mass demonstrations have become a device of last resort for people in Morocco to protest socio-economic marginalisation, corruption, and police brutality, and to draw attention to their plight in an attempt to effect change. Despite the state's containment policies and the violent suppression of the 2011 demonstrations led by the popular February 20 Movement for political democratic reform, socioeconomic protests persisted in the country, reaching a peak in late 2016 and 2017 with the Hirak movement in the marginalised northern Rif region. The Hirak was sparked by the death of Mouhcine Fikri, a fish seller who was crushed to death by a trash compactor while attempting to retrieve his seized fish (Masbah). The authorities in Morocco justify the use of force against demonstrators, alleging involvement in protests by Islamist movements (Staff Writer - Morocco World News), denying "any deterioration of the human rights situation in Morocco," and emphasising the importance of distinguishing between "freedom of expression" and "committing offences punishable by law."

Journalists and independent press are tried and prosecuted with harsh charges that reach up to 20 years of imprisonment under the Penal Code, rather than the Press Code of 2016, which abolished imprisonment for criticising the monarch. The government closely monitors and controls media content through subsidies (fisking), advertising allocation, and rigorous regulation and licensing procedures. Opposition journalists have been jailed on dubious allegations, and been subjected to systematic slander and smear campaigns on social media platforms by pro-monarch media outlets that are largely dominated by the regime or echo the Moroccan authorities' official line. These campaigns have largely centred on tarnishing the reputation and image of activists, reducing solidarity with their cause, and undermining their credibility in Moroccan society, resulting in self-censorship. In this stifling and threatening atmosphere, several journalists have opted for self-exile. Authorities regularly promise new reforms and democratic developments, yet they respond to protests with crackdowns, including by restricting access to information and critical tools, imposing internet shutdowns and throttling bandwidth during popular demonstrations which was the case for Hirak Al Rif movement ("Morocco Obstructs Coverage of Rif Protests").
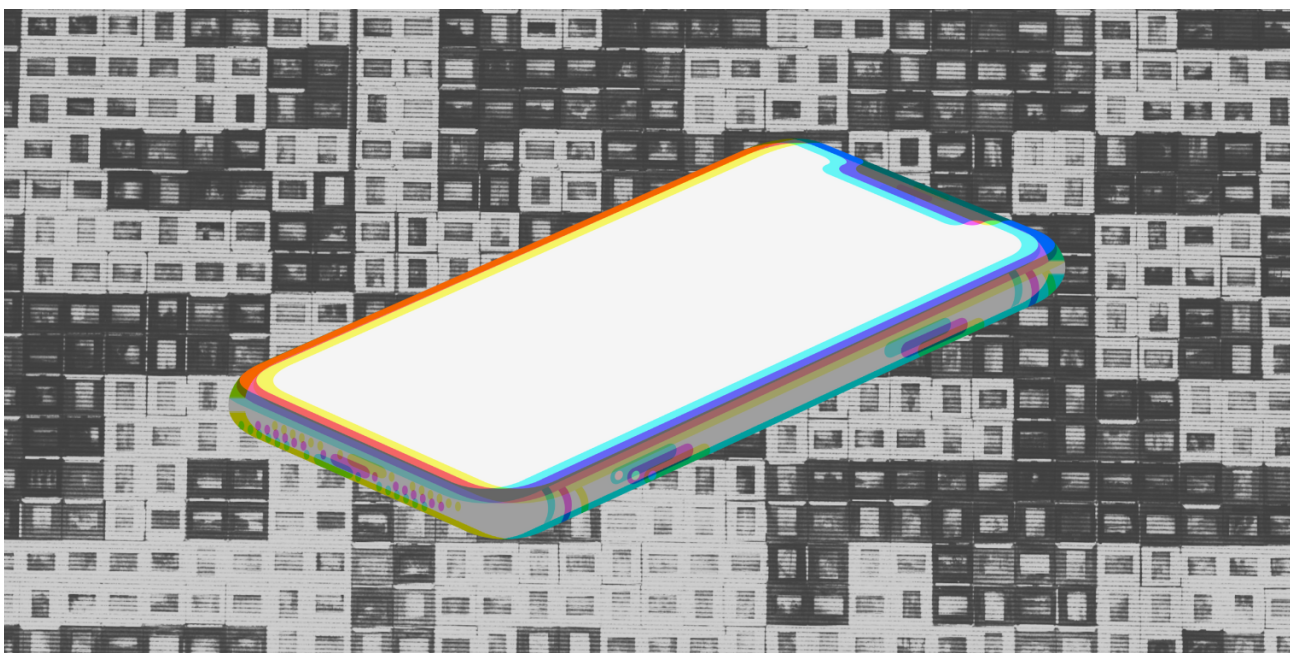
The pandemic has accelerated the adoption of digital technologies in Morocco, with the government introducing a variety of measures to control the spread of COVID-19 by deploying and testing emerging digital technologies and biometric systems such as digital identity, a COVID-19 contact tracing app, a vaccine passport, and the widespread installation of facial recognition software into surveillance cameras. The authorities say that their goal is to promote economic growth, increase digitalisation, and strengthen the country's innovation ecosystem through the new Maroc Digital 2020 strategy and the creation of the Digital Development Agency ("Stratégies Nationales Pour Le Développement de L'économie Numérique"). However, these emerging technologies, coupled with the strong political and military presence in public life, are harming Morocco's human rights far more than the economic development they promote, and threatening the protection, promotion and enjoyment of human rights.

Journalists in Morocco and Western Sahara were surveilled using the Israeli-developed Pegasus mobile phone spyware to collect personal information, create fabrications around their private lives, and later indict them on dubious charges. Today, surveillance and monitoring tools in offline and online spaces represent a real threat to the right to free association, privacy, free speech and other civil liberties of millions of citizens in the country.

BACKGROUND

The wave of protests and political unrest that swept the Arab world in 2011 went quiet in Morocco, but the situation remains unstable 10 years after the February 20 protest movement that year, and the country appears to be on the verge of reverting to pre-2011 status quo. Tens of thousands of Moroccans, including representatives from political parties, human rights activists, journalists, and bloggers, organised themselves on Facebook. About 200,000 people marched across the country during the February 20 movement demanding a fundamental reform of the monarchy, the abolition of corruption, the end of social inequity, and the establishment of a transitional administration.

Since then, authorities have weaponised systematic and sexualised pro-government smear campaigns against journalists, activists and women human rights defenders (Gaebee). These efforts have largely centred on tarnishing women's reputations and image, reducing solidarity with their cause, and undermining their credibility in Moroccan society, which intimidates women and discourages them from continuing their human rights work, as well as excluding women activists from the human rights and political arenas and limiting their influence in public life.

During the COVID-19 pandemic, the Moroccan government tightened its grip on the media, with the country currently experiencing the prosecution of bloggers, surveillance of journalists' personal communications, and restrictions on access to information and free expression (Freedom House). Digital surveillance enables the government to extend its authoritarian reach by silencing the voices of dissenting figures, independent media, and human rights defenders. This comes amid growing concerns that digital surveillance will be prolonged beyond the end of the COVID-19 health crisis.

MOROCCO'S POLITICAL HISTORY

Morocco's political system is a constitutional monarchy with a multiparty, parliamentary national legislative system, under which King Mohammed VI wields ultimate de facto power over the state and society through a mix of extensive formal powers and informal ties. Following the death of his father, King Hassan II, who ruled Morocco for 38 years, he assumed power and ascended the throne of Morocco on July 23, 1999. The king also chairs the Council of Ministers and shares executive authority with Prime Minister Aziz Akhannouch, the current head of government. The prime minister is nominated by the monarch but must be chosen from the largest political party in parliament. The judicial authority is constitutionally independent, with magistrates appointed upon proposal by the High Council of the Magistracy, which is presided over by the absolute monarch..

There are over a dozen political groups, the vast majority of which have historically backed the palace, while the rest are dominated by the two traditional opposition parties, the Istiqlal Party and the Socialist Union of Popular Forces (USFP). The kingdom regularly holds legislative elections every other five-year period; the latest took place on 8 September 2021, where the National Rally of Independents (RNI) led by Aziz Akhannouch (current prime minister) won the most seats (Al Jazeera). For decades, the RNI has played the role of kingmaker, having been a part of practically every government since the 1977 legislative elections. In 2016, the RNI agreed to join the government on the condition that the Istiqlal Party be excluded and the USFP included.

Such chronological regularity was lacking during King Hassan II's long reign, during which states of emergency, coups, uncertainties about the relationship between power and opposition, constitutional reforms, and various interventions under the guise of the Sahara issue infused Morocco under Hassan II with political turmoil. Nevertheless, the stability that such electoral regularity may bring cannot hide the fact that elections play a minor role in the country's political growth, given that the broad guidelines of Moroccan politics emerge from the royal palace. As a result of the king's executive dominance and de facto legislative ability, civil rights and civil freedoms in Morocco are always precarious and in jeopardy.

Ten years after the February 20 protest, the country appears to be on the verge of returning to pre-2011 status quo. This despite the fact that nearly 200,000 people marched for democracy in 53 Moroccan cities and towns, calling for a significant reform of the monarchy, ending corruption and social inequality and the establishment of a transitional administration ("Morocco: Thousands March for Reform"). Additionally, the slogans of the movement particularly asked for the end of torture and the trial of those responsible for abuses and violations of human rights in the country, as well as the lifting of press censorship and for the end of the harassment of journalists and independent media.

In response to mass protests, the king delivered a televised speech on March 9, 2011, promising "comprehensive constitutional reform" through the establishment of a "Constitutional Reform Advisory Commission'' that would work closely with civil society and political party representatives to present, draft, and then submit a proposal to the monarch for final approval by the royal cabinet before being subjected to a referendum. However, the February 20 movement deemed this approach illegitimate due to the fact that all members of the committee are nominated at the discretion of the King and there

were no guarantees that the memoranda offered by civil society and opposition parties will be taken into consideration. Only a few days following the king's assurance of change, the regime responded to the protest movement with oppression (Rachidi), with police and security forces brutally cracking down on protesters in Casablanca, Rabat, and elsewhere. Dozens of peaceful protestors were beaten, hundreds were injured and physically assaulted, and at least one activist, Kamal Ammari in Safi, died for participating in the February 20 movement (Amnesty International).

Protests by the Hirak El-Rif movement erupted in Al Hoceima city and across Morocco in October 2016 in response to the death of fish seller Mouhcine Fikri, who was crushed to death by a garbage collection truck while trying to recover his goods seized by local authorities. Security forces responded aggressively to widespread protests, and authorities arrested prominent protesters and leaders in Al-Hoceima province in 2017. Fifty-three Hirak Rif members were charged and imprisoned, with terms ranging from one to 20 years ("Heavy Jail Sentences for 53 Hirak Activists in Morocco Despite Allegations of Torture"). Moreover, ten activists, including artists, bloggers, and other civilians, were arrested in several cities for writing blogs on Facebook or uploading videos to YouTube criticising King Mohammed VI and denouncing poverty and corruption in the kingdom. All of them were charged with "breaching the duty to respect the king," "offending constitutional institutions," and "insulting public officials while they were performing their duties." According to reports by local media, the Moroccan authorities supported the constitutionality of the procedures, denying "any deterioration of the human rights situation in Morocco" and emphasising the importance of distinguishing between "freedom of expression" and "committing offences punishable by law" (Amnesty International, "Morocco: Release Human Rights Defender Prosecuted on Trumped up Charges").

> *To dissuade protests, authorities and pro-government media outlets launched defamation and smear campaigns to discredit the Hirak movement, labeling them "traitors," "corrupt," and "terrorists"*

Hundreds of Hirak protestors were arrested by Moroccan security forces between May and August 2017, including peaceful protesters Nasser Zefzafi and El Mortada Iamrachen. To dissuade protests, authorities and pro-government media outlets launched defamation and smear campaigns to discredit the Hirak movement, labeling them "traitors," "corrupt," and "terrorists" (Bache). Nawal Benaissa, one of the Hirak's most prominent female leaders, was arrested after posting comments on Facebook urging the people of Al Hoceima to take the streets and join protests. As soon as she joined the movement, hundreds of false and fabricated stories were circulated by online media outlets with millions of followers, starting by delving into her personal life, and ending with accusing her of receiving funds from foreign countries to spread violence and destabilise the kingdom. In February 2018, Nawal was given a 10-month suspended prison term on charges of "protesting in an undeclared demonstration," "insulting law enforcement personnel," and "incitement to commit criminal offences". Similarly, hundreds of protesters, journalists and human rights defenders were later convicted by the Al Hoceima court in trials described by human rights organisations as unfair trials that "fall far short of international fair trial standards." (Amnesty International, "Morocco: Guilty Verdicts Returned in Unfair Hirak Trials Must Be Overturned") On July

30, 2020, in conjunction with the country's Throne Day, the king announced a royal pardon for numerous members of the Hirak Rif Movement, covering the release of a total of 1,446 detainees ("Morocco: Royal Pardon for Hirak Rif Protestors").

STATE OF PRESS FREEDOM

Key media and broadcast outlets in Morocco, such as radio stations, television channels, and press agencies, are mostly dominated by the state and reflect the official line of the Moroccan authorities. However, the private press has been successful in breaking through barriers on some sensitive topics, such as allegations of high-level corruption. There are currently nine state-run public television channels, 34 radio stations, and 618 newspapers, including privately owned, party-affiliated, and government-controlled publications. The media outlet primarily operates in a variety of languages, mostly Arabic, French, and Amazighe in specific Moroccan areas. The government also owns the country's largest media agencies, including the official press agency the Maghreb Arab Presse, the National Society of Radio and Television (SNRT), and the Arabic daily Al-Anbaa. These three media have thousands of followers on Facebook and other social media platforms (BBC News).

While Morocco has thousands of media and news platforms, the majority of which are digital, journalists and the few remaining independent media outlets face significant obstacles as a result of restrictive legislations aimed at controlling the free flow of information, limiting and censoring content on the internet, and punishing voices critical of the Moroccan authorities.

The adoption of a controversial antiterrorism law in May 2003 reversed many of the press freedoms that had been enforced under the updated 2002 Press Code. In May 2003, the government invoked Article 41 of the anti-terror legislation to impose harsher restrictions and penalties for offensive speech (under the pretext of protecting Moroccan territorial integrity). The government closely monitors and controls media content through subsidies, advertising allocation, and rigorous regulation and licensing procedures (Freedom House, "Morocco").

In 2016, Morocco adopted a new Press and Publications Code, replacing the 2002 Press Code. Both codes prohibit any publication that offends or criticise the king, the royal family, Islam, or territorial integrity. In contrast to the 2002 Code, the new Press Code of 2016 does not impose prison sentences for these offences, Instead, as punishment, courts can remove and seize publications, as well as suspend the operations of media agencies. In short, the government retains broad powers under the revised law, including the authority to censor news content, suspend critical media outlets, and pursue fines and prison sentences against journalists. Morocco's 2011 constitution guarantees freedom of the press and prohibits prior censorship; however its ambiguous and vague language leaves the door wide open for interpretation and impedes the enforcement of media protections. Moreover, Moroccan authorities continue to stifle free expression by weaponizing false charges against journalists and human rights activists and imposing draconian prison sentences under the Penal Code for a variety of vaguely defined offences related to nonviolent speech. Under the problematic Penal Code, journalists and critics of the authorities continue to be prosecuted, jailed and imprisoned for offending public officials while performing their duties, disrespecting the king, and offending state institutions (El-Rifae).

> **At least a dozen people were arrested on charges of spreading fake news related to the coronavirus pandemic by mid-March 2020, including individuals who criticised the government's response to the coronavirus**

Furthermore, authorities in Morocco have silenced critical voices through judicial harassment, indefinite detention, and false accusations, including sex crimes charges (sex outside of marriage is forbidden under Morocco's conservative criminal code.) As a result, journalists are unable to report freely in some locations, particularly Western Sahara, where media blackouts and crackdowns on peaceful protesters persist. Morocco was placed 133 out of 180 nations in Reporters Without Borders' 2020 ranking. RSF has regularly condemned judicial persecution of independent journalists, as well as severe prison sentences based on fake charges ("Morocco / Western Sahara"). In effect, the mixture of legal tools used to imprison, harass, censor, and fine journalists for their reporting are all still available.

Amidst the COVID-19 health crisis, the government rushed to introduce the "anti-fake news" bill (or Law 20-22), which aims to penalise the dissemination of false information on social media networks or open broadcast networks with up to two years of imprisonment and a fine of MAD 5,000 (approximately USD 500). The bill was severely criticised by human rights groups and some MPs, calling on the government to immediately drop the draft law and warning that such vague terms of "fake news" can be used to muzzle journalists and human rights activists who criticise the government ("Morocco: Government Must Fully Withdraw Draft Law on Social Media"). At least a dozen people were arrested on charges of spreading fake news related to the coronavirus pandemic by mid-March 2020, including individuals who criticised the government's response to the coronavirus (Staff). Fortunately, civil society took action and the government postponed the review of the draft law following mass criticism by civil society groups and the Moroccan Journalists Syndicate ("The Moroccan Syndicate of Journalists calls for an immediate halt to the draft law on publishing fake news"). Nevertheless, these measures showcased how the Moroccan government had taken advantage of the COVID-19 outbreak to pass laws curtailing civil liberties.

MOROCCO'S INTERNET PATTERN AND PENETRATION

Internet penetration in Morocco reached 69 percent in January 2020, with 25.32 million users, an increase of 13 percent (2.9 million users) during 2019 (Freedom House, "Key Internet Controls 2020"). According to the International Telecommunications Union, between 2010 and 2018, the rate increased from 52 percent to 65 percent (ITU). In terms of social media, the penetration rate reached 49 percent in 2020 (Kemp),with 18 million social media users, a growth of 11 percent from 2019. Between 2020 and 2021, the number of Moroccans using social media increased by 4 million (+22 percent). According to data from Meta's advertising resources, Facebook has 18.95 million users in Morocco in early 2022, making it the most popular social media in the country. YouTube comes next, with 21.40 million users in Morocco in early 2022. This figure suggests that YouTube's 2022 ad reach was equivalent to 57 percent of Morocco's total population at the start of the year. Instagram also had a high rate of users in the country with 9.3 million users as of early this year. Twitter on the other hand is the least popular platform, with 2.85 users in Morocco. Pro-government media outlets have a strong presence on social media platforms. Chouf TV and Barlamane, Morocco's largest online media, have nearly 18 million and 3 million followers, respectively.

Morocco had 43.35 million mobile connections as of the beginning of 2020, accounting for 118 percent of the total population. Moreover, 92 percent of Morocco's population uses mobile phones, and 73 percent of those users are smartphone users, with 86 percent using their smartphones to access the internet. However, the number of Moroccan mobile connections dropped by 216,000 (-0.5 percent) between January 2020 and January 2021. Meanwhile, fibre-optic network subscribers increased by about 80 percent year-on-year to more than 218,000 users.

Fixed broadband internet subscriptions reached 1.7 million in 2019, a 12 percent rise from 2019. Between 2005 and 2019, broadband internet subscriptions increased from 249,138 to 1.75 million, at an annual pace that peaked in 2006. Morocco's internet speeds have also increased. According to the 2019 Inclusive Internet Index, Morocco's mobile internet download speeds averaged 13 Mbps, while mobile upload speeds averaged 7.5 Mbps, representing increases of 17.7 percent and 19 percent, respectively, over the 2018 index ("The Inclusive Internet Index (Morocco)"). In terms of fixed-broadband speeds, the average download speed is 15.5 Mbps, while upload rates are 2.7 Mbps, both of which are up 50.3 and 45.2 percent from the 2018 index.

Morocco's market is dominated by three major service providers. By the end of 2017, Itissalat Al-Maghrib controlled 42.1 percent of the mobile fleet, followed by Orange (34.8 percent) and Inwi Corporate (23.1 percent) ("ANRT Annual Report"). As for the cost, the internet remains very expensive for the vast majority of Moroccans. According to the Freedom on the Net 2020 report, internet use in Morocco is "partly free" (Freedom House, "Key Internet Controls 2020"). Maroc Telecom owns a fibre-optic backbone infrastructure of around 10,000 km (partially owned by the state). Furthermore, the National Railways Office (ONCF) and the National Office of Electricity and Water (ONEE) each own 2,000 and 4,000 km of infrastructure, respectively (both entities are administered by the state) (World Bank Group).

Over the last few years, the Moroccan government has established a variety of programs to strengthen the country's ICT infrastructure, and by the end of 2018, the government had produced "General Guidelines for the Further Development of the Telecommunications Sector," which aims to boost and increase high-speed connections across the country, strengthen the existing infrastructure, and enable universal access to the internet for all people ("Notes d'orientations générales | ANRT | agence nationale de réglementation des télécommunications").Despite this progress, and even after the PC and tablet became indispensable parts of most Moroccan households (half of urban households have more than one device and 60 percent of people have access to a computer), there is still a significant divide between urban and rural areas, which account for 38.7 percent of the total population (Marshall). According to the National Telecommunications Regulatory Agency's (ANRT), urban areas are more likely than rural areas to have internet access, with 67 percent in urban regions compared to 43 percent in rural areas, which is significantly higher than the continent's average. While many rural residents have access to electricity, the majority do not have phone connections or high-speed internet. Additionally, the high percentage of illiteracy among rural Moroccans (47.5 percent), particularly among rural women (60.1 percent), is a substantial barrier to internet access ("Education Et Alphabétisation - Maroc (Rural)").

MAPPING THE COUNTRY CHALLENGE WITH DIGITAL AUTHORITARIANISM

DATA GOVERNANCE

The use of sophisticated surveillance technology

In recent years, Morocco has seen increasing reports of journalists, political activists, and human rights defenders being unlawfully targeted by NSO's Pegasus spyware. These people were subsequently detained, prosecuted on politically motivated charges, tortured and ill-treated. Among them is prominent activist and investigative journalist Omar Radi, who was arrested multiple times and jailed for six years after a judicial process marred by violations of his fair trial rights (Amnesty International, "Morocco: Journalist Omar Radi Sentenced to Six Years After Unfair Trial"). Aminatou Haidar, like many other Sahrawi activists, has reportedly been subjected to sexual assault, enforced disappearance, beatings, torture, and arbitrary detention without charges or trial by Moroccan authorities for participating in peaceful demonstrations and speaking out on human rights issues (Geneva Solutions).

Deploying unchecked tech-solutions around COVID-19

In April 2021, the Ministry of Interior reportedly distributed a non-public call for tenders worth half a billion Moroccan dirhams to equip drones and CCTV cameras with facial recognition systems in Casablanca to monitor citizen movement, limit "delinquency," and detect persons who do not wear masks or respect COVID-19 social distancing measures (Aboulfaraj). The biometric system will also rely on centralised data centres, databases, and algorithms that analyse citizens' movement and behaviours. Face detection technology poses a profound threat of violating an individual's fundamental right to privacy through increased and potentially large-scale exploitation of personal data, some of which are sensitive. Without adequate control mechanisms regulating the acquisition and use of facial recognition, surveillance and monitoring tools in public spaces represent a real threat to the right to free association, free expression and other civil liberties of millions of citizens in the country.

Moreover, in October 2021, the Moroccan authorities imposed mandatory vaccine passes, also known as "vaccine passports," as a precondition for entering all workplaces and public places, and for domestic travel between Moroccan cities, under the guise of curbing COVID-19 spread, reviving the economy, and preventing the emergence of new variants. Those who do not comply with the new measures would face consequences such as a deduction from their salaries and dismissal from their jobs (Janjiya). In response, The Moroccan Justice and Development Party, the United Socialist Party (the opposition), the Bar Association, and the Moroccan Association for Human Rights (the largest human rights organisation), announced in numerous statements their rejection of the decision, considering it "contrary to the constitution and restricting freedoms" including right to movement, peaceful assembly and privacy.

SPEECH

Systematic defamation campaigns to silence women activists

Since the so called "Arab Spring" ignited in 2011, Moroccan women known for their critical views of the regime and active in the public sphere have been jailed for offences ranging from "complicity in adultery" to "non-denunciation of an attack on state security," as well as being exposed to systematic defamation and smear campaigns by local media outlets, which is largely dominated by the regime or reflects the official line of the Moroccan authorities.

The case of female journalist Hajar Raissouni, a journalist in Akhbar Al-Yum (one of the country's last independent newspapers) who was arrested on charges of "illegal abortion" and "sex outside marriage" and sentenced on September 30 2019 to a year in prison before she was released with a royal pardon, sparked a storm within civil society and a wide debate in the Moroccan media about freedom of the press, women's rights, and laws that protect people's privacy. The defamation machine was launched against Hajar by media outlets close to the authorities, such as Chouf TV and Barlamane, starting with digging into the most intimate aspects of her private life, ending with accusing her of being "pregnant'' by her manager, Taoufik Bouachrine, and calling for Hajar's arrest. Moroccan authorities sought to prove the charges at any cost, including forcing her to undergo a medical examination without her consent ("Submitted to Medical Examinations: Moroccan Journalist Accuses Police of Torture"), which fueled street anger and unleashed a powerful wave of solidarity that crossed the country's borders.

> *Systematic and sexualised pro-government smear campaigns have intimidated women and discouraged them from continuing their human rights work, and excluded women activists from the human rights and political arenas, limiting their influence in public life*

According to a statement circulated by the Moroccan "Khamisa" movement, women in Morocco are subjected to "the most dangerous and harmful form of violence against them, which is defamation by using their private lives in order to undermine their reputation and alter their image in public opinion." The statement also underlined that "at a time when the Moroccan state, as institutions, is supposed to defend women and fight violence against them, it was the first to use websites and newspapers close to it to smear women human rights defenders, journalists, and political activists, metaphorically killing them." ("Moroccan movement demands an end to defamation campaigns against women")

Such systematic and sexualised pro-government smear campaigns have intimidated women and discouraged them from continuing their human rights work — the chilling effect — and excluded women activists from the human rights and political arenas, limiting their influence in public life.

Criminal charges and arbitrary detention to muzzle press freedom

Moroccan authorities continue to stifle free expression by weaponizing false charges against journalists and human rights activists and imposing draconian prison sentences under the Penal Code for a variety of vaguely defined offences related to nonviolent speech. Under the problematic Penal Code, journalists and critics of the authorities continue to be prosecuted, jailed and imprisoned for offending public officials while performing their duties, disrespecting the king, and offending state institutions. Since November 2020, Amnesty International has reported the arrests of at least ten activists, including artists, bloggers, and other civilians, for writing blogs on Facebook or posting videos to YouTube condemning King Mohammed VI and denouncing poverty and corruption in the country (Amnesty International, "Morocco/Western Sahara: Crackdown Against Activists for Criticizing the King, Public Institutions and Officials"). Under Morocco's Penal Code, they were all charged with "offending" public officials or entities.

ACCESS

Communications blackouts during the protests

Between 2016 and 2017, internet and network shutdowns were reported in rural areas, including Al-Hoceima, to silence Hirak El-Rif protestors and oppress journalists who were covering the protests ("Morocco Obstructs Coverage of Rif Protests"). Moroccan authorities ordered telcos and internet service providers to block both internet and phone network connections during protests. Local residents in Al-Hoceima have also reported disrupted or inconsistent access to popular communication platforms such as Facebook, Twitter, and WhatsApp, including Facebook live, which was a critical tool for broadcasting and mobilising during the Hirak El-Rif movement.

Legislation to criminalise free speech on social media

In the midst of the global COVID-19 health crisis, the Moroccan government rushed to introduce a "fake news" bill which aims to criminalise the dissemination of false information on social media networks or open broadcast networks with up to two years of imprisonment and a fine of MAD 5,000 (approximately USD 500). Human rights groups and some parliamentarians severely criticised the government's proposal and called for the immediate withdrawal of the law, warning that such ambiguous terms as "fake news" can be used to muzzle and misuse charges against journalists and human rights defenders who criticise the government on social media platforms ("Morocco: Government Must Fully Withdraw Draft Law on Social Media"). While the review of the law had been postponed following mass criticism by civil society groups and the Moroccan Journalists Syndicate, they felt that the government had taken advantage of the COVID-19 pandemic to pass laws curtailing civil liberties.

INFORMATION

Unlawful surveillance of citizens and monitoring of social media

In November 2020, a Middle East Eye investigation revealed that members of Moroccan security agencies had received training from European Union experts on creating fake identities (sock puppets) on social media platforms to serve the regime's interests by spreading misleading information and gathering intelligence information on certain critics Facebook users (Hooper).

Troll armies propagate disinformation online and attack anti-regime activists

In February 2021 Facebook revealed in its coordinated inauthentic behaviour report that it had deleted 385 fake accounts, 6 pages on its platforms, and 40 accounts on the Instagram application — with about 150,000 followers — all of which promote articles loyal to the Moroccan authorities. These accounts also frequently comment on news and pro-government stories from various news outlets including Chouf TV and posted criticism of the king's opposition, journalists, human rights organisations and dissidents ("Detailed Report: February 2021 Coordinated Inauthentic Behavior Report"). Chouf TV published multiple defamatory articles against women activists and called for their arrest, including that of Karima Nadir, where the defamatory machine specifically stigmatised and targeted her for being a single mother. To tarnish her reputation and undermine her credibility in Moroccan society, the pro-government media outlet has also accused her of drug consumption during her pregnancy and of being a "neglectful" mother because her child does not use his biological father's surname (Febrayer).

DIGITAL AUTHORITARIANISM IN PRACTICE

Over the last decade, mass demonstrations have become a last resort for Moroccans to protest socio-economic marginalisation, corruption, and police brutality, and to draw attention to their plight in an attempt to effect change. Despite the state's containment policies and the violent suppression of the 2011 demonstrations led by the popular February 20 Movement for political democratic reform, socio-economic protests in Morocco persisted, reaching a peak in late 2016 and 2017 with the Hirak movement in the marginalised northern Rif region.

In in August 2018, Amnesty International reported that Moroccan security forces arbitrarily arrested an estimated 150 sub-Saharan people in Tangier and punished them by bussing them to southern cities where they were abandoned, following a small protest they organised in front of the Spanish Consulate to demand the freedom of sub-Saharan migrants in Morocco (Amnesty International, "Morocco: Relentless Crackdown on Thousands of Sub-Saharan Migrants and Refugees Is Unlawful"). According to the United Nations refugee agency (UNHCR) in Rabat, at least 14 asylum seekers and four refugees registered in Morocco were also forcibly moved to the country's south during this incident. Moroccan authorities have justified the incident as a measure to fight against illegal migration, declaring that the operations aimed at transferring migrants to other cities, conducted in conformity

with national laws aimed at fighting illegal migration and trafficking networks (Amnesty International, "Morocco: Relentless Crackdown on Thousands of Sub-Saharan Migrants and Refugees Is Unlawful").

There is also a significant disparity between the auhtorities's claims about democratic freedoms, human rights, and the rule of law, and the monarchy's actual actions and conduct toward its citizens. The establishment of an independent court is required for an equitable and just rule of law; yet, the Moroccan judicial and legal system is under the control of the monarch. Additionally, journalists and the independent press are tried and prosecuted under the Penal Code rather than the Press Code of 2016, which abolished imprisonment for criticising the monarch. Opposition journalists have been jailed on dubious allegations, as in the case of Akhbar Al-Youm, one of Morocco's few critical daily media outlets. The newspaper closed its doors in March 2021, after pro-government media campaigned for boycotting the newspaper and the government withdrew its support (assistance had been provided to the media in response to the COVID-19 pandemic). Morover, Taoufik Bouachrine, the publisher of Akhbar Al-Youm, received a 15-year prison sentence for a variety of offenses including human trafficking, sexual assault, rape, prostitution, and harassment. Local journalists and press freedom groups believe the fabricated allegations are a retaliatory tactic for his critical reporting. According to a UN report issued by the Working Group on Arbitrary Detention, these charges were "unfounded" and were filed in "retaliation for his journalistic work" ("Morocco: The Trial of Journalist Tawfiq Bou Achrine Lacks Justice"). Such a strategy is frequently employed against independent and opposition newspapers.

Over the past few years, Moroccan authorities have been rolling out digital technology and investing millions of dollars in AI-based solutions and tech solutions to promote economic growth, increase digitalisation, boost digital transformation, and strengthen the country's innovation ecosystem through the new Maroc Numérique 2020 plan and the creation of the Digital Development Agency (ADD) — a public entity responsible for implementing the kingdom's strategy for digital development and promoting digital tools and their use among citizens. While new and emerging technologies have the potential to provide opportunities for digital development, they also pose a threat to the protection, promotion and enjoyment of human rights, particularly in light of the strong political and military presence in public life in Morocco and the absence of adequate local mechanisms and access to remedy for individuals when violations occur.

Since the outbreak of COVID-19 in December 2019, there has been a rapid expansion in the deployment of innovative and emerging technologies in Morocco, sparking several debates about the risks and adverse impacts associated with the technology in question, such as enabling mass surveillance, discrimination, censorship, opacity and a lack of robust regulation. The pandemic has accelerated the adoption of digital technologies in Morocco, with the government introducing a variety of measures to curb the spread of COVID-19 by deploying and testing unchecked emerging digital technologies and biometric systems such as digital identity (digital ID), a COVID-19 contact tracing app, a vaccine passport, and the widespread installation of facial recognition software into surveillance cameras and unmanned drones across the country.

In October 2021, the Moroccan authorities imposed mandatory vaccine passes, also known as "vaccine passports," as a precondition for entering all workplaces and public places, and for domestic travel between Moroccan cities, under the guise of controlling COVID-19 spread, reviving the economy, and preventing the emergence of new variants. Those who do not comply with the new measures face consequences such as a deduction from their salaries and dismissal from their jobs (Janjiya, "Morocco: 'the salary in exchange for vaccination', is it the drop that will overflow the cup?"). The vaccine passport was heavily criticised by civil society and rights groups who considered it "contrary to the constitution and restricting freedoms" and a blatant violation of the right to privacy and personal information. After several calls from local civil society groups on social media platforms, thousands of protesters took the streets in several cities including Casablanca, Fez, Marrakesh and Meknes, denouncing the compulsory imposition of the vaccine passport. Police responded with an iron fist, arresting dozens of protesters (Euronews), and prosecuting four activists with broadly defined charges such as "non-compliance with the health and state of emergency" and "insulting security forces and public officials while performing their duties"(Alyaoum24). More than 30,000 human rights defenders, activists and politicians in Morocco signed an online petition calling on the government to revoke the vaccine passport given the restrictions it poses on the right to movement and other fundamental rights, and demanding that the passport be voluntary as the initiative's efficacy in combating COVID-19 is in question ("Moroccans Reject the Mandatory 'Vaccine Passport' and Warn Against Depriving Citizens of Basic Rights").

Although the Moroccan National Commission for the Control of Personal Data Protection (CNDP) considers that a vaccine passport is a proportionate and necessary means of limiting the spread of the virus and ongoing transmission ("The Data Protection Committee Expresses Its Opinion on the Mandatory 'Vaccine Passport' in Morocco"), and does not involve the risk of automatic tracking or access to personal information, human rights activists and local civil society organisations remain unconvinced that such initiative will not entail large-scale data collection and processing, posing a threat to the protection of personal data. In the context of the global health situation, digital surveillance enabled the Moroccan authorities to extend their authoritarian reach by silencing the voices of popular dissent, independent media, and opposition figures. This comes with rising fears that digital surveillance will be sustained beyond the end of the COVID-19 crisis.

Authorities have deployed cameras equipped with facial recognition and biometric systems (which compares information with a database to find a match) in Casablanca and other cities in Morocco under the pretext of limiting the spread of COVID-19. The regulation of biometric facial recognition software in Morocco is placed in the hands of the CNDP, which was established as an oversight body in accordance with the national Data Protection law No.09-08 of 2009. In June 2020, UN High Commissioner for Human Rights Michelle Bachelet expressed concern about the use of facial recognition technology during peaceful protests and urged states, including Morocco, to meet certain conditions such as transparency, oversight, and human rights due diligence before deploying it ("UN Raises Concern About Facial Recognition Technology"). Three months later, CNDP announced a seven-month moratorium on its use by public or private entities as of September 2, 2019 ("Délibération N° D-194-2019 Du 30/08/2019 Relative À Un Moratoire Sur La Reconnaissance Faciale"), marking a significant step forward in establishing guidelines for the use of biometric authentication systems in general and facial recognition technologies in particular.

CNDP argued that this technology would have an impact on people's privacy and fundamental rights, and announced the need for extended consultations with public and private stakeholders, civil society representatives, and local and international experts. Subsequently, CNDP has extended the moratorium on the use of biometric facial recognition until the end of December 2020 ("Morocco Extends Facial Recognition Moratorium to Year-End, Proposes Biometric Authentication Service"); however, there were no further reports about banning biometric systems beyond 2020.

In April 2021, the Ministry of Interior reportedly distributed a non-public call for tenders worth MAB 0.5 billion to equip 577 drones and CCTV cameras with facial recognition systems in Casablanca to monitor citizen movement, limit "delinquency," and detect persons who do not wear masks or respect COVID-19 social distancing measures. This sophisticated surveillance system will cover all the corners of the city, especially in sensitive neighbourhoods which are difficult to access, as well as to monitor crowds during protests (Aboulfaraj, "Casablanca bientôt surveillée par des drones et des caméras à reconnaissance faciale"). The biometric system will also rely on centralised data centres, databases, and algorithms that analyse citizens' movement and behaviours. Face detection technology poses a profound threat of violating an individual's fundamental right to privacy through increased and potentially large-scale exploitation of personal data, some of which are sensitive. Authorities in the cities of Marrakech and Berkan have also been using drones to call on the population to comply with the pandemic measures and to warn them to stay at home, and to detect movement at night. However, the precise amount of high tech in use across the country today is still unknown. Without adequate control mechanisms regulating the acquisition and use of facial recognition, surveillance and monitoring tools in public spaces represent a real threat to the right to free association, free expression and other civil liberties of millions of citizens in the country. Indeed, in its deliberation in 2019, CNDP stressed on the "need to have a robust regulatory framework put in place in Morocco for the use of facial recognition to ensure the technology respects individual privacy" ("Délibération N° D-194-2019 Du 30/08/2019 Relative À Un Moratoire Sur La Reconnaissance Faciale")

Along the same lines, there have been increasing reports of journalists, political activists, and human rights defenders being unlawfully subjected to surveillance, detained, prosecuted on politically-motivated and false charges, tortured, ill-treated. Independent journalists and activists have also been targeted by state-sector media on social media platforms to discredit and distort their reputation using defamation campaigns, character assassination, and accusations of moral and sex crimes that clash with the general conservative values of Moroccan society. More than 30 pro-monarchy websites and newspapers were listed by the Euro-Mediterranean Human Rights Monitor as being implicated in these defamation and smear campaigns (Euro-Med Human Rights Monitor). This new strategy seeks to rob accused journalists and activists of public sympathy and solidarity.

> *Face detection technology poses a profound threat of violating an individual's fundamental right to privacy through increased and potentially large-scale exploitation of personal data, some of which are sensitive*

According to the Pegasus project, an investigation conducted by Amnesty International and Forbidden Stories, the Moroccan authorities used spyware acquired from the Israeli company NSO Group to target at least 35 journalists. Among them were Omar Radi who was investigating land expropriation and who for years documented human rights abuses; journalist Hajar Raissouni of the Arabic-language daily Akhbar Al-Youm; a journalist in Akhbar Al-Yum (one of the country's last independent newspapers) who was arrested on charges of "illegal abortion" and "sex outside marriage" ("Appels à la libération de la journaliste arrêtée au Maroc pour 'avortement illégal'"); and her uncle Suleiman Raissouni, the editor-in-chief for the same newspaper who writes frequent editorials critical of the authorities. Prominent Sahrawi activist Aminatou Haidar, who won multiple awards for her peace activism and human rights work, has also been unlawfully targeted by Pegasus spyware and is now facing a new form of insidious digital attack (Amnesty International, "Morocco/Western Sahara: Activist Targeted With Pegasus Spyware in Recent Months – New Evidence"). In this stifling and threatening atmosphere, several journalists, like Hajar Raissouni, have opted for self-exile.

Moreover, Morocco acquired mass surveillance technologies called Evident which allow surveillance of emails and mobile phone calls at the country-wide level. Furthermore, in 2011 Morocco invested EUR 2 million in Eagle, a surveillance technology that allows censorship and bulk monitoring of internet traffic ("State of Privacy Morocco").

ANALYSIS AND CONCLUSION

The ongoing popular frustration and unrest in Morocco reflect the fact that the political class is failing to respond to the people's legitimate aspirations of comprehensive reform, resulting in increased disillusionment and distrust of the political system. Citizens in a democracy can use their electoral powers to show a momentary lack of trust in their government. In Morocco, however, the electoral route reproduces the same system of government, with legislators who are not accountable to the voters but obedient to the interests of the monarch.

The reality on the ground contradicts the regime's narrative that it has been progressively adopting democratisation and reform since King Mohammed VI's assumed power in 1999 and the constitutional referendum of 2011. Morocco's 2011 Constitution guarantees press freedom and explicitly forbids prior censorship, however its vague language gives room for interpretation and impedes enforcement of media protections. Furthermore, Moroccan authorities continue to suppress free expression by using trumped up charges against journalists and human rights activists and imposing draconian prison sentences under the Penal Code for a variety of broadly defined nonviolent speech offences. Journalists and dissidents of the regime are being tried, arrested, and jailed under the flawed Penal Code for offending public officials while performing their duties, disrespecting the king, and offending state institutions.

With the country's fragile legal system, various pro-government arms of the media system, and social media companies failing to take effective action to curb the intense activity of troll armies in Morocco, women human rights defenders and activists affected by smear campaigns and fake news had no choice but to launch campaigns to block troll armies accounts. Amna Al-Terras, for example, launched the "Blocky Al-Zabban" (Block electronic 'flies') campaign on Facebook and Twitter to alert people about the phenomenon, encouraging those affected to block the fake profiles that systematically target and attack users in the country ("A tweet by Amna Al-Terras calling on Twitter users in Morocco to block troll armies for targeting women with defamatory campaigns").

Additionally, newly emerging technologies pose a significant threat of infringing an individual's fundamental right to privacy through growing and potentially large-scale exploitation of sensitive personal data. Furthermore, in light of the country's ongoing protests, freedom of assembly and organizing will be jeopardized, threatening pro-democracy movements and potentially hollowing out democracy and press freedom, creating a general atmosphere of fear to deter criticism, force self-censorship, as well as leading to discrimination against migrant, refugee, and asylum-seekers communities, including thousands of Saharawi people. Without sufficient control mechanisms, proper and independent oversight governing the acquisition and use of face recognition technology, surveillance and monitoring technologies in public places pose a genuine threat to the rights of millions of persons in the country to free association, free expression, and other civil liberties.

While data-driven technologies can add great value, they carry very significant risks for human dignity, autonomy and privacy, and the exercise of human rights in general if not managed appropriately. The Moroccan government should not use COVID-19 as an excuse to implement or expand existing systems that will have long-term consequences and may lead to mass surveillance practices without proper due diligence and human rights impact assessment. Rather than turning to unchecked technologies that can harm vulnerable communities in the country, the authorities have to ensure that new and emerging technologies are designed, developed, deployed, and regulated in a way that enable, rather than undermine, human rights standards and principles in the country.

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