

GLOBAL INFORMATION SOCIETY WATCH 2009

*Focus on access to online information and knowledge
– advancing human rights and democracy*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
AND HUMANIST INSTITUTE FOR COOPERATION WITH DEVELOPING COUNTRIES (Hivos)

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*Dedicated to A.K. Mahan - an activist who valued
intellectual rigour and concrete outcomes.*

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Introduction

In late 2008, Mohammed Erraji, one of the bloggers who criticised the Moroccan king's social policies, was sentenced to prison.¹ This case attracted considerable attention in the international community and among local human rights activists, who furiously condemned the decision. They said it implies a significant change in the status of internet freedom in Morocco.

Access to information and freedom of expression are two key criteria of good governance in democratic regimes. These two elements have a positive impact on citizens' inclusion in the democratisation process of the country; they also guarantee the required level of transparency related to the government's decisions and the right to know. Morocco is one of the Middle East and North Africa (MENA) region countries which has not yet adopted a law to guarantee access to information. As for the notion of freedom of expression and opinion, the country's Press Code imposes clear restrictions on the type of information journalists are allowed to publish.

The introduction of new technologies, specifically the internet, has prompted the creation of new channels to disseminate information. Yet, despite new e-government initiatives, which are aimed primarily at efficient service delivery, efforts to establish reliable online platforms for accessing information as a right are minimal in Morocco. They do not reflect positively on the transitional phase to democracy the country has been undergoing for a decade. This raises several questions about the extent to which public institutions and administrations in the country are transparent.

Policy context

Access to online information in Morocco in general is very limited. The reason can be linked to the fact that the government does not realise the potential of building an open knowledge society, and the ways in which the internet can be used as the main driver to do this. As a result, there are no policies in place to protect intellectual property online. Morocco also does not have an organisational framework as far as access to online educational materials is concerned.

The government has, however, expressed a specific interest in e-government in an attempt to reinforce its relationship with the citizens and to boost the perception of the government as a positive force. Morocco established a strategic committee for developing new technologies back in 1998 as part of its initiative to launch an e-government plan. This

committee was reinvigorated in 2004, and was placed under the supervision of the economic affairs minister.²

Article 9 of the Moroccan Constitution³ grants citizens the right of freedom of opinion, of expression in all its forms, and of public gathering; and, outside of the Press Code, Morocco's policy regarding online freedom of expression does not obviously impose any restrictions on online content. However, the widespread use of the internet and the increase in blogging activity have changed the way online freedom of expression is perceived.⁴

Censoring online content in Morocco can be considered a continuation of the country's policy regarding freedom of expression in the offline world, which still imposes restrictions on material criticising the monarchy, religion and national integrity. Besides clamping down on bloggers, the government is also closely monitoring the websites of the Islamic party Al Adl Wal Ihsan,⁵ as well as websites discussing disputed territory in Western Sahara, since it is believed to jeopardise the kingdom's integrity.⁶

Legislative context

The legislative framework in Morocco still lacks provisions specific to online media in general. This can be linked to the lack of integrating new technologies in the communication infrastructure and the lack of planning and coordination of information management.

The Moroccan Press Code, in its new version (2002),⁷ grants a series of rights related to freedom of expression and opinion, yet imposes restrictions on publishing information criticising the monarchy, Islam and the country's integrity, and, more specifically, the Sahara issue. Article 38 of the Press Code lists all electronic means of distributing information on the above-mentioned issues, including the internet. Infringing this law means authors will be subject to a prison sentence and a fine.

Access to what exactly?

One can sum up the critical issues relating to access to information in Morocco as follows:

- 2 National Seminar on the Right to Access Information: Law, administration and justice (*Le droit d'accès à l'information, la loi, l'administration et la justice: Travaux d'un séminaire national*), December 2008, p. 16.
- 3 www.al-bab.com/maroc/gov/con96.htm
- 4 Islamic Human Rights Commission (2007) Freedom of Expression in Morocco: Retraction of freedom of expression in Morocco: The Case of Al-Adal Wa Al-Ihsan (Justice and Spirituality Movement), 10 August. www.ihr.org.uk/show.php?id=2888
- 5 Sami, G. (2009) Morocco blocks four opposition websites, *Global Voices Advocacy*, 22 January. advocacy.globalvoicesonline.org/2009/01/22/morocco-blocks-four-opposition-websites
- 6 For more information see: en.wikipedia.org/wiki/Western_Sahara#Dispute
- 7 www.mincom.gov.ma/NR/rdonlyres/3451DD5C-F7DB-45D3-A927-D1EB691AD635/904/CodedelaPresse.pdf

1 Rachid, J. (2008) A turning point for Internet freedom in Morocco, *Menassat*, 12 September. www.menassat.com/?q=en/news-articles/4611-turning-point-internet-freedom-morocco

- Restrictions on the free flow of information in the Press Code
- The absence of a clear policy to make information available online
- Priority on political stability over the right of the media and citizens to access information
- Weak online platforms to access government and private sector information.

Even though Morocco has adopted universal human rights in its constitution, it usually scores very low in the ranking of countries promoting free speech. It has also been criticised for imposing fines and prison sentences within the ambit of the Press Code on publications judged as jeopardising public order. Most newspapers censor themselves to avoid sanction. The editorial line of most newspapers is defined according to the limits imposed by both the constitution and the Press Code, except for a few newspapers that manage to report on citizens' concerns in a sarcastic way. They are perceived by the general public and intellectuals as delivering constructive criticism of the regime and government institutions.

An increase in the level of internet use in Morocco gives citizens the opportunity to express their views concerning state economic and social policies, and other key issues facing the country.

Blogging has flourished in the last decade. Moroccan citizens have become more involved in reporting directly about issues they face on a daily basis. This helps us understand the views of people from all regions of the country. These views are of people who are far from the centre of decision making and power, and usually do not have any access to influence decision-making processes.

Cyber activists are aware of their rights to access information online, and the need to have more space to express their views. However, the state policy agenda does not necessarily reflect the ambitions of the blogging community. Access to major websites like YouTube,⁸ Google Earth and Google Maps⁹ was interrupted previously, but was reactivated shortly after fierce protests by internet users on their blogs or via prominent activist websites like Global Voices.¹⁰

New trends

A new trend in Morocco regarding access to online information is the establishment of e-government services. A committee responsible for deploying an action plan for integrating governmental services in an online platform to strengthen the government-citizen relationship has been set up. The action plan's main objective is to set up the parameters of an e-government system. The system aims to simplify procedures when using public services by, for instance, informing the public about deadlines and the

documentation required in various processes. The plan also aims to convert certain procedures to be available online including the registration and management of public tenders.¹¹

The plan elaborates extensively on the parties to be involved in the e-government initiative. It defines the role of central and territorial administrations in facilitating administrative procedures, and the sectors the project will be covering.

A report from a national workshop on the right to access public sector information pointed out that the e-government plan does not initially provide a legal background or any obligations regarding key elements constituting an e-government project, namely ratifying legislation with regards to electronic signatures, data protection and electronic archives.¹² However, these parameters were tackled in a recent document covering the legal framework of the e-government plan.¹³

Morocco is building its e-government platform slowly but surely. Two main websites have been launched. Maroc.ma¹⁴ and Service-Public.ma¹⁵ are the outcome of a joint project involving several governmental departments. They include general information for the public and the public sector on administrative procedures, and information on available public facilities. There is also the intention to create independent websites for cities and the different regions of the kingdom to provide online services for citizens.

Action steps

The internet offers the potential of creating new economic opportunities for least-developed countries like Morocco. National policies should be adjusted to accommodate the digital age by:

- Introducing effective legal mechanisms to protect the right to access online information and freedom of expression.
- Encouraging online freedom of expression and having fewer restrictions on content.
- Deploying the necessary platforms to convert administrative procedures to online services, and making the available services widely available by providing information in Arabic, which is the official language in Morocco.
- Launching campaigns to build citizen trust in online procedures.
- Updating official websites with the necessary information to keep citizens and the private sector informed about new bureaucratic procedures.
- Encouraging more transparency in public administrations, including disclosing contact details for civil servants, information on budgets and costing, and any other key information. ■

8 Sami, G. (2007) Block of Youtube: the Moroccan blogosphere react, *Global Voices Advocacy*, 28 May. advocacy.globalvoicesonline.org/2007/05/28/block-of-youtube-the-moroccan-blogosphere-react

9 York, J. (2008) Morocco: Censorship Update, *Global Voices*, 24 January. globalvoicesonline.org/2008/01/24/morocco-censorship-update

10 globalvoicesonline.org

11 National Seminar on the Right to Access Information (2008), op. cit., p. 16.

12 Ibid., p. 17.

13 IDARATI (2006) National e-government programme for an integrated and socially responsible e-administration 2005-2008 (*Programme national e-gouvernement 2005-2008: Pour une administration électronique intégrée et citoyenne*), Version 4.5, 25 January, p. 5.

14 www.maroc.ma

15 www.service-public.ma

GLOBAL INFORMATION SOCIETY WATCH (GISWatch) 2009 is the third in a series of yearly reports critically covering the state of the information society *from the perspectives of civil society organisations across the world.*

GISWatch has three interrelated goals:

- **Surveying** the state of the field of information and communications technology (ICT) policy at the local and global levels
- **Encouraging** critical debate
- **Strengthening** networking and advocacy for a just, inclusive information society.

Each year the report focuses on a particular theme. **GISWatch 2009** focuses on *access to online information and knowledge – advancing human rights and democracy*. It includes several thematic reports dealing with key issues in the field, as well as an institutional overview and a reflection on indicators that track access to information and knowledge. There is also an innovative section on visual mapping of global rights and political crises.

In addition, 48 country reports analyse the status of access to online information and knowledge in countries as diverse as the Democratic Republic of Congo, Mexico, Switzerland and Kazakhstan, while six regional overviews offer a bird's eye perspective on regional trends.

GISWatch is a joint initiative of the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos).

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2009 Report

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