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Midterm Parallel Report on the Implementation of Recommendations Accepted by the Kingdom of Morocco during the Fourth Universal Periodic Review Cycle Related to Freedom of Opinion and Expression

Submitted by: The Moroccan Forum of Young Journalists (FMJJ)
Status: Independent civil society organization working to defend freedom of the press and promote journalistic ethics.

I. General Introduction

This midterm parallel report is submitted by the Moroccan Forum of Young Journalists (FMJJ) as part of its ongoing monitoring of the implementation by the Kingdom of Morocco of the recommendations adopted during the fourth cycle of the Universal Periodic Review (UPR) related to freedom of opinion and expression, which were accepted by Morocco in 2022.

The report aims to assess the progress made and to highlight remaining challenges, based on a comprehensive analysis that integrates legal, institutional, and factual developments. It reflects a participatory vision rooted in field-based observations, Morocco's international obligations, and its interactions with UN human rights mechanisms. The analysis also draws on national and international reference documents, notably the 2011 Moroccan Constitution, UN treaty body reports, and recommendations of the Human Rights Committee.

II. Summary of Accepted Recommendations on Freedom of Opinion and Expression

During the 2022 UPR cycle, Morocco accepted 15 recommendations directly related to freedom of opinion and expression. These recommendations cover five thematic areas:

1. Reforming the legal and regulatory framework to ensure compliance with Article 19 of the International Covenant on Civil and Political Rights (ICCPR);
2. Decriminalizing expression-related offenses, particularly those linked to publication, in line with international human rights law and best practices;
3. Ensuring journalists and human rights defenders are not prosecuted under the Criminal Code for expression-related acts;
4. Providing an enabling and safe environment for the exercise of freedom of expression, peaceful assembly, and association;
5. Strengthening self-regulatory mechanisms and safeguarding their independence.

Among the key recommendations accepted by Morocco were:

- Legal and administrative reforms to align laws on expression and association with international standards and to ensure civil society actors and journalists can operate in a safe and enabling environment;

- Guaranteeing that journalists, human rights defenders, and individuals are not prosecuted or detained for exercising their right to freedom of expression, assembly, or association, and ensuring fair trial guarantees;
- Amending laws that unduly restrict freedom of expression and ensuring domestic legislation complies with the ICCPR;
- Ensuring an enabling environment for civil society, the media, and freedom of association and assembly;
- Repealing laws that restrict freedom of expression and allowing defenders and journalists to operate without fear of reprisals;
- Reviewing provisions of the Penal Code concerning freedom of expression to ensure alignment with Article 19 of the ICCPR;
- Strengthening protections for freedom of expression, peaceful assembly, and association, including for defenders and media professionals;
- Evaluating and implementing necessary reforms to bring national legislation into full conformity with international human rights law;
- Enhancing efforts to ensure the safety and empowerment of defenders and journalists;
- Repealing criminal sanctions on expression-related offenses, except those allowed under the ICCPR;
- Preventing undue restrictions on access to the Internet and telecommunications, especially during public protests;
- Supporting international partnerships to promote press freedom and access to free, pluralistic, and reliable information.

III. Midterm Implementation Assessment : Progress and Shortcomings

A. Legislative Framework

While the 2016 Press and Publishing Code abolished prison sentences for publication offenses, several journalists continue to be prosecuted under the Penal Code in expression-related cases. There has been no substantive legislative reform aligning national laws with Article 19 of the ICCPR. Although public discussions on reforming the press law have been initiated, no draft legislation has been formally submitted by the government nearing the end of its mandate. This has raised concerns about the risk of legal provisions being introduced that may reverse the gains made over the past two decades, particularly regarding professional self-regulation.

B. Self-Regulation of the Journalism Profession

The National Press Council has experienced an institutional crisis since its mandate expired in October 2022 without elections being held. The government initially extended the Council's mandate by decree and later established a Temporary Committee under Law No. 15.23 to oversee press affairs. This has sparked widespread debate about the independence of the profession’s self-regulation, as enshrined in Article 28 of the Moroccan Constitution.

In October 2022, the Government introduced Draft Law No. 26.25 on the reorganization of the National Press Council, which was adopted by the House of Representatives on 22 July 2025, following a legislative process marked by institutional and professional debate on the future of press self-regulation in the Kingdom.

In its current form, the draft law on the National Press Council contains significant advances, particularly the enshrinement of direct elections through an individual ballot system with respect for gender parity, as the sole mechanism enabling journalists to take ownership of their self-regulatory body and to hold democratically elected representatives accountable.

At the same time, however, the draft law reflects a punitive approach to disciplinary sanctions, without providing for adequate institutional and legislative safeguards to guarantee journalists' independence, shield them from pressure, and ensure a safe and free environment for the exercise of freedom of opinion and expression within media institutions. The fundamental purpose of self-regulation is to protect press freedom, uphold the dignity of journalists, and address professional misconduct, without resorting to administrative punishment or bureaucratic control, in line with the spirit of international human rights standards and relevant best practices.

Furthermore, the reliance on turnover figures as the sole criterion for determining the representation of media outlets within the Council risks undermining the principle of media pluralism and marginalizing small and medium-sized enterprises, which play a vital role in diversifying content and strengthening proximity to citizens.

C. Prosecution of Journalists and Human Rights Defenders

Between 2022 and 2025, several journalists,were prosecuted under the Penal Code for publication-related cases rather than under the Press and Publishing Law. Although Morocco improved its ranking in the 2024 RSF World Press Freedom Index and no journalists were imprisoned during 2023, criminal proceedings remain a concern in some publication-related cases.

A royal pardon in July 2024 that included journalists and activists was welcomed as a positive gesture towards enhancing freedom of expression and rebuilding public trust.

In the absence of a dedicated legal framework for digital publication, several citizens have been prosecuted under the Penal Code for expressing opinions online , sometimes falling within the boundaries of permissible expression under international law, due to the legal vacuum in regulating digital rights.

D. Public Support and Independent Media

A new decree was adopted in 2023 to support journalism, including digital outlets. While this is a step forward for digital transformation, concerns remain that opaque funding criteria may perpetuate economic dependence and undermine editorial independence.

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IV. Positive Developments Worth Highlighting

- Morocco's full acceptance of all recommendations related to freedom of opinion and expression during the fourth UPR cycle;
- An improvement of 15 ranks in Morocco's position in the 2024 RSF World Press Freedom Index;
- The royal pardon of several journalists in July 2024;
- A decrease in prosecutions of journalists for publication-related offenses in 2023 compared to previous years;
- Government openness to public dialogue on reforming the press legal framework;
- Morocco's continued engagement with UN human rights mechanisms.

V. Remaining Challenges

- The persistence of legal duality between the Press Law and the Penal Code;
- The absence of a dedicated legal framework for digital media and online expression;
- The need to legally enshrine the independence of professional self-regulation;
- Structural economic fragility of private media enterprises and declining media diversity.

VI. Recommendations by the Moroccan Forum of Young Journalists

1. Align the Press and Publishing Law with international standards, particularly Article 19 of the ICCPR;
2. Repeal all provisions allowing for the prosecution of journalists under the Penal Code for expression-related acts;
3. Organize democratic elections for the National Press Council without delay and ensure its full independence;
4. In parallel with the self-regulation of the profession, the establishment of elected editorial bodies within major media institutions is essential to safeguard journalists' independence from external interference by centers of influence. Such mechanisms would strengthen institutional governance, reinforce editorial independence, and guarantee the rights of journalists as universally recognized, protecting them from financial and political pressures
5. Adopt a specific law on digital media that protects freedom of expression and digital rights;
6. Strengthen public support for independent journalism based on criteria of quality, independence, and pluralism of opinion;
7. Establish an institutional mechanism for monitoring and protecting journalists from violence and violations;
8. Enhance professional training in journalistic ethics and the fight against disinformation.

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VII. Conclusion

Despite notable positive developments, freedom of opinion and expression in Morocco continues to face real challenges in light of the State's obligations before the United Nations. The Moroccan Forum of Young Journalists believes that achieving a balance between security and stability on one hand, and the protection of fundamental freedoms on the other, is a legitimate and achievable objective.

We call for the deepening of public dialogue on legal reforms affecting the media sector and the inclusion of professional bodies and civil society in this process. A national model that enshrines freedom of expression as a constitutional value and positions journalism as a cornerstone of democracy and human dignity must be collectively built and defended.