MOROCCO

**THE CONSTITUTION**

**PREAMBLE**

True to the irreversible choice it has made to build a democratic State based on the rule of law, the Kingdom of Morocco resolutely continues the process of consolidating and strengthening the institutions of a modern State, on the basis of the principles of participation, pluralism and good governance. It seeks to build an inclusive society, in which all citizens enjoy security, freedom, equal opportunity, respect for their dignity, in addition to social justice, within the framework of the intrinsic relationship between the rights and duties of citizenship.

As a fully sovereign Muslim State committed to its national unity and territorial integrity, the Kingdom of Morocco shall seek to preserve its diverse, indivisible national identity. Its unity, which is built on the convergence of its Arab-Islamic, Amazigh and Saharan-Hassani components, is nurtured and enriched by African, Andalusian, Hebraic and Mediterranean constituents. The prominence given to the Islamic religion in the national frame of reference goes hand in hand with the commitment of the Moroccan people to the values of openness, moderation, tolerance and dialogue for the promotion of mutual understanding among all cultures and civilizations.

As an active member of international organizations, the Kingdom of Morocco, aware of the need to strengthen its role in the international arena, pledges to subscribe to the principles, rights and duties stipulated in the respective charters and conventions of these organizations. It reaffirms its commitment to human rights as they are universally recognized, as well as its determination to continue to endeavor for the preservation of world peace and security.

Based on these immutable values and principles, and consistent with a strong desire to consolidate the ties of brotherhood, cooperation, solidarity and constructive partnership with other states, and to work towards shared progress, the Kingdom of Morocco , as a united, fully sovereign State belonging to the Greater Maghreb, reaffirms and vows to work for the following :

- build the Maghreb Union, as a strategic option;

- deepen the sense of belonging to the Arab-Islamic Ummah, and strengthen the bonds of brotherhood and solidarity with Arab-Islamic sister nations;

- strengthen relations of cooperation and solidarity with the peoples and countries of Africa, including the Sahara and Sahel countries;

- strengthen the relations of close cooperation and partnership with neighboring countries in the Euro-Mediterranean region;

- expand and diversify relations of friendship as well as human, economic, scientific, technical and cultural ties with all countries;

- consolidate South-South cooperation;

- protect and promote the human rights system and international humanitarian law, and contribute to their development, taking into account their indivisible, universal character;

- prohibit and combat discrimination against anyone on the grounds of sex, color, creed, culture, social or regional background, language, disability or any other personal consideration;

- grant international conventions duly ratified by the Kingdom supremacy over domestic laws - within the framework of the provisions of the Constitution, the laws of the Kingdom, and respect for its immutable national identity, and as soon as these conventions are published - and bring the national legislative provisions concerned in line with the above conventions.

This Preamble shall be an integral part of the Constitution.

**CHAPTER I - GENERAL PROVISIONS**

Article I

Morocco is a constitutional, democratic, parliamentary and social monarchy.

The constitutional system of the Kingdom shall be based on the separation, balance and cooperation of powers, on democratic, participatory citizenship, on the principles of good governance, as well as on the close relationship between assuming responsibility and being subjected to accountability.

The nation shall rely, in public life, on longstanding rallying values, such as moderate Islam, national unity and its many components, constitutional monarchy and democratic choice.

The Kingdom shall have a decentralized territorial organization, which shall be based on an advanced regionalization system.

Article 2

Sovereignty shall belong to the nation. It shall exercise it directly, by means of a referendum, or indirectly, through its representatives.

The nation shall choose its representatives in elected institutions through free, sincere and regularly held elections.

Article 3

Islam shall be the state religion. The State shall guarantee the free exercise of religious practices.

Article 4

The emblem of the Kingdom is a red flag, with a green pentacle in its center.

The motto of the Kingdom shall be GOD, THE COUNTRY, THE KING.

Article 5

Arabic shall remain the official language of the State.

The State shall endeavor to protect and develop the Arabic language, and to promote its use.

Similarly, the Amazigh language, as a shared heritage belonging to all Moroccans, shall be an official language of the State.

An organic law shall specify the process whereby the official character of this language shall be enforced, and the measures for its integration in teaching and in priority areas of public life, in order to enable it to gradually fulfill its function as an official language.

The State shall seek to preserve the Hassani culture, which is an integral part of the unified Moroccan cultural identity, and to protect cultural expressions as well as the dialects used in Morocco. Similarly, it shall ensure coherence of the national linguistic and cultural policy, as well as the learning and command of the most commonly used foreign languages in the world, as tools for communication, integration and interaction with the knowledge society, and as instruments for the promotion of openness to different contemporary cultures and civilizations.

A National Council for Languages and the Moroccan Culture shall be set up. It shall be entrusted, in particular, with the protection and development of Arabic and the Amazigh language, as well as the various Moroccan cultural expressions, which represent an authentic heritage and a contemporary source of inspiration. The Council shall bring together all the institutions concerned by these domains. The functions, composition and operation of the Council shall be determined by an organic law.

Article 6

The law shall be the supreme expression of the will of the nation. All natural and legal persons, including public authorities, shall be equal before the law and must comply with it.

Public authorities shall seek to bring about conditions conducive to effectively generalizing freedom and equality for all citizens, in addition to ensuring their participation in political, economic, cultural and social life.

The principles of the constitutionality, hierarchy and mandatory disclosure of legal norms shall be asserted.

The law shall have no retroactive effect.

Article 7

Political parties shall seek to guide and organize the citizens, and to promote their participation in national life and in the management of public affairs. They shall contribute to the expression of the will of voters and participate in the exercise of power, based on pluralism and political alternation, through democratic means and within the framework of constitutional institutions.

The setting up of political parties and the exercise of their activities shall be free, provided they are in accordance with the Constitution and the law.

There shall be no one-party system.

Political parties may not be based on religious, linguistic, ethnic or regional considerations, and, more generally, on any basis which is discriminatory or contrary to human rights.

Political parties may not pursue objectives that undermine Islam, the monarchy, the nation’s constitutional principles and democratic foundations, or the national unity and territorial integrity of the Kingdom.

The organization and functioning of political parties shall conform to democratic principles.

An organic law shall determine, within the framework of the principles set forth in this article, the rules and regulations relating to the establishment of political parties, the conduct of their activities, the criteria for granting state financial support, as well as procedures for monitoring their funding.

Article 8

Trade unions, professional chambers and employers’ professional organizations shall contribute to the defense and promotion of the socio-economic rights and interests of the groups they represent. Their setting up and the conduct of their business shall be free and in accordance with the Constitution and the law.

The bodies and functioning of these organizations shall conform to democratic principles.

Public authorities shall promote collective bargaining and encourage the conclusion of collective agreements, in accordance with the relevant provisions of the law.

The law shall specify the rules relating, in particular, to the establishment of trade unions, their activities and the criteria for granting them state financial support, as well as procedures for monitoring their funding.

Article 9

Political parties and trade unions shall not be suspended or dissolved by government authorities except by court order.

Article 10

The Constitution shall guarantee the parliamentary opposition a status empowering it to properly discharge its duties with respect to parliamentary and political life.

It shall ensure, in particular, the following rights for the opposition:

- freedom of opinion, expression and assembly;

- airtime in the official media, proportionate to their representation;

- access to public funding, in accordance with the law;

- actual participation in the legislative process, including the listing of bills on the agenda of both Houses of Parliament;

- effective participation in the control of government action, particularly through calling for a vote of no confidence, calling the government to account by means of oral questions, as well as through parliamentary commissions of inquiry;

- contribution to the nomination and the election of members to the Constitutional Court;

- adequate representation in the internal work of both Houses of Parliament;

- chairmanship of the legislation commission in the House of Representatives;

- access to adequate means to carry out its institutional duties;

- active participation in parliamentary diplomacy to defend the just causes of the nation and its vital interests;

- contribution to the organization and representation of citizens through the political parties forming the parliamentary opposition, in accordance with the provisions of Article 7 of the Constitution;

- exercise of power at local, regional and national levels, on the basis of democratic alternation of power, and in accordance with the provisions of the Constitution.

It shall be the duty of parliamentary opposition groups to contribute actively and in a constructive manner to parliamentary action.

The procedures for parliamentary opposition groups to exercise the above-mentioned rights shall be specified, as appropriate, in organic laws, in laws, or in the rules of procedure of each House.

[Article 11](http://www.codices.coe.int/NXT/gateway.dll?f=id$id=CODICESid%3Ar%3A2007$cid=CODICESid$t=document-frameset.htm$3.0$p=)

Free, fair and transparent elections are the bedrock of the legitimacy of democratic representation.

Public authorities shall be required to observe strict neutrality towards all candidates and shall avoid discrimination.

The law shall define rules for equitable access to public media and for full exercise of the fundamental rights and freedoms relating to election campaigns and voting. The authorities in charge of elections shall see to it that these rules are implemented.

The law shall specify the terms and conditions for the independent, neutral observation of elections, in accordance with internationally recognized standards.

Any person who violates the provisions and rules of electoral fairness and transparency shall be punishable by law.

Public authorities shall use all means deemed necessary to promote the participation of citizens in elections.

Article 12

Civil society organizations and non-governmental organizations shall be formed and shall operate freely, within the provisions of the Constitution and the law.

Public authorities may not suspend or dissolve civil society organizations and non-governmental organizations except by a court decision.

In keeping with principles of participatory democracy, associations concerned with public affairs and non-governmental organizations shall contribute to the development, implementation and assessment of the projects and decisions of elected institutions and public authorities. The institutions and public authorities concerned shall organize this contribution in accordance with the terms and conditions set by the law.

The organization and functioning of associations and non- governmental organizations shall conform to democratic principles.

Article 13

Public authorities shall promote the creation of institutions for consultation purposes in order to involve various social stakeholders in the preparation, implementation and assessment of public policies.

Article 14

Subject to the terms and conditions set in an organic law, citizens shall have the right to submit motions in connection with legislative matters.

Article 15

Citizens shall have the right to table petitions to the public authorities. An organic law shall determine the terms and conditions for the exercise of this right.

Article 16

The Kingdom of Morocco shall work towards the protection of the rights and the legitimate interests of Moroccan citizens living abroad, while observing the provisions of international law as well as the relevant laws of their host countries. It shall seek to sustain and develop their ties with the Kingdom, particularly cultural ones, and to preserve their national identity.

It shall work for the consolidation of their contribution to the development of their homeland, Morocco, and to the establishment of closer ties of friendship and cooperation with the governments and societies of the countries in which they live, or of which they may be citizens.

[Article 17](http://www.codices.coe.int/NXT/gateway.dll?f=id$id=CODICESid%3Ar%3A2007$cid=CODICESid$t=document-frameset.htm$3.0$p=)

Moroccans living abroad shall enjoy full citizenship rights, including the right to vote and stand for election. They can stand for election in the electoral list-system, and in local, regional and national constituencies. The law shall set specific criteria for eligibility and incompatibility. It shall also determine the conditions and procedure for the actual exercise of the right to vote and stand for election, from the country of residence.

Article 18

Public authorities shall seek to ensure the largest possible participation of Moroccans residing abroad in the advisory and good governance institutions created under the Constitution or the law.

**CHAPTER II - FUNDAMENTAL RIGHTS AND FREEDOMS**

Article 19

Men and women shall enjoy, on an equal footing, the civic, political, economic, social, cultural and environmental rights and freedoms specified in this Chapter and in other provisions of the Constitution, as well as those specified in the international conventions and covenants duly ratified by the Kingdom, in accordance with the provisions of the Constitution and with the immutable values and the laws of the Kingdom.

The Moroccan State shall seek to achieve parity between men and women.

To this end, a parity and anti-discrimination authority shall be established.

Article 20

The right to life is the most fundamental right of every human being. This right shall be protected by law.

Article 21

Everyone shall have the right to their physical integrity, to that of their relatives and to the protection of their property.

Public authorities shall ensure the security of people and of the national territory, in accordance with the fundamental rights and freedoms guaranteed to all people.

Article 22

The physical and moral integrity of anyone shall not be undermined by any person whatsoever, private or public, under any circumstances.

No one shall inflict upon another, under any pretext whatsoever, any cruel, inhuman or degrading treatment which undermines their dignity.

The practice of any form of torture, by anyone, shall be a crime punished by law.

Article 23

No one shall be arrested, detained, prosecuted or sentenced except in cases and conditions provided by law.

Secret or arbitrary detention and enforced disappearance are crimes of the utmost gravity. Their perpetrators shall be liable to the most severe punishment.

Any arrested person shall be immediately informed, in a way that he or she can understand, of the reasons for his or her detention as well as of his or her rights, including the right to remain silent. He or she shall have the right to legal assistance and the possibility to contact relatives, as soon as possible, and in accordance with the law.

The presumption of innocence and the right to a fair trial are guaranteed.

A detained person shall enjoy his or her fundamental rights and shall be entitled to humane conditions of detention. He or she may benefit from training and rehabilitation programs.

Any incitement to racism, hatred or violence is prohibited.

Genocide, crimes against humanity, war crimes and all grave and systematic violations of human rights shall be punished by law.

Article 24

Everyone has the right to privacy.

The home shall be inviolable. Searches can be carried out only in such conditions and forms as provided by the law.

Private communications, in whatever form, shall remain secret. Only the court may authorize access to their content, under conditions and in manners provided by law, as well as total or partial disclosure thereof, or their use to incriminate someone.

The right to freedom of movement and residence within the national territory, and the right to leave and return to the country are guaranteed for everyone, in accordance with the law.

Article 25

All forms of freedom of thought, opinion and expression are guaranteed.

Freedom of creativity, publication and exhibition is guaranteed in literary, artistic scientific and technical research sectors.

Article 26

Public authorities shall provide support, through appropriate means, for the development of cultural and artistic creativity, scientific and technical research, and the promotion of sport. They shall foster the development and organization of these sectors independently, democratically and in accordance with specific professional criteria.

Article 27

Citizens shall have the right to access information held by public authorities and elected institutions and bodies with a public service mission.

The right to information shall be restricted only by law, in order to protect all aspects relating to national defense, the internal and external security of the State, and the privacy of individuals, as well as to prevent infringement of the rights and freedoms enshrined in this Constitution, and to protect sources and sectors specifically defined by law.

Article 28

Freedom of the press shall be guaranteed. It shall not be restricted by any form of prior censorship.

Everyone has the right to freely circulate information, express ideas and opinions, and disseminate them freely, within the exclusive limits expressly provided by the law.

Public authorities shall encourage the organization of the press sector in an independent manner and on a democratic basis, as well as the definition of the legal and ethical rules relating to it.

The law shall set the rules for the organization and control of public means of communication. It shall guarantee access to these means, while ensuring respect for the linguistic, cultural and political pluralism of the Moroccan society.

In accordance with Article 165 of this Constitution, the High Authority for Audiovisual Communication shall ensure compliance with this pluralism.

Article 29

Freedom to gather and freedom of assembly and peaceful demonstration shall be guaranteed, together with freedom to belong to a trade union or a political party. The law shall set the conditions for the exercise of these freedoms.

The right to strike is guaranteed. An organic law shall determine the conditions and procedures for the exercise of this right.

[Article 30](http://www.codices.coe.int/NXT/gateway.dll?f=id$id=CODICESid%3Ar%3A2007$cid=CODICESid$t=document-frameset.htm$3.0$p=)

Citizens of full age who enjoy their civil and political rights shall have the right to vote and to stand as candidates. The law shall make provisions to facilitate equal access of women and men to elected office.

Voting is a personal and a national duty.

Foreigners shall enjoy the fundamental freedoms to which Moroccan citizens are entitled, in accordance with the law.

Foreigners residing in Morocco may participate in local elections, in accordance with the law, the provisions of international conventions or the practice of reciprocity.

Conditions relating to extradition and the right to asylum shall be provided for by the law.

Article 31

The State, public institutions and local authorities shall seek to muster all the means available to facilitate equal access of citizens to their right to:

- healthcare;

- social protection, medical coverage, mutual insurance or solidarity schemes organized by the State;

- modern, accessible and quality education;

- education on commitment to the Moroccan identity and the nation’s immutable values;

- vocational training and physical and artistic education;

- decent housing;

- employment and government support to find a job or secure self- employment;

- access to public office on the basis of merit;

- access to water and a healthy environment;

- sustainable development.

Article 32

The family, based on the legal bond of marriage, is the basic unit of society.

The State shall seek, through the law, to protect the family from the legal, social and economic perspectives in order to ensure its unity, stability and preservation.

It shall ensure equal legal protection as well as social and moral consideration for all children, regardless of their family status.

Basic education shall be provided to children as a right; it shall be a binding obligation for the family and the State.

An advisory Council for the family and childhood shall be set up.

Article 33

Public authorities shall take all appropriate measures to:

- expand and generalize the participation of youth in the country’s social, economic, cultural and political development;

- help young people to be part of active and community life, and provide assistance to those with special educational, social or professional needs;

- facilitate access for young people to culture, science, technology, the arts, sports and leisure, and foster conditions conducive to the expression of their creativity and innovative skills in all these areas.

An advisory council for youth and community action shall be set up to this end.

Article 34

Public authorities shall develop and implement policies for individuals and groups with special needs. For this purpose, they shall in particular seek to:

- address and prevent the vulnerability of certain categories of women, mothers, children and elderly people;

- rehabilitate and integrate into social and civil life people with physical, mental and sensorimotor disabilities, and facilitate their exercise of the rights and freedoms recognized for all citizens.

Article 35

The right to property is guaranteed.

The law may restrict its scope and the exercise thereof if the necessities of the country’s economic and social development require such restriction. No expropriation shall be ordered except in such cases and manners as provided by the law.

The State shall guarantee freedom of enterprise and competition. It shall seek to achieve a form of sustainable human development which is likely to contribute to the consolidation of social justice and the preservation of the nation’s natural resources and of the rights of future generations.

The State shall guarantee equal opportunities for all and ensure specific protection for disadvantaged groups in society.

[Article 36](http://www.codices.coe.int/NXT/gateway.dll?f=id$id=CODICESid%3Ar%3A2009$cid=CODICESid$t=document-frameset.htm$3.0$p=)

Offenses relating to conflicts of interest, insider trading and financial wrongdoing shall be punishable by law.

Public authorities shall prevent and punish, in accordance with the law, all kinds of offenses relating to the work of government and public institutions, to the use of the funds at their disposal, or to the management of public procurement.

Influence peddling, abuse of power, abuse of a dominant position, abuse of monopoly power and all other practices which are contrary to the principles of free and fair competition in economic relations shall be punished by law.

A national authority for probity and the prevention and combat of corruption shall be set up.

Article 37

All citizens shall have a duty to abide by the Constitution and the law. They shall exercise the rights and freedoms provided in the Constitution in a spirit of responsibility and true citizenship, as the exercise of rights shall go hand in hand with the performance of duties.

Article 38

All citizens shall contribute to the defense of the homeland and its territorial integrity against any aggression or threat.

Article 39

Proportionate to their contribution ability, all citizens shall be equal before public burdens. Only the law may, in ways provided in the Constitution, determine and distribute those burdens.

Article 40

All citizens shall, jointly and in proportion to their means, bear the charges required by the development of the country, and those resulting from national calamities and natural disasters.

**CHAPTER III - THE MONARCHY**

Article 41

The King, Commander of the Faithful, shall ensure respect for Islam. He shall be the guarantor of freedom of worship.

He shall preside over the Higher Ulema Council, which shall be entrusted with studying the issues submitted to it by the King.

The Council shall be the only body empowered to issue officially approved religious opinions (*fatwas*) on the issues submitted to it, based on the tolerant principles, precepts and objectives of Islam.

The powers, composition and functioning of the Council shall be defined by *Dahir* (Royal Decree).

The King shall exercise, by Royal Decree, the religious prerogatives inherent in the institution of the Commandership of the Faithful, which are exclusively assigned to him under this article.

[Article 42](http://www.codices.coe.int/NXT/gateway.dll?f=id$id=CODICESid%3Ar%3A200b$cid=CODICESid$t=document-frameset.htm$3.0$p=)

The King, Head of State, Supreme Representative, symbol of the unity of the nation, guarantor of the permanence and continuity of the State and supreme arbitrator between institutions, shall ensure compliance with the Constitution, proper functioning of constitutional institutions, protection of the nation’s democratic options and of the rights and freedoms of citizens and communities, as well as compliance with the international commitments of the Kingdom.

He shall be the Guarantor of the independence of the country and of the territorial integrity of the Kingdom, within its authentic borders.

The King shall perform these functions by Royal Decree, in accordance with the powers expressly vested in him by the Constitution.

Royal Decrees, except those provided for in Articles 41, 44 (second paragraph), 47 (first and sixth paragraphs), 51, 57, 59, 130 (first paragraph) and 174 shall be countersigned by the Head of Government.

Article 43

The Moroccan Crown and the constitutional rights attached thereto shall be hereditary. They shall be transmitted from father to son, by primogeniture for the direct male descendants of His Majesty King Mohammed VI, unless the King should designate, during his lifetime, a successor among his sons other than the eldest one. Should there be no direct-line male descendant, the right of succession to the Throne shall, under the same conditions, pass on to the nearest male relative in the collateral branch.

Article 44

The King shall be a minor until he has completed eighteen years of age. During the King's minority, a Regency Council shall exercise the powers and constitutional rights of the Crown, except for those pertaining to the revision of the Constitution. The Regency Council shall serve as an advisory body to the King until he has completed twenty years of age.

The Regency Council shall be presided over by the President of the Constitutional Court. In addition to the President of the Constitutional Court, the Council’s membership shall include the Head of Government, the Speaker of the House of Representatives, the Speaker of the House of Councilors, the Deputy Chairman of the Higher Council of the Judicial Power, and the Secretary-General of the Higher Ulema Council and ten persons appointed *intuitu personae* by the King.

The operating rules of the Regency Council shall be established in an organic law.

[Article 45](http://www.codices.coe.int/NXT/gateway.dll?f=id$id=CODICESid%3Ar%3A2008$cid=CODICESid$t=document-frameset.htm$3.0$p=)

The King shall have a Civil List.

Article 46

The person of the King shall be inviolable, and respect shall be due to him.

Article 47

The King shall appoint the Head of Government from the party which won the most seats in the elections to the House of Representatives.

The King shall appoint the members of the Government on a proposal by the Head of Government.

The King may, on his own initiative, and after consulting the Head of Government, terminate the appointment of one or more members of the Government.

The Head of Government may ask the King to terminate the appointment of one or more members of the Government.

The Head of Government may request the King to terminate the appointment of one or more members of the Government upon their individual or collective resignation.

Following the resignation of the Head of Government, the King shall terminate the appointment of the entire Government.

The Government whose appointment has been terminated shall continue to dispatch current business until a new government is formed.

Article 48

The King shall preside over the Council of Ministers, which shall comprise the Head of Government and the Ministers.

The Council of Ministers shall be convened by the King or at the request of the Head of Government.

Subject to a specific agenda, the King may delegate the chairmanship of a meeting of the Council of Ministers to the Head of Government.

Article 49

The Council of Ministers shall consider:

- the strategic orientations of state policy;

- proposed revisions of the Constitution;

- draft organic laws;

- the general guidelines of the Finance Bill;

- the draft framework law referred to in Article 71 (second paragraph)

of the Constitution;

- draft amnesty law;

- draft texts relating to the military domain;

- the declaration of state of siege;

- the declaration of war;

- the draft decree referred to in Article 104 of the Constitution;

- the appointment, on a proposal by the Head of Government and at the initiative of the Minister concerned, to civil positions of: *Wali* of Bank Al Maghrib, Ambassadors, *Walis*, Governors, Heads of the services in charge of internal security, and officials in charge of strategic public institutions and State-owned corporations. An organic law shall specify the list of the strategic institutions and enterprises.

Article 50

The King shall promulgate the law within thirty days after transmission to the Government of the definitively adopted law.

The law thus enacted must be published in the Official Gazette of the Kingdom, within a maximum period of one month, starting from the date of the Royal Decree promulgating it.

Article 51

The King may dissolve, by Royal Decree, both Houses of Parliament, or one of them, in accordance with Articles 96, 97 and 98.

Article 52

The King may address messages to the nation and to Parliament. The messages shall be read out in both Houses, without debate thereon.

Article 53

The King shall be the Supreme Commander of the Royal Armed Forces. He shall make appointments to military positions; he can delegate this right.

Article 54

A Supreme Security Council shall be set up as a forum for consultation on strategies regarding the internal and external security of the country, and for the management of crisis situations. The Council shall also seek to institutionalize norms of good security governance.

The King shall preside over the Council. He may delegate the chairmanship of a Security Council meeting to the Head of Government, based on a specific agenda.

The Supreme Security Council shall include the Head of Government, the Speaker of the House of Representatives, the Speaker of the House of Councilors, the Deputy Chairman of the Higher Council of the Judicial Power and the ministers for Home Affairs, Foreign Affairs, Justice and the National Defense Administration, in addition to the officials in charge of security agencies, senior officers of the Royal Armed Forces and any other person whose participation may be deemed useful to the Council.

The internal regulations of the Council shall determine the rules for the Council’s organization and operation.

Article 55

The King shall accredit ambassadors to foreign nations and international organizations. Ambassadors and representatives of international organizations shall be accredited to him.

The King shall sign and ratify treaties. However, treaties relating to peace, union with other states, border demarcation, trade agreements and treaties committing state finances or whose implementation requires legislation, as well as treaties relating to the individual and collective rights and freedoms of citizens, shall be ratified only after having been approved by law.

The King may submit to Parliament any other treaty before its ratification.

Should the Constitutional Court, in response to a request by the King, or by the Speaker of the House of Representatives, or by the Speaker of the House of Councilors, or by one sixth of the members of the first Chamber, or by a quarter of the members of the second Chamber, declare that an international commitment involves a provision which is inconsistent with the Constitution, the said text may not be ratified until the Constitution has been revised.

Article 56

The King shall chair the Higher Council of the Judicial Power.

Article 57

The King shall approve, by Royal Decree, the appointment of judges by the Higher Council of the Judicial Power.

Article 58

The King shall have the right to grant pardon.

Article 59

Should the territorial integrity of the nation be threatened, or should events occur which hinder the normal functioning of constitutional institutions, the King may, upon consulting the Head of Government, the Speaker of the House of Representatives, the Speaker of the House of Councilors and the President of the Constitutional Court, and after having addressed a message to the nation, declare the state of emergency, by Royal Decree. The King shall have the right to take measures warranted by the defense of the territorial integrity of the nation, and a return, as quickly as possible, to a normal functioning of constitutional institutions.

Parliament shall not be dissolved during the exercise of emergency powers.

The fundamental rights and freedoms stipulated in this Constitution shall be guaranteed.

The state of emergency shall be lifted in accordance with the same procedures as those observed for its proclamation, and as soon as the circumstances which had warranted it exist no more.

**CHAPTER IV - The Legislative Power**

**Organization of Parliament**

Article 60

Parliament shall be made up of two Houses: the House of Representatives and the House of Councilors. The Members of Parliament hold their mandate from the nation. Their right to vote shall be a personal right and it may not be delegated.

The Opposition is an essential component in both Houses. It shall participate in the legislative and control functions provided for in this Chapter in particular.

[Article 61](http://www.codices.coe.int/NXT/gateway.dll?f=id$id=CODICESid%3Ar%3A2008$cid=CODICESid$t=document-frameset.htm$3.0$p=)

Any Member of Parliament, in either House, who gives up his or her political affiliation under which he or she had run for election, or who leaves the parliamentary group or grouping to which he or she belongs, shall be unseated.

The Constitutional Court shall, in response to a request by the Speaker of the House concerned, declare the seat vacant, in accordance with the House’s rules of procedure. The House shall also set deadlines and procedures for referral to the Constitutional Court.

Article 62

Members of the House of Representatives shall be elected by direct universal suffrage for a five-year term. The term of office shall end at the opening of the October session of the fifth year following the election of the House.

The number of representatives, the electoral system, the principles of redistricting, the eligibility requirements, the rules governing incompatibility, the rules restricting the number of offices that may be held concurrently, and rules for lodging electoral complaints shall be specified by an organic law.

The Speakers and members of the bureau of the House of Representatives and the Chairs and bureaus of the Standing Committees shall be elected at the beginning of the term of office, then during the third year of that term, at the April session, for the remaining period of the term.

Election of members of the bureau shall be by group proportional representation.

Article 63

The House of Councilors shall comprise a minimum of 90 members and a maximum of 120 members, elected by indirect universal suffrage for a six-year term of office, as follows:

- three-fifths representing local authorities. This percentage shall be distributed over the regions of the Kingdom, in proportion to the regions’ respective populations, observing the principle of inter- regional equity. A third of the seats earmarked for the Region shall be elected, in each region, by the Regional Council from among its members. The remaining two thirds shall be elected by an electoral college made up, at regional level, of municipal, provincial and prefectural council members; and

- two-fifths of the members elected in each region by electoral colleges comprising elected representatives of professional organizations and representative employers' organizations, as well as members elected, at the national level, by an electoral college composed of the representatives of employees.

The number of the members of the House of Councilors, the electoral system, the number of members to be elected by each electoral college, the allocation of seats by region, the eligibility requirements, the rules governing incompatibility, the rules restricting the number of offices that may be held, and the rules for lodging electoral complaints, shall be specified by an organic law.

The Speaker and members of the bureau of the House of Councilors, and the Chair and members of the bureaus of Standing Committees shall be elected at the beginning of the term, then after completion of half the term.

The election of members of the bureau shall be by group proportional representation.

Article 64

No Member of Parliament may be prosecuted, pursued, arrested, detained or tried because of an opinion he or she expressed, or a vote he or she cast, in the performance of his or her duties, except if that opinion undermines the monarchical form of government or the Islamic religion, or constitutes a breach of the respect due to the King.

Article 65

Parliament shall be in session twice a year. The King shall preside over the opening of the first session, to begin the second Friday of October. The second session shall begin the second Friday of April.

When Parliament has convened for at least four months during a given session, the said session may be adjourned by decree.

[Article 66](http://www.codices.coe.int/NXT/gateway.dll?f=id$id=CODICESid%3Ar%3A200b$cid=CODICESid$t=document-frameset.htm$3.0$p=)

Parliament may convene in a special session, either by decree or at the request of one third of the members of the House of Representatives, or the majority of the members of the House of Councilors.

The special sessions of Parliament shall have a specific agenda. Upon conclusion of consideration of agenda items, the session shall close by decree.

Article 67

Ministers shall have access to both Houses as well as to their committees. They may be assisted by officers appointed by them.

In addition to the Standing Committees mentioned in the preceding paragraph, commissions of inquiry may be set up in either House, on the King’s initiative, or at the request of one third of the members of the House of Representatives, or one third of the members of the House of Councilors, in order to collect information on specific matters or on the management of public services, institutions and State-owned enterprises, and submit their findings to the House concerned.

No commission of inquiry shall be set up when the facts concerned have led to legal action and until such time as the legal proceedings have been completed. When a commission of inquiry is set up, its mission shall end immediately after the opening of a judicial inquiry on the facts which prompted the creation of the said commission.

Commissions of inquiry shall be temporary. Their mission shall end upon submission of their report to the Bureau of the House concerned, and, where appropriate, with referral to the court by the Speaker of the said House.

A public sitting shall take place in the House concerned and shall be devoted to discussion of the reports of the commissions of inquiry.

An organic law shall determine the operating procedures of commissions of inquiry.

Article 68

The sittings of both Houses of Parliament shall be public. A verbatim report of the debates shall be published in the official gazette of Parliament.

Each House may sit in camera, at the request of the Head of

Government or of one third of its members.

The meetings of parliamentary committees shall be held in camera. The rules of procedure of each House of Parliament shall specify the cases and rules for holding public committee sittings.

The two Houses of Parliament shall hold joint sessions, especially in the following cases:

- The opening, by the King, of the parliamentary session, on the second Friday of October, and the presentation of Royal messages to Parliament;

- The adoption of the revision of the Constitution, in accordance with Article 174;

- The statements of the Head of Government;

- The presentation of the annual Finance Bill;

- The speeches of foreign Heads of State and Government.

The Head of Government may also request the Speaker of the House of Representatives and the Speaker of the House of Councilors to hold joint sessions of the two Houses for the presentation of information on matters of national importance.

Joint sessions shall be held under the chairmanship of the Speaker of the House of Representatives. The rules of procedure of both Houses shall determine the terms and rules for convening such sessions.

In addition to the joint sessions, the Standing Committees of Parliament may hold joint meetings to take cognizance of information relating to matters of national importance, in accordance with the guidelines set by the rules of procedure of both Houses.

Article 69

Each House shall lay down its rules of procedure. They shall not be enforced until the Constitutional Court has declared them to be consistent with the provisions of the Constitution.

In laying down their respective rules of procedure, the two Houses of Parliament shall take into account the required cohesion and complementarity between the two sets of rules in order to ensure efficient parliamentary action.

The rules of procedure shall include, in particular:

- Rules governing membership, composition and operation of groups and parliamentary groups, as well as the specific rights granted opposition groups;

- The obligation of actual participation of members in committees and plenary sessions, including penalties for absence;

- The number, purpose and organization of Standing Committees; the chairmanship of one or two Standing Committees shall be entrusted to the Opposition, subject to the provisions of Article 10 of the Constitution.

**Powers of Parliament**

Article 70

Parliament shall exercise legislative power.

It shall pass laws, control government action and assess public policies.

An enabling act may allow the Government, for a limited period of time and for a specific objective, to take, by decree, measures that normally fall within the scope of the law. The decrees shall take effect upon publication, but they must be submitted to ratification by Parliament within the period specified by the enabling act. The enabling act shall lapse upon the dissolution of one or both Houses of Parliament.

Article 71

In addition to matters explicitly assigned to it by the Constitution, the

Legislative Power shall be competent to legislate on the following:

- Fundamental rights and freedoms stipulated in the Preamble and in the Articles of this Constitution;

- Family status and marital status;

- Principles and rules relating to the healthcare system;

- Laws relating to the various audio-visual and media outlets;

- Amnesty;

- Citizenship and the status of foreigners;

- Determination of offenses and the related penalties;

- Organization of the judiciary and the setting up of new categories of courts;

- Civil procedure and criminal procedure;

- Laws relating to the prison system;

- Civil Service regulations;

- Fundamental guarantees granted to civil servants and members of the military;

- Status of law and order institutions and services;

- Laws relating to territorial organizations and the principles of jurisdictional delimitation;

- Electoral system for local government, the principles of redistricting;

- Tax scheme and the tax base, rates and methods of tax collection;

- Laws relating to the issuing of currency and the status of the central bank;

- Laws relating to customs;

- System of civil and commercial obligations, company and cooperatives law;

- Rights in rem and public, private and collective real estate schemes;

- Laws relating to transport;

- Labor relations, social security, work hazards and occupational diseases;

- Laws relating to banking, insurance and mutual funds;

- Laws on information and communication technology;

- Town planning and land development;

- Rules regarding environmental management, protection of natural resources and sustainable development;

- Regulations on water resources, forestry and fisheries;

- Determining the general policy and organization of education, scientific research and vocational training;

- Setting up of public institutions and other legal entities governed by public law;

- Nationalization of companies and the privatization system.

In addition to the matters referred to in the preceding paragraph, Parliament shall be empowered to enact framework laws with respect to the basic economic, social, environmental and cultural objectives of the State.

Article 72

Matters other than those lying within the legislative domain shall fall within the framework of the regulatory sector.

Article 73

Texts adopted as legislative provisions may be changed by decree when they concern an area falling within the scope of regulatory power, subject to the assent of the Constitutional Court.

Article 74

The state of siege for a period of thirty days may be declared by Royal Decree, which shall be countersigned by the Head of Government. This period may not be extended, save by law.

Article 75

Parliament shall pass the Finance Act, which shall be submitted to the House of Representatives on a priority basis, as provided by an organic law. The latter shall determine the nature of the information, documents and data needed to enrich parliamentary debate on the Finance Bill.

Parliament shall vote once on the capital expenditures needed in the area of development to implement strategic development plans and multiannual programs prepared by the Government, of which the latter shall inform Parliament. Approved expenditure shall be renewed automatically for the duration of those plans and programs. Only the Government shall have the right to submit bills to amend programs thus adopted.

Should the Finance Bill not be voted by the end of a financial year, or should it not be promulgated as a result of its submission to the Constitutional Court by virtue of Article 132 of the Constitution, the Government shall authorize, by decree, the appropriation of the funds needed for the conduct of public services and the exercise of their mission, according to the budget proposals submitted for approval.

In this case, revenues shall continue to be levied in accordance with the applicable laws and regulations, save for revenue whose termination is proposed in the Finance Bill. As for revenues for which a rate reduction is suggested in the Finance Bill, they shall be levied according to the new rate proposed.

Article 76

The Government shall submit annually to Parliament an appropriation bill on the Finance Act during the second year following the implementation of the said Act. The bill shall include results of capital budgets which have expired.

Article 77

Parliament and the Government shall endeavor to preserve balanced state finances.

The Government may reject, in a duly justified manner, any proposal or amendment put forth by Members of Parliament which, if adopted, would result in reduced government income, or in new or increased burdens.

**THE EXERCISE OF LEGISLATIVE POWER**

Article 78

The right to initiate legislation shall lie concurrently with the Head of Government and the Members of Parliament.

Draft bills shall be tabled, first, in the House of Representatives. However, draft bills related, in particular, to local governments, regional development and social affairs shall be tabled, first, in the Bureau of the House of Councilors.

Article 79

The Government may object to any proposal or amendment which is outside the legislative domain.

In case of disagreement, the Constitutional Court shall take action within a period of eight days, at the request of the Speaker of one of the two Houses of Parliament, or of the Head of Government.

Article 80

Draft bills and proposals shall be submitted for consideration by the committees which remain in session during recess.

[Article 81](http://www.codices.coe.int/NXT/gateway.dll?f=id$id=CODICESid%3Ar%3A200a$cid=CODICESid$t=document-frameset.htm$3.0$p=)

During recess, the Government may, in agreement with the committee concerned, in both Houses, adopt ordinances, which must be submitted for ratification by Parliament at its following regular session.

The draft decree-law shall be tabled in the Bureau of the House of Representatives. It shall be considered successively by the relevant committees in both Houses, with a view to reaching a joint decision within a period of six days; otherwise, the decision shall be made by the relevant committee in the House of Representatives.

Article 82

The Bureau of each House shall prepare the agenda for the House, which shall include draft bills, then proposed laws, in a sequential order set by the Government.

At least one day per month shall be devoted to discussing proposed laws, including those tabled by the Opposition.

Article 83

Members of each House, as well as the Government, shall have the right to table amendments. After the opening of the debate, the Government may object to the examination of any amendment which was not submitted, beforehand, to the relevant committee.

If requested by the Government, the House before which the text under discussion was tabled shall take action by single vote on the entire bill under discussion, or part thereof. Only amendments proposed or endorsed by the Government shall be considered. The House concerned may object to this procedure by a majority vote of its members.

Article 84

Any draft bill or proposed bill shall be considered successively by the two Houses of Parliament, with a view to adopting a single text. The House of Representatives shall address, on a priority basis and successively, bills and proposed bills tabled by its members. The House of Councilors shall address, on a priority basis and successively, bills and proposed bills tabled by its members. A House in which a bill, already adopted by the other House, is tabled, shall examine the draft as referred to it.

The House of Representatives shall adopt the draft under consideration, in the last resort. The absolute majority of members attending shall be required to endorse a draft bill pertaining to local government, and to areas relating to regional development and social affairs.

Article 85

Draft and proposed organic laws shall be submitted for consideration by the House of Representatives only after a ten-day period following their registration in the Bureau of the House, and in accordance with the procedure stated in Article 84. They shall be considered as definitively endorsed by the absolute majority of the members attending in the House. However, a bill or a proposed organic law pertaining to the House of Councilors, or to local governments, shall require a majority vote of House members.

Organic laws pertaining to the House of Councilors shall be adopted upon an agreement between the two Houses of Parliament on a single text.

Organic laws shall be promulgated only after the Constitutional Court has determined that they conform to the Constitution.

Article 86

The organic laws provided for in the present Constitution must be submitted to Parliament for approval within a period not exceeding the duration of the first legislature following the promulgation of the Constitution.

**CHAPTER V - THE EXECUTIVE POWER**

Article 87

The Government shall be composed of the Head of Government and the Ministers. It may include Secretaries of State.

Rules relating, in particular, to the organization and conduct of government business and the status of government members shall be set forth in an organic law.

The organic law shall also determine cases of incompatibility with the duties of a Government member, as well as rules limiting the number of offices that may be held and the rules for dispatching current business by the Government whose term of office has been terminated.

Article 88

After the appointment of government members by the King, the Head of Government shall submit and set out before the two Houses of Parliament, in a joint session, the program he intends to carry out. This program shall outline the policy that the Government plans to implement in various areas of national activity, particularly those relating to economic, social, environmental and cultural policies and foreign affairs.

This program shall be discussed in each House. The debate shall be followed by a vote at the House of Representatives.

The Government shall be inaugurated after its program has been endorsed by an absolute majority vote of the members of the House of Representatives.

Article 89

The Government shall exercise executive power.

The Government shall, under the authority of the Head of Government, carry out its program and ensure the execution of laws. Administrative facilities shall be placed at its disposal. It shall also supervise the work of state-owned corporations and companies.

Article 90

The Head of Government shall exercise regulatory power. He may delegate some of his prerogatives to the ministers.

Regulatory decisions by the Head of Government shall be countersigned by the ministers in charge of their implementation.

Article 91

The Head of Government shall make appointments to civil public offices and high-ranking positions in state corporations and companies, without prejudice to the provisions of Article 49 of the Constitution. The Head of Government may delegate this prerogative.

Article 92

Under the chairmanship of the Head of Government, the Government

Council shall discuss:

-                                                 The State’s general policy before its presentation to the Council of Ministers;

-                                                 Public policies ;

-                                                 Sectoral policies ;

-                                                 Motion of confidence at the House of Representatives to enable the Government to carry on with its mission,

-                                                 Topical issues related to human rights and to public order;

-                                                 Draft bills, including the Finance Bill, before they are presented to the Bureau of the House of Representatives**,** without prejudice to the provisions of Article 49 of the Constitution;

-                                                 Decree-laws

-                                                 Draft regulatory decrees;

-                                                 Draft decrees referred to in Article 65 (paragraph 2), Article 66 and Article 70 (paragraph 3) of the Constitution;

-                                                 International conventions, before their submission to the Council of Ministers;

-                                                 Appointment of Secretaries general and central directors in the civil service, presidents of universities, deans and directors of higher education schools and institutes.

The organic law referred to in Article 49 of the Constitution may complement the list of positions to be filled at Government Council meetings; it shall, in particular, determine the principles and criteria to be observed in such appointments, mainly those relating to equal opportunity, merit, competence and transparency.

The Head of Government shall inform the King of the conclusions of the deliberations of the Government Council.

Article 93

Ministers shall, within their field of competence, and in keeping with the principle of joint governmental responsibility, be in charge of the implementation of government policy.

Ministers shall discharge the missions assigned to them by the Head of Government and shall report thereon to the Government Council. They may delegate part of their prerogatives to Secretaries of State.

Article 94

Cabinet members shall be criminally responsible before the courts of the Kingdom for crimes and offenses committed in discharging their duties.

The procedure for establishing such responsibility shall be determined by law.

**CHAPTER SIX - RELATIONS BETWEEN THE BRANCHES OF POWER**

**RELATIONS BETWEEN THE KING AND THE LEGISLATIVE POWER**

Article 95

The King may request a second reading of any draft bill or proposed law by the two Houses.

The second reading shall be requested in a message. The request for a second reading shall be honored.

Article 96

After consulting with the President of the Constitutional Court, and informing the Head of Government, the Speaker of the House of Representatives and the Speaker of the House of Councilors, the King may dissolve one or both Houses of Parliament, by Royal Decree.

The dissolution shall be effective following an address by the King to the nation.

Article 97

The election of the new Parliament or the new House shall take place two months, at the latest, after the dissolution.

Article 98

In case a House is dissolved, the House succeeding it may not be dissolved until one year has elapsed since its election, unless no governmental majority has emerged within the newly elected House

of Representatives.

Article 99

A declaration of war, for which a decision was made at a Council of Ministers meeting, in accordance with Article 49 of the Constitution, shall be issued after a message thereon has been addressed by the King to Parliament.

**RELATIONS BETWEEN THE LEGISLATIVE AND THE EXECUTIVE POWERS**

Article 100

In each House, there shall be one weekly session devoted on a priority basis to questions from the members of the said House, and to answers by the Government.

The Government shall give its answer within twenty days after the question was addressed to it.

Answers concerning questions related to general policy shall be given by the Head of Government. One session shall be devoted to such questions each month. Answers pertaining to them shall be presented before the relevant House, within a period of thirty days following the date of their transmission to the Head of Government.

Article 101

The Head of Government shall deliver, before Parliament, a progress report on Government action, at his initiative, or at the request of one third of the members of the House of Representatives, or of the majority of the members of the House of Councilors.

Parliament shall devote an annual session to the discussion and evaluation of public policies.

Article 102

The committees concerned in each House may request to hear senior executive officers from civil service departments or state corporations and enterprises. The hearings shall take place in the presence and under the responsibility of the ministers under whose authority they work.

Article 103

The Head of Government may commit the responsibility of the Government before the House of Representatives, over a general policy statement, or a vote of confidence regarding a bill. Confidence shall be withdrawn and a bill rejected only by an absolute majority vote of the members of the House of Representatives.

The vote may only be held three clear days after the confidence issue was raised.

Withdrawal of confidence shall entail the resignation of the entire Government.

Article 104

After consulting with the King, the Speaker of the House of Representatives and the President of the Constitutional Court, the Head of Government may dissolve the House of Representatives, by decree adopted in a Council of Ministers session.

The Head of Government shall make a statement before the House of Representatives indicating, in particular, the reasons and the purpose of the decision.

Article 105

The House of Representatives may call into question the pursuance of the Government's responsibility by voting a motion of no confidence.

The motion shall be accepted only if it is signed by at least one-fifth of the members of the House.

A motion of no confidence shall be endorsed by the House of Representatives only if voted by the absolute majority of the members of the House.

Voting shall take place three clear days only after the introduction of the motion. The vote for a motion of no confidence shall entail the resignation of the entire Government.

Should the Government be censured by the House of Representatives, no other motion of censure in that House shall be accepted until a year has elapsed.

Article 106

The House of Councilors may call the Government to account by means of a motion of no confidence signed by at least one fifth of its members. Three clear days after it has been introduced, it may only be voted by the absolute majority of the House.

The text of the interpellation motion shall be sent forthwith by the Speaker of the House of Councilors to the Head of Government who shall, within six days, present the Government response before the House. Such reply shall be followed by a debate without a vote.

**CHAPTER VII - THE INDEPENDENCE OF THE JUDICIARY**

Article 107

The judicial power shall be independent of the legislative power and the executive power.

The King shall be the guarantor of the independence of the judicial power.

Article 108

Judges in the bench shall be neither removed nor transferred, except by law.

Article 109

Any interference regarding cases filed with court shall be prohibited. A judge may not, in his judicial capacity, receive injunctions or instructions; nor shall he be subjected to any pressure.

Whenever he deems his independence threatened, the judge shall report thereon to the Higher Council of the Judicial Power.

Any failure by a judge to shoulder his obligations with respect to independence and impartiality shall be considered a serious professional misconduct, without prejudice to any judicial action.

Any person who attempts to influence a judge in an unlawful manner shall be punishable by law.

Article 110

Judges in the bench are bound solely by an obligation to enforce the law. Impartial implementation of the law shall be the only basis on which justice decisions should be made.

Judges in the bench shall be duty-bound to enforce the law and shall comply with instructions in writing from a higher authority.

Article 111

Judges shall enjoy freedom of expression, without prejudice to the duty to observe discretion and judicial ethical standards.

Judges may belong to associations or set up professional associations. They must observe the obligation of impartiality and judicial independence and comply with the relevant legal provisions.

They shall not join political parties or trade unions.

Article 112

The judges statute shall be determined in an organic law.

**THE HIGHER COUNCIL OF THE JUDICIAL POWER**

Article 113

The Higher Council of the Judicial Power shall ensure the implementation of the guarantees granted judges, especially with respect to their independence, appointment, promotion, retirement and discipline.

It shall, on its own initiative, draw up reports on the status of justice and the judiciary, and make appropriate recommendations on the subject.

The Council shall, at the request of the King, the Government or Parliament, give a detailed opinion on any matter related to justice, subject to observing the principle of separation of powers.

Article 114

Individual decisions by the Higher Council of the Judicial Power may be challenged before the highest administrative jurisdiction in the Kingdom, on the grounds of abuse of power.

Article 115

The Higher Council of the Judicial Power shall be chaired by the King. It shall further consist of:

-The First President of the Court of Cassation, as Executive-President;

-The General Prosecutor of the Court of Cassation;

- The President of the First Chamber in the Court of Cassation;

-Four representatives elected by and from among judges of the Courts of Appeal;

-Six representatives elected by and from among judges of first instance courts.

Women judges shall be represented among the 10 elected members, proportionate to their presence in the judiciary;

**-**The Mediator;

-The President of the National Human Rights Council;

-Five persons appointed by the King and known for their competence, impartiality and probity, as well as for their outstanding contribution to the independence of the judiciary and to the rule of law. One of them shall be proposed by the Secretary General of the Higher Ulema Council.

Article 116

The Higher Council of the Judicial Power shall hold at least two sessions a year.

It shall be autonomous in terms of administration and finance.

In the disciplinary field, the Higher Council of the Judicial Power shall be assisted by experienced judge inspectors.

Matters relating to the election, organization and functioning of the Higher Council of the Judicial Power, as well as the management of judge careers and disciplinary procedure shall be set forth in an organic law.

As for matters concerning public prosecutors, the Higher Council of the Judicial Power shall take into consideration evaluation reports prepared by the higher authority concerned.

**Litigants’ rights and the rules governing the legal system**

Article 117

The judge shall be responsible for the protection of the rights, freedoms and judicial security of individuals and groups, in addition to the enforcement of the law.

Article 118

Access to justice shall be guaranteed for any person to defend his or her rights and interests which are protected by the law.

Any legal decision of regulatory or individual nature, which is made in the administrative field, may be challenged before the relevant administrative jurisdiction.

Article 119

Any suspect or accused person shall be presumed innocent until convicted by a judicial decision having acquired the force of *res judicata*.

Article 120

Any person shall have the right to a fair trial and to a ruling within a reasonable time frame. The rights of the defense shall be guaranteed in all courts.

Article 121

In cases which are provided for by the law, justice shall be dispensed free of charge for those who do not have the resources to go to court.

Article 122

Damages resulting from judicial error shall be eligible for compensation by the State.

Article 123

Hearings shall be public unless the law provides otherwise.

Article 124

Judgments shall be rendered and enforced in the name of the King, and in compliance with the law.

Article 125

Judgments shall be reasoned and pronounced in open court, as provided by law.

Article 126

Final judgments shall be binding upon all. Public authorities shall provide the necessary assistance during the trial, if instructed to do so. They shall also be required to assist with the enforcement of judgments.

Article 127

Ordinary or specialized courts shall be created by law. Extraordinary courts shall not be allowed.

Article 128

The criminal police shall act under the authority of prosecutors and examining magistrates for all matters relating to enquiries and investigations adjudicating offences, arresting offenders and establishing the truth.

**CHAPTER VIII - THE CONSTITUTIONAL COURT**

Article 129

A Constitutional Court shall be established.

Article 130

The Constitutional Court shall be made up of twelve members appointed for a non-renewable nine-year term. Six members, including one proposed by the Secretary General of the Higher Ulema Council, shall be appointed by the King. Six other members shall be elected, three of them by the House of Representatives, and the other three by the House of Councilors, from among candidates presented by the Bureau of each House, following a vote by secret ballot, with a two-thirds majority of the members of each House.

Should one or both Houses of Parliament fail to elect the above- mentioned members before the deadline set for the renewal, the Court shall exercise its powers and issue its rulings on the basis of a quorum in which non-elected members shall not be taken into account.

A third of each category of members shall be renewed every three years.

The President of the Constitutional Court shall be appointed by the King, from among Court members.

Members of the Constitutional Court shall be selected from among persons with a high level of training in the legal field, together with proven competence in judicial, doctrinal or administrative fields, in addition to more than fifteen years’ experience, and a record of impartiality and probity.

Article 131

The rules for the organization and functioning of the Constitutional Court, the procedure to be observed before the Court and the status of its members shall be determined by an organic law.

The organic law shall also determine the positions which may not be held concurrently with membership in the Constitutional Court, particularly those relating to professional occupations. It shall specify the procedure for the first two renewals for a three-year term, as well as the procedure for replacing members who are no longer in a position to sit on the Court as a result of resignation or death during

the term of office.

[Article 132](http://www.codices.coe.int/NXT/gateway.dll/CODICES/constitutions/eng/afr/mar?f=xhitlist&xhitlist_x=Advanced&xhitlist_q=%5BField%20IDEcross%3Aconst-eng-mar-a-132%5D&xhitlist_d=%7bCODICESid%7d&xhitlist_xsl=xhitlist.xsl&xhitlist_sel=title;path;content-type;home-title;item-bookmark&xhitlist_vpc=first&global=hitdoc_g_&hitlist_g_hitindex=)

The Constitutional Court shall exercise the powers vested in it by the articles of the Constitution and the provisions of organic laws. It shall further decide on the validity of the election of the Members of Parliament and that of referendum operations.

Prior to their promulgation, organic laws as well as the rules of procedure of the House of Representatives and of the House of Councilors shall be submitted to the Constitutional Court, which shall make sure they conform to the Constitution.

To make sure they are consistent with the Constitution, laws and international commitments may, before promulgation, be referred to the Constitutional Court by the King, the Head of Government, the Speaker of the House of Representatives, the Speaker of the House of Councilors, or a fifth of the members of the House of Representatives, or forty members of the House of Councilors.

As regards the two cases stated in paragraphs 2 and 3 of this article, the Constitutional Court shall make a ruling within one month from the date of referral. However, this deadline may be reduced to eight days at a request made by the Government in case of emergency.

Referral to the Constitutional Court in the above cases shall entail the suspension of the promulgation deadline.

The Constitutional Court shall decide, within one year, upon the validity of the election of the Members of Parliament, starting from the date of expiry of the legal deadline for appeals. However, the Court may, building on a reasoned decision, make a ruling beyond that deadline, if so warranted by the number or the nature of appeals.

Article 133

The Constitutional Court shall have competence to look into an exception of unconstitutionality raised in the course of a trial, when one of the parties argues that the law on which depends the outcome of a trial undermines the rights and freedoms guaranteed by the Constitution.

The conditions and procedures for the implementation of this article shall be determined by an organic law.

Article 134

A provision deemed unconstitutional on the basis of Article 132 of the Constitution may not be promulgated nor enforced. A provision, declared to be unconstitutional on the basis of Article 133 shall be rescinded as of the date stated in the Court decision.

Rulings by the Constitutional Court shall not be liable for any appeal. They shall be binding for all public, administrative and judicial authorities.

**CHAPTER IX - REGIONS AND LOCAL GOVERNMENTS**

Article 135

The local governments of the Kingdom shall be regions, prefectures, provinces and communes.

They shall consist of legal persons under public law. They shall manage their affairs democratically, through councils elected by universal suffrage.

Any other local government entity shall be established by law, and it may replace, if necessary, one or several local governments mentioned

in paragraph 1.

Article 136

Local government in the Kingdom shall be organized on the basis of the principles of free administration, cooperation and solidarity. It shall ensure the involvement of the populations concerned in the management of their affairs, and promote their contribution to sustainable, integrated human development.

Article 137

Regions and the other local governments shall take part in the implementation of the general policy of the State and in the preparation of local government policies, through their representatives

in the House of Councilors.

Article 138

The presidents of regional councils and the presidents of the other local governments shall carry out the resolutions and decisions of these councils.

Article 139

Participatory mechanisms for dialogue and consultation shall be established by the councils of regions and the councils of the other local governments, to support the involvement of the citizens, men and women alike, as well as associations, in the preparation and follow up of development programs.

Citizens, men and women alike, as well as associations may exercise the right to initiate petitions to request that a question falling within the scope of competence of the council be included in the council’s agenda.

Article 140

Based on the principle of subsidiarity, local governments shall exercise their prerogatives, those shared with the State, as well as those which the State may transfer to them.

The regions and the other local governments shall, within their respective scope of competence and jurisdiction, have regulatory power to exercise their prerogatives.

Article 141

The regions and the other local governments shall have their own financial resources as well as financial resources allocated to them by the State.

Any transfer of state powers to local governments shall be made concurrently with the transfer of the corresponding resources.

Article 142

A social upgrading fund shall be established for a specific period of time, for the benefit of regions, with a view to bridging the gap in terms of human development, infrastructure and equipment.

An inter-regional solidarity fund shall also be established with a view to achieving equitable distribution of resources and reducing inter-regional disparities.

Article 143

No local government may exercise supervisory authority over another. When establishing and monitoring regional development programs and regional land development schemes, the region shall, under the stewardship of the president of the regional council, play a more prominent role than that of the other local governments, while respecting the powers vested in the latter.

Should the implementation of a project require the contribution of several local governments, the parties concerned shall agree on the practica steps for their cooperation.

Article 144

Local governments may form groupings with a view to pooling their resources and programs.

Article 145

In local governments, the walis of regions and the governors of provinces and prefectures shall represent the central authority.

They shall, on behalf of the Government, ensure the enforcement of the laws and implement regulatory texts and Government decisions, in addition to exercising administrative control.

The walis and governors shall assist the presidents of local governments, especially the presidents of regional councils, with the implementation of development plans and programs.

Under the authority of the ministers concerned, the *walis* and governors shall coordinate the activities of the devolved departments of the central administration, and shall ensure the smooth functioning

of these departments.

Article 146

An organic law shall, in particular, determine:

-the conditions for the democratic management by the region and the other local governments of their affairs, as well as the number of councilors, the rules pertaining to eligibility, the cases of incompatibility and of prohibiting the holding of several offices, in addition to electoral laws and the provisions aimed at ensuring better participation of women in these councils;

-the conditions for implementing the resolutions and decisions of regional councils and those of the other local governments, in accordance with the provisions of Article 138;

-the conditions for the exercise of the right to submit petitions by citizens and associations, as per Article 139;

-the exclusive powers, the powers shared with the State, and those which are transferable for the benefit of the regions and the other local governments, mentioned in Article 140;

-the financial regulations applicable to the regions and the other local governments;

-the origin of the financial resources of the regions and of the other local governments, in accordance with Article 141;

-the resources and functioning of the social upgrading fund and the inter-regional solidarity fund, mentioned in Article 142;

-the conditions and steps for the setting up of the groupings mentioned in Article 144;

-the provisions likely to foster the development of inter-community relations, as well as the mechanisms designed to ensure that the land development schemes are readjusted accordingly;

- the rules of governance pertaining to the smooth functioning of free administration, the supervision of the management of funds and programs, the evaluation of activities and accountability.

**CHAPTER TEN - THE COURT OF AUDIT**

Article 147

The Court of Audit shall be the supreme institution in charge of auditing public funds in the Kingdom. Its independence shall be guaranteed by the Constitution.

The mission of the Court of Audit shall include the protection of the principles and norms of good governance, transparency and accountability, and the observance thereof by the State and government agencies.

The Court of Audit shall be responsible for conducting overall supervision of the implementation of the Finance Act. It shall ensure the proper conduct of receipt and expenditure operations, and evaluate the management of agencies placed under its control by law. It shall also take action, whenever necessary, against any breach or violation of the rules governing these operations.

The Court of Audit shall check and monitor declarations of assets, audit the accounts of political parties, and check the regularity of expenditures related to electoral operations.

Article 148

The Court of Audit shall provide assistance to Parliament and the Government with respect to auditing public funds. It shall provide answers and opinions in relation with the law-making, auditing and evaluation functions exercised by Parliament and pertaining to public finances.

The Court of Audit shall provide assistance to judicial institutions.

The Court of Audit shall provide assistance to the Government in its fields of competence, as defined by the law.

The Court of Audit shall publish all its proceedings, including specific reports and court decisions.

The Court of Audit shall submit to the King a yearly report covering all its activities, and shall forward it to the Head of Government and to the Speakers of both Houses of Parliament. The report shall be published in the official gazette of the Kingdom.

The first president of the Court of Audit shall report on Court activities before Parliament. The statement shall be followed by a debate.

Article 149

Regional Courts of Audit shall be responsible for checking the accounts and assessing the management of the regions and the other local governments and their bodies.

They shall reprimand, whenever necessary, the cases of non- compliance with the rules governing financial operations.

Article 150

The powers, organization and functioning of the Court of Audit Court and of the regional Courts of Audit shall be determined by law.

**CHAPTER XI - THE ECONOMIC, SOCIAL AND ENVIRONMENTAL COUNCIL**

Article 151

An Economic, Social and Environment Council shall be established.

Article 152

The Economic, Social and Environmental Council may be consulted by the Government, the House of Representatives and the House of Councilors on matters of economic, social or environmental nature.

The Council shall give its opinion on the general policy pertaining to the national economy and sustainable development.

Article 153

The composition, organization, powers and functioning of the Economic, Social and Environmental Council shall be determined by an organic law.

**CHAPTER XII - GOOD GOVERNANCE GENERAL PRINCIPLES**

Article 154

Public services shall be organized so as to ensure that services are available to citizens, men and women alike, on an equal, fair, sustainable and nationwide basis.

They shall meet the required standards of quality, transparency, accountability and responsibility, and shall conform to the democratic tenets and values enshrined in the Constitution.

Article 155

Public service staff shall discharge their duties in accordance with the principles of compliance with the law, neutrality, transparency, probity and public interest.

Article 156

Public services shall receive observations, suggestions and complaints from users and shall ensure follow-up thereto.

Public services shall report on the management of public funds, in keeping with the legislation in force, and shall, in this respect, have a duty to submit to checking and assessment operations.

Article 157

A public service charter shall lay down a set of rules of good governance, pertaining to the functioning of the civil service, and to regions, local governments as well as government agencies.

Article 158

Any elected or appointed public officer shall, in keeping with the procedures set by the law, submit, in writing, upon taking office, during his or her tenure and at the end of service, a declaration of fixed assets and movables he or she owns directly or indirectly.

Article 159

Good governance institutions shall be independent. They shall be supported by state institutions. Other regulatory and good governance institutions may be established by law.

Article 160

The institutions and bodies mentioned in Articles 161 through 170 of the Constitution shall present a report on their activities at least once a year. The report shall be discussed in Parliament.

**INSTITUTIONS AND BODIES IN CHARGE OF THE PROTECTION OF RIGHTS AND FREEDOMS, GOOD GOVERNANCE, HUMAN, SUSTAINABLE DEVELOPMENT AND PARTICIPATORY DEMOCRACY**

**INSTITUTIONS IN CHARGE OF THE PROTECTION AND PROMOTION OF HUMAN RIGHTS**

Article 161

The National Human Rights Council shall be a national, pluralistic and independent institution. It shall be in charge of looking into all matters pertaining to the defense and protection of human rights and liberties, the provision of guarantees for their full exercise and promotion, as well as the preservation of the dignity, and the individual and collective rights of citizens, men and women alike, in full compliance with the appropriate national and universal frame of reference.

Article 162

The Mediator shall be a national, independent and specialized institution seeking, within the frame of the relationship between the civil service and public service users, to uphold rights, contribute to enhancing the rule of law, disseminate the principles of justice and equity, and promote ethical standards and transparency in the management of the civil service, state corporations, local governments and institutions exercising state authority.

Article 163

The Council for the Moroccan Community Abroad shall be entrusted mainly with giving an opinion on public policy guidelines, with a view to ensuring that Moroccans remain deeply committed to their Moroccan identity, make sure their rights are guaranteed and their interests safeguarded, and contribute to human and sustainable development in their homeland, Morocco, as well as to its progress.

Article 164

The Authority in charge of parity and the fight against all forms of discrimination, which is set up under the provisions of Article 19 of the Constitution, shall, in particular, see to it that the rights and liberties mentioned in this article are observed, taking into account the powers vested in the National Human Rights Council.

**INSTITUTIONS IN CHARGE OF GOOD GOVERNANCE AND REGULATOTY MATTERS**

Article 165

The High Authority for Audiovisual Communication shall be an institution in charge of ensuring respect for diversity in the expression of opinions and thoughts, and for the right of access to information in the audiovisual field. Due account, in this respect, shall be taken of the fundamental cultural values and of the laws of the Kingdom.

Article 166

The Competition Council shall be an independent authority. In organizing free, loyal competition, it shall ensure transparency and fairness in economic relations, mainly by means of analyzing and regulating competition on the market, checking anti-competitive practices, unfair trading practices, economic concentration operations and monopoly.

Article 167

The national authority for probity and the prevention and combat of corruption, established under Article 36 of the Constitution, shall mainly seek to coordinate, supervise and monitor the implementation of policies designed for the prevention and fight against corruption. It shall collect and disseminate relevant information, contribute to the promotion of probity in public office, enhance the principles of good governance, and upgrade the culture of public service and the values of responsible citizenship.

**INSTITUTIONS FOR THE PROMOTION OF HUMAN, SUSTAINABLE DEVELOPMENT AND PARTICIPATORY DEMOCRACY**

Article 168

A Higher Council for Education, Training and Scientific Research shall be established.

The Council shall, as a consultative institution, give its opinion on public policies and matters of national interest pertaining to education, training and scientific research, as well as on the objectives and functioning of public agencies in charge of these matters. It shall also contribute to the evaluation of public policies and programs in these

fields.

Article 169

The Advisory Council for the Family and Children, established under Article 31 of the Constitution, shall monitor the situation of the family and children, give its opinion on national plans in this field, stimulate public debate on family issues and ensure follow-up to the implementation of national programs initiated by the relevant departments, bodies and institutions.

Article 170

The Advisory Council for Youth and Community Action, established under Article 33 of the Constitution, shall be a consultative body involved in the protection of youth and the promotion of community life. It shall be responsible for studying and keeping up with issues related to these areas, as well as making recommendations on any economic, social or cultural subject bearing direct relevance to youth and community action. It shall also encourage the creative energies of youth and help young people get involved in public life, as responsible citizens.

Article 171

The composition, powers, organization and functioning of the institutions and bodies mentioned in Articles 161 through 170 of the Constitution, as well as the cases of incompatibility, where applicable, shall be determined by legal texts.

**CHAPTER XIII - REVISION OF THE CONSTITUTION**

Article 172

The right to initiate a revision of the Constitution shall lie with the King, the Head of Government, the House of Representatives and the House of Councilors.

The King shall have the right to submit directly for referendum the revision project he may initiate.

Article 173

A proposal for a revision submitted by one or several members of one House of Parliament shall be adopted only if voted by a two-thirds majority of its members.

The proposed revision shall be referred to the other House wherein, there as well, its approval shall require a two-thirds majority vote of House members.

A proposal for a revision initiated by the Head of Government shall be submitted to the Council of Ministers, upon its discussion in a Government Council meeting.

Article 174

Revision projects and proposals concerning the Constitution shall be submitted, by Royal Decree, for referendum.

The King may, upon consulting with the President of the Constitutional Court, refer to Parliament, through a Royal Decree, a project for the revision of constitutional provisions.

Parliament shall approve the proposed revision by a two-thirds majority of its members in a joint session of the two Houses convened by the King.

Measures for the implementation of this provision shall be set forth in the rules of procedure of the House of Representatives.

The Constitutional Court shall ascertain the legality of the procedure for such a revision and shall proclaim results.

Article 175

Provisions relating to the Islamic religion, the monarchical form of government, the nation’s option for democracy or the achievements in the areas of freedoms and fundamental rights stated in the Constitution shall not be revised.

**CHAPTER XIV - TRANSITIONAL AND FINAL PROVISIONS**

Article 176

Pending the election of the Houses of Parliament provided for in the Constitution, the current Houses shall continue to discharge their duties, particularly the enactment of the legislation required for the setting up of the new Houses of Parliament, without prejudice to the provisions of Article 51 of the Constitution.

Article 177

The current Constitutional Council shall continue to discharge its prerogatives until the Constitutional Court provided for under this Constitution has been set up.

Article 178

The current Higher Council for the Judiciary shall continue to discharge its prerogatives until the Higher Council for the Judicial Power provided for in the Constitution has been set up.

Article 179

The texts currently in force with respect to the institutions and bodies referred to in Chapter XII of this Constitution, as well as those pertaining to the Economic and Social Council and to the Higher Council for Education, shall remain in force, until they have been replaced in accordance with the provisions of this Constitution.

Article 180

The text of the revised Constitution, as enacted by Royal Decree No 1-96-157, dated 23 Jumada I, 1417H (7 October 1996), shall be repealed, subject to the transitional provisions stipulated in this Chapter.

Top of Form



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