

KINGDOM OF MOROCCO

OFFICIAL BULLETIN

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GENERAL TEXTS

Dahir No. 1-11-91 of 27 Chaabane 1432 (July 29, 2011)
promulgating the text of the Constitution

PRAISE BE TO GOD ALONE!

(Great Seal of His Majesty Moulay Youssef VI)

Let it be known by this document — May God make its contents wise and strong!

That Our Cherifian Majesty;

Having regard to the Constitution, in particular Articles 29 and 105 thereof;

Having regard to Dahir No. 1-1-82 of 14 Rajab 1432 (June 17, 2011) submitting the draft Constitution to a referendum;

Having regard to Organic Law No. 29-93 on the Constitutional Council, promulgated by Dahir No. 1-94-124 of 14 Ramadan 1414 (February 25, 1994), as amended and supplemented, in particular Articles 36 and 37 thereof;

Having regard to the results of the referendum on the draft Constitution held on Friday, 28 Rajab 1432 (July 1, 2011), proclaimed by the Constitutional Council by Decision No. 815-2011 of July 12, 1432 (July 14, 2011),

HAS DECIDED AS FOLLOWS

The text of the Constitution, as adopted by referendum on Friday, July 28, 1432 (July 1, 2011), is hereby promulgated and shall be published in *the Official Gazette*, following this dahir.

Done at Tetouan, on 27 Clioubane 1432 (July 29, 2011).

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THE CONSTITUTION

PREAMBULL

Faithful to its irreversible choice to build a democratic state governed by the rule of law, the Kingdom of Morocco is resolutely pursuing the process of consolidating and strengthening the institutions of a modern state, based on the principles of participation, pluralism, and good governance. It is developing a society based on solidarity, where all enjoy security, freedom, equal opportunities, respect for their dignity, and social justice, within the framework of the principle of correlation between the rights and duties of citizenship.

As a sovereign Muslim state, committed to its national unity and territorial integrity, the Kingdom of Morocco intends to preserve, in its entirety and diversity, its national identity, which is indivisible. Its unity, forged by the convergence of its Arab-Islamic, Amazigh, and Saliaro-Hassani components, has been enriched and nourished by its African, Andalusian, Hebrew, and Mediterranean influences. The preeminence accorded to the Islamic religion in this national identity goes hand in hand with the Moroccan people's attachment to the values of openness, innovation, tolerance, and dialogue for mutual understanding between all cultures and civilizations of the world.

Recognizing the imperative to strengthen its role on the international stage, the Kingdom of Morocco, an active member of international organizations, undertakes to adhere to the principles, rights, and obligations set forth in their respective charters and conventions; He reaffirms his commitment to universally recognized human rights and his determination to continue working to preserve peace and security throughout the world.

Based on these values and principles, and driven by its firm commitment to strengthen ties of brotherhood, cooperation, solidarity, and constructive partnership with other states, and to work for common progress, The Kingdom of Morocco, a fully sovereign state belonging to the Arab Maghreb Union, reaffirms and commits itself to the following:

- to work towards the construction of the Maghreb Union as a strategic option;

strengthen ties of belonging to the Arab and Islamic Ummah, and reinforce bonds of brotherhood and solidarity with brother peoples;

consolidate relations of cooperation and solidarity with the peoples and countries of Africa, particularly sub-Saharan and Sahel countries;

–intensify relations of cooperation, rapprochement, and partnership with neighboring Euro-Mediterranean countries;

–expand and diversify its friendly relations and human, economic, scientific, technical, and cultural exchanges with all countries of the world;

–strengthen South-South cooperation;

protect and promote human rights and international humanitarian law mechanisms and contribute to their development in their indivisibility and universality;

–banish and combat all discrimination against anyone on the basis of sex, color, beliefs, culture, social or regional origin, language, disability, or any other personal circumstance;

accord international conventions duly ratified by it, within the framework of the provisions of the Constitution and the laws of the Kingdom, in accordance with its immutable national identity, and, upon publication of such conventions, accord them primacy over domestic law, and harmonize the relevant provisions of its domestic legislation accordingly.

This preamble forms an integral part of this Constitution.

TITLE I

GENERAL PROVISIONS

Article 1

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

1. The constitutional system of the Kingdom is based on the separation, balance, and collaboration of powers, as well as on citizen and participatory democracy, and the principles of good governance and the correlation between responsibility and accountability.

My nation's collective life is based on federal constants, namely the Islamic religion, national unity with multiple influences, constitutional monarchy, and democratic choice.

The Kingdom's territorial organization is decentralized. It is based on advanced regionalization.

Article 2

My sovereignty belongs to the Nation, which exercises it directly, through referendums, and indirectly, through its representatives.

The Nation chooses its representatives within the institutions by means of free, sincere, and equal suffrage.

Islam is the religion of the State, which guarantees to all the freedom of worship.

Article 4

The emblem of the Kingdom is the red flag with a green five-pointed star in the center.

The motto of the Kingdom is GOD, COUNTRY, KING.

Article 5

Arabic is the official language of the State.

1. The State works to protect and develop the Arabic language, as well as to promote its use.

Similarly, Amazigh is an official language of the state, as the common heritage of all Moroccans without exception.

An organic law defines the process for implementing this language as an official language, as well as the terms and conditions for its integration into education and other areas of public life, in order to enable it to fulfill its function as an official language.

The State works to preserve Hassani as an integral part of Morocco's unified cultural identity, as well as to protect the languages and cultural expressions practiced in Morocco. Similarly, it ensures the consistency of national language and cultural policy and the learning and mastery of the most widely used foreign languages in the world, as tools for communication, integration, and interaction with the knowledge society, and for openness to different cultures and contemporary civilizations.

A National Council for Moroccan Languages and Culture shall be established, responsible in particular for the protection and development of the Arabic and Amazigh languages and the various cultural expressions of Morocco, which constitute an authentic heritage and a source of contemporary inspiration. It shall bring together all the institutions concerned with these areas. An organic law shall determine its powers, composition, and operating procedures.

Article 6

The law is the supreme expression of the will of the Nation. All persons, whether natural or legal, including public authorities, are equal before the law and are required to comply with it.

1. Public authorities shall create conditions conducive to the widespread enjoyment of freedom and equality by citizens, as well as their participation in political, economic, cultural, and social life.

The principles of constitutionality, hierarchy, and the obligation to publish legal norms are affirmed.

The law cannot have retroactive effect.

Article 7

Political parties work to provide guidance and political education to citizens, as well as to promote their participation in national life and the management of public affairs. They contribute to the expression of the will of the electorate and participate in the exercise of power, on the basis of pluralism and alternation through democratic means, within the framework of constitutional institutions.

They are free to form and carry out their activities, in accordance with the Constitution and the law.

A single-party system is illegal.

Political parties may not be based on religious, linguistic, ethnic, or regional grounds, or, in general, on any other grounds that are discriminatory or contrary to human rights.

They may not have as their objective the undermining of the Muslim religion, the monarchical system, constitutional principles, democratic foundations, or the national unity and territorial integrity of the Kingdom.

The organization and functioning of political parties must be in accordance with democratic principles.

An organic law shall determine, within the framework of the principles

set forth in this article, the rules relating in particular to the formation and activities of political parties, the criteria for granting state financial support, and the procedures for monitoring their financing.

Article 8

Employee trade unions, professional chambers, and professional organizations of employers contribute to the defense and promotion of the rights and socioeconomic interests of the categories they represent. Their constitution and the exercise of their activities, in accordance with the Constitution and the law, are free.

The structures and functioning of these organizations must comply with democratic principles.

1. Public authorities shall promote collective bargaining and encourage the conclusion of collective labor agreements under the conditions provided for by law.

The law shall determine, in particular, the rules governing the establishment of trade unions, their activities, and the criteria for granting financial support from the State, as well as the procedures for monitoring their financing.

Article 9

Political parties and trade unions may only be dissolved or suspended by the public authorities by virtue of a court decision.

Article 10

The Constitution guarantees the parliamentary opposition a status that confers rights enabling it to properly carry out its duties relating to parliamentary work and political life.

It guarantees the opposition, in particular, the following rights:

- freedom of opinion, expression, and assembly;
- airtime on public media,
- proportional to their representativeness;
- the benefit of public funding, in accordance with the provisions of the law;
- effective participation in the legislative process, in particular by placing bills on the agenda of both Houses of Parliament;

effective participation in the oversight of government work, in particular through the concepts of censure and interpellation of the government, oral questions addressed to the government, and parliamentary committees of inquiry;

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

- appropriate representation in the internal activities of both Houses of Parliament,
- the chairmanship of the committee responsible for legislation in the House of Representatives;
- the provision of appropriate resources to enable it to perform its institutional functions;
- active participation in parliamentary diplomacy with a view to defending the just causes of the Nation and its vital interests;
- contributing to the supervision and representation of citizens in the political parties that form it, in accordance with the provisions of Article 7 of this Constitution;
- the exercise of power at the local, regional, and national levels, through democratic alternation, and within the framework of the provisions of this Constitution.

Opposition groups are required to make an active and constructive contribution to parliamentary work.

The procedures for the exercise of the above rights by opposition groups shall be determined, as appropriate, by organic laws, by laws, or by the rules of procedure of each House of Parliament.

Article 11

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

Public authorities shall observe strict neutrality towards candidates and shall not discriminate between them.

The law defines the rules guaranteeing equitable access to public media and the full exercise of fundamental freedoms and rights related to election campaigns and voting operations. The authorities responsible for organizing elections ensure that these rules are applied.

The law defines the conditions and procedures for independent and neutral observation of elections, in accordance with internationally recognized standards.

Any person who violates the provisions and rules of probity, sincerity, and transparency of elections shall be punished by law.

1. Public authorities shall implement the necessary measures to promote citizen participation in elections.

Article 12

Civil society associations and non-governmental organizations shall be established and carry out their activities freely, in accordance with the Constitution and the law.

They may only be dissolved or suspended by the public authorities by virtue of a court decision.

Associations interested in public affairs and non-governmental organizations shall contribute, within the framework of participatory democracy, to the development, implementation, and evaluation of the decisions and projects of elected institutions.

non-governmental organizations shall contribute, within the framework of participatory democracy, to the development, implementation, and evaluation of the decisions and projects of elected institutions.

and public authorities. These institutions and authorities must organize this contribution in accordance with the conditions and procedures established by law.

1. The organization and functioning of associations and non-governmental organizations must comply with democratic principles.

Article 13

Public authorities shall work to create consultative bodies with a view to involving the various social actors in the development, implementation, execution, and evaluation of public policies.

Article 14

Citizens shall have the right to submit legislative proposals under the conditions and in accordance with the procedures laid down by organic law.

Article 15

1. Citizens shall have the right to submit petitions to the public authorities.

An organic law shall determine the conditions and procedures for exercising this right.

Article 16

The Kingdom of Morocco shall work to protect the rights and legitimate interests of Moroccan citizens residing abroad, in accordance with international law and the laws in force in their host countries. It shall endeavor to maintain and develop their human ties, particularly cultural ties, with the Kingdom, and to preserve their national identity.

It shall ensure the strengthening of their contribution to the development of their homeland, Morocco, and the strengthening of ties of friendship and cooperation with the governments and societies of the countries where they reside or of which they are also citizens.

Article 17

Moroccans residing abroad enjoy full citizenship rights, including the right to vote and stand for election. They may stand as candidates in local, regional, and national elections on electoral lists and in electoral districts. The law sets specific criteria for eligibility and incompatibility. It also determines the conditions and procedures for the effective exercise of the right to vote and stand for election from their countries of residence.

Article 18

The public authorities shall endeavor to ensure the widest possible participation of Moroccans residing abroad in the consultative and good governance institutions created by the Constitution or by law.

TITLE II

FUNDAMENTAL FREEDOMS AND RIGHTS

Article 19

Men and women shall enjoy equal civil, political, economic, social, cultural, and environmental rights and freedoms as set forth in this Constitution and in other provisions of the Constitution, as well as in international conventions and covenants duly ratified by Morocco, in accordance with the provisions of the Constitution, the constants of the Kingdom, and its laws.

The State shall work to achieve equality between men and women.

11 To this end, an Authority for Parity and the Fight Against All Forms of Discrimination is hereby established.

Article 20

The right to life is the primary right of every human being.
I. The law protects this right.

Article 21

Everyone has the right to the safety of their person and their loved ones, and to the protection of their property.

The public authorities shall ensure the security of the population and the national territory, while respecting the fundamental rights and freedoms guaranteed to all.

Article 22

No one may be subjected to physical or moral harm under any circumstances and by any party, whether private or public.

No one shall inflict on another, under any pretext whatsoever, cruel, inhuman, degrading, or humiliating treatment.

The practice of roofing, in all its forms and by anyone, is a crime punishable by law.

Article 23

No one may be arrested, detained, prosecuted, or convicted except in the cases and forms provided for by law.

Arbitrary or secret detention and enforced disappearance are crimes of the utmost gravity. They expose their perpetrators to the most severe penalties.

Any person deprived of liberty shall be informed immediately, in a manner that he or she can understand, of the reasons for his or her *detention* and of his or her rights, including the right to remain silent. He or she shall have access, as soon as possible, to legal assistance and the opportunity to communicate with his or her family, in accordance with the law.

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

All detainees enjoy fundamental rights and humane conditions of detention. They may benefit from training and rehabilitation programs.

Any incitement to racism, hatred, and violence is prohibited.

Genocide and all other crimes against humanity, war crimes, and all serious and systematic violations of human rights are punishable by law.

Article 24

Everyone has the right to privacy.

1. The home is inviolable. Searches may only be carried out under the conditions and in the manner provided for by law.

Private communications, in whatever form, are secret. Only the courts may authorize, under the conditions and in the manner provided for by law, access to their content, their total or partial disclosure, or their use against any person.

Everyone is guaranteed the freedom to move and settle within the national territory, to leave it and to return to it, in accordance with the law.

Article 25

Freedom of thought, opinion, and expression in all their forms is guaranteed.

Freedom of creation, publication, and exhibition in literary and artistic matters and in scientific and technical research is guaranteed.

Article 26

The public authorities shall, by appropriate means, support the development of cultural and artistic creation, scientific and technical research, and the promotion of sport. It shall encourage the development and the organization of these sectors in an independent manner and on specific democratic and professional bases.

Article 27

Citizens have the right to access information held by the public administration, elected institutions, and bodies entrusted with public service missions.

The right to information may only be restricted by law, for the purpose of ensuring the protection of matters relating to national defense, the internal and external security of the State, and the privacy of individuals, preventing infringement of the fundamental freedoms and rights set forth in this Constitution, and protecting sources of information and areas specifically determined by law.

Article 28

Freedom of the press is guaranteed and may not be restricted by any form of prior censorship.

1. We have the right to freely express and disseminate information, ideas, and opinions, subject only to the limitations expressly provided for by law.

The public authorities shall promote the organization of the press sector in an independent and democratic manner, as well as the establishment of the relevant legal and ethical rules.

1. The law shall lay down the rules for the organization and control of public communication networks. It shall guarantee access to these networks in accordance with linguistic and cultural pluralism.

politique de la société marocaine.

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

Article 29

The freedoms of assembly, peaceful demonstration, association, and membership in trade unions and political parties are guaranteed. The law shall determine the conditions for exercising these freedoms.

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

Article 30

All citizens of legal age who enjoy their civil and political rights are eligible to vote and stand for election. The law shall provide for measures to promote equal access for women and men to elected office.

Voting is a personal right and a national duty.

1. Foreign nationals enjoy the fundamental freedoms granted to Moroccan citizens, in accordance with the law.

Those residing in Morocco may participate in local elections in accordance with the law, the application of international conventions, or reciprocal practices.

I. Conditions for granting and granting asylum defined by the Ministry.

Article 31

The State, public institutions, and local authorities shall make available all means at their disposal to facilitate equal access for citizens to the conditions enabling them to enjoy the right:

- health care;
 - social protection, medical coverage, and mutual or state-organized solidarity;
- modern, accessible, and high-quality education;
 - education on attachment to Moroccan identity and unshakeable national values;
- vocational training and physical education
 - et artistique ;
- decent housing;
 - to work and support from public authorities in finding employment or self-employment;
 - access to public office based on merit; access to water and a healthy environment;
 - to sustainable development.

Article 32

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

The State shall endeavor to guarantee, by law, the protection of the family in legal, social, and economic matters, in order to ensure its unity, stability, and preservation.

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

Basic education is a right of the child and an obligation of the family and the State.

An Advisory Council on Family and Children is hereby established.

Article 33

It is the responsibility of the public authorities to take all appropriate measures to

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

—to help young people integrate into working life and community life, and to provide assistance to those experiencing difficulties in adapting to school, social, or professional life;

to facilitate young people's access to culture, science, technology, art, sports, and leisure activities, while creating conditions conducive to the full development of their creative and innovative potential in all these areas.

11 To this end, a Youth and Community Action Advisory Council is hereby established.

Article 34

1. The public authorities shall develop and implement policies aimed at persons and categories with specific needs. To this end, they shall ensure, in particular, that:

reducing and preventing the vulnerability of certain categories of women and mothers, children, and the elderly; rehabilitate and integrate physically, sensorimotor, and mentally disabled persons into social and civic life, and facilitate their enjoyment of the rights and freedoms recognized for all.

Article 35

I. The right to property is guaranteed.

The law may limit its scope and exercise if the requirements of the country's economic and social development so require. Expropriation may only be carried out in the cases and forms provided for by law.

I. The State guarantees freedom of enterprise and free competition. It works to achieve sustainable human development, capable of consolidating the Social justice and the preservation of national natural resources and the rights of future generations.

The State shall ensure equal opportunities for all and specific protection for disadvantaged social groups.

Article 36

Offenses relating to conflicts of interest, insider trading, and all financial offenses are punishable by law.

The public authorities are required to prevent and punish, in accordance with the law, all forms of crime related to the activities of public administrations and bodies, the use of the funds at their disposal, and the awarding and management of public contracts.

Trafficking in influence and privileges, abuse of a dominant position and monopoly, and all other practices contrary to the principles of free and fair competition in economic relations are punishable by law.

A National Integrity, Prevention, and Anti-Corruption Authority is hereby established.

Article 37

All citizens must respect the Constitution and comply with the law. They must exercise the rights and freedoms guaranteed by the Constitution in a spirit of responsibility and civic engagement, whereby the exercise of rights is correlated with the fulfillment of duties.

Article 38

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

Article 39

All shall bear, in proportion to their contributory capacity, the public expenses that only the law may, in the manner provided for by this Constitution, create and distribute.

Article 40

All shall bear jointly and proportionally to their means the expenses required for the development of the country and those resulting from natural disasters and calamities.

TITLE III

THE ROYAU

Article 41

The King, Amit Al Moui Tinine, shall ensure respect for Islam. He is the guarantor of the free exercise of religious worship.

He presides over the High Council of Ouléina, which is responsible for studying the issues he submits to it.

I.c The Council is the only body authorized to issue religious consultations (fatwas) that are officially binding, on the basis of the principles, precepts, and tolerant aims of Islam.

The powers, composition, and operating procedures of the Council are set by dahir.

I. The Council exercises, by dahirs, the religious prerogatives inherent in the institution of Imarat Al Mouminine, which are conferred upon it exclusively by this article.

Article 42

1.c Rei Head of State, His Supreme Representative, Guardian of the unity of the Nation, Guarantor of the permanence and continuity of the State, and Supreme Arbiter among its institutions, ensures respect for the Constitution, the proper functioning of constitutional institutions, and the protection of democratic choices and the rights and freedoms of citizens and communities. and the Kingdom's international commitments.

He is the guarantor of the country's independence and the territorial integrity of the Kingdom within its borders.

The King exercises these functions by dahirs (decrees) ~~authentiques~~ by virtue of the powers expressly conferred upon him by this Constitution.

Decrees, with the exception of those provided for in Articles 41, 44 (2nd paragraph), 47 (paragraphs 1 and 6), 51, 57, 59, 130 (paragraphs 1 and 4) and 174, shall be countersigned by the Head of Government.

Article 43

1. The Crown of Morocco and its constitutional rights are hereditary and pass from father to son to the male descendants in the direct line and in order of primogeniture of HIS MAJESTY KING MOHAMMED VI, unless the King designates, during his lifetime, a successor from among his sons other than his eldest son. When there are no male descendants in the direct line, succession to the Throne shall devolve to the nearest male collateral line under the same conditions.

Article 44

The King is a minor until he reaches the age of eighteen. During the King's minority, a Regency Consul exercises the constitutional powers and rights of the Crown, except those relating to the revision of the Constitution. The Regency Council will function as an advisory body to the King until he reaches the age of twenty.

The Regency Council is chaired by the President of the Constitutional Court: it is also composed of the Head of Government, the President of the House of Representatives, the President of the House of Councillors, the President-delegate of the Superior Council of the Judiciary, the Secretary-General of the Superior Council of Ulemas, and ten personalities appointed by the King *in his capacity as personae*.

The rules governing the functioning of the Regency Council are laid down in an organic law.

Article 45

The Rod has a civil list.

Article 46

The person of the King is inviolable and must be respected.

Article 47

The King appoints the Head of Government from among the political party that wins the most seats in the elections for the Chamber of Representatives, based on the results.

On the recommendation of the Head of Government, he appoints the members of the government.

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

The Head of Government may ask the King to dismiss one or more members of the government.

The Head of Government may ask the King to dismiss one or more members of the government due to their individual or collective resignation.

Following the resignation of the Head of Government, the King terminates the functions of the entire government.

1. The government whose functions have been terminated shall continue to conduct current affairs until a new government is formed.

Article 48

1. The King presides over the Council of Ministers, composed of the Head of Government and the ministers.

The Council of Ministers meets at the initiative of the King or at the request of the Head of Government.

The King may, on the basis of a specific agenda, delegate the chairmanship of a Council of Ministers to the Head of Government.

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The Council of Ministers deliberates on the following issues and texts:

- the strategic orientations of State policy;
 - proposed amendments to the Constitution;
 - draft organic laws;
 - the general guidelines of the draft finance bill;
 - the draft laws referred to in Article 71 (2^e paragraph) of this Constitution;
 - draft amnesty bills;
 - draft legislation relating to military matters;
 - the declaration of a state of siege,
 - the declaration of war;
 - the draft **decree referred to in Article 104** of this Constitution;
- appointment, on the recommendation of the Head of Government and at the initiative of the relevant minister, to the following civil service positions: wali öe BP Al-Maghrib, ambassadors, walis tt governors, and heads of administrations responsible for internal security, as well as heads of strategic public institutions and enterprises. An organic law specifies the list of these strategic institutions and enterprises.

Article 51

The King shall promulgate the law within thirty days of its transmission to the government in its final adopted form.

The law thus promulgated shall be published in the Kingdom's "Official Gazette" within a period not exceeding one month from the date of its promulgation.

Article 51

The King may dissolve, by dahir, both Houses of Parliament or one of them, under the conditions provided for in Articles 96, 97, and 98.

Article 52

The King may address messages to the Nation and to Parliament. Messages shall be read before both Houses and may not be debated therein.

Article 53

The King is the Supreme Commander of the Royal Armed Forces. He appoints military personnel and may delegate this right.

Article 54

A High Security Council is established as a forum for consultation on the country's internal and external security strategies and crisis management. The Council also ensures the institutionalization of good security governance practices.

The King chairs this Council and may delegate the chairmanship of a Council meeting to the Head of Government, on the basis of a specific agenda.

The High Security Council comprises, in addition to the Head of Government, the Speaker of the House of Representatives, the Speaker of the House of Councillors, the Deputy President of the High Council of the Judiciary, the ministers responsible for the interior, foreign affairs, justice, and national defense administration, as well as the heads of the relevant security agencies, senior officers of the Royal Armed Forces, and any other individuals whose presence is useful to the work of the Council.

The Council's rules of procedure shall determine the rules governing its organization and functioning.

Article 55

The King accredits ambassadors to foreign states and international organizations. Ambassadors and representatives of international organizations are accredited to him.

He signs and ratifies treaties. However, treaties of peace or union, or those relating to the delimitation of borders, trade treaties, or those involving State finances or whose application requires legislative measures, as well as treaties relating to the individual or collective rights and freedoms of citizens, may only be ratified after having been approved by law.

I.C. No other treaty or agreement shall be binding on the State prior to its ratification.

If the ((tir Ûonstifuti<Innelle, seized by the King or the Chief û« FJ(Uverneincnt or the President of the House of Representatives or the President of the Senate or one-sixth of the members of the first chamber or one-quarter of the members of the second chamber declares that a commitment IHIC&ndÎOflal C0ITlb0&te mae is contrary to the Constitution, its ratification may only take place after the Constitution has been revised.

Article 56

The King presides over the Superior Council of the Judiciary.

Article 57

1. The King approves by dahir the appointment of magistrates by the Superior Council of the Judiciary.

Article 58

l,c Itoi exci ce le di'oit de gr&ce,

Article 59

When the integrity of the national territory is threatened or events occur that impede the regular functioning of constitutional institutions, the President may, after consulting with the Head of Government, the President of the House of Representatives, the President of the Senate, and the Minister of Defense, declare a state of emergency.

t. haizbrc of the Councilors, as well as the President of the Constitutional Court, and addressed a message to the Nation, proclaiming a state of emergency by dahir. As a result, the King is empowered to take the measures necessary to defend territorial integrity and restore the normal functioning of constitutional institutions as soon as possible.

Parliament cannot be dissolved during the exercise of exceptional powers.

The fundamental freedoms and rights provided for in this Constitution remain guaranteed.

The state of emergency shall be terminated in the same manner as it was proclaimed, as soon as the conditions that justified it no longer exist.

fi'fR IV

OF POWER 1. LEGISLATIVE

On the organization of Parliament

Article 60

The Parliament consists of two chambers, the House of Representatives and the House of Councilors. Their members hold their mandates from the Nation. Their right to vote is personal and cannot be delegated.

The opposition is an essential component of both chambers. It participates in the legislative and oversight functions as provided for, in particular, in this title.

Article 61

Any member of either chamber who renounces the political affiliation under which he or she stood for election or the parliamentary group or grouping to which he or she belongs shall be disqualified from office.

The Constitutional Court, referred to by the president of the Chamber concerned, shall declare the seat vacant in accordance with the provisions of the rules of procedure of the Chamber concerned, which also set the time limits and procedure for referral to the Constitutional Court.

Article 62

Members of the House of Representatives are elected for five years by direct universal suffrage. The legislative term ends 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 electoral division, the conditions of eligibility, cases of incompatibility, the rules limiting the number of terms of office, and the organization of electoral disputes are determined by an organic law.

1. The Speaker of the House of Representatives and the members of the Bureau, as well as the chairpersons of the standing committees and their bureaux, are elected at the beginning of the legislative term, then in the third year of that term during the April session, for the remainder of the term.

1. The election of the members of the Bureau shall be based on proportional representation of the groups.

Article 63

The Senate shall comprise a minimum of 90 members and a maximum of 120, elected by indirect universal suffrage for a term of six years, according to the following distribution

Three-fifths of the members represent local authorities. These members are distributed among the regions of the Kingdom in proportion to their respective populations and in accordance with the principle of equity between regions. The one-third reserved for the region is elected at the level of each region by the Regional Council from among its members. The remaining two-thirds are elected by an electoral college formed at the regional level by members of municipal, prefectural, and provincial councils;

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

The number of members of the House of Councillors and their electoral system, the number to be elected by each electoral college, the distribution of seats by region, the conditions of eligibility and cases of incompatibility, the rules limiting the accumulation of mandates, and the organization of electoral disputes shall be determined by an organic law.

1.c The President of the House of Councillors and the members of the Bureau, as well as the chairpersons of the standing committees and their bureaux, shall be elected at the beginning of the legislative term and then at the midpoint of the legislative term.

The election of the members of the Bureau shall be based on proportional representation of the groups.

Article 64

No member of Parliament may be prosecuted, investigated, arrested, detained, or tried for an opinion or vote cast in the exercise of his duties, except where the opinion expressed challenges the monarchical *form* of government or the Muslim religion, or constitutes an attack on the respect due to the King.

1. Parliament shall sit for ~~Article 65~~ sessions per year. The King presides over the opening of the first session, which begins on the second Friday of October. The second session opens on the second Friday of April.

When Parliament has sat for four months during each session, it may be closed by decree.

Article 66

Parliament may be convened in extraordinary session, either by decree or at the request of one-third of the members of the House of Representatives or a majority of those in the House of Councillors.

Extraordinary sessions of Parliament shall be held on the basis of a specific agenda. When the agenda has been exhausted, the session shall be closed by decree.

Article 67

Ministers have access to each Chamber and to its committees. They may be assisted by commissioners appointed by them.

In addition to the standing committees referred to in the preceding paragraph, committees of inquiry may be established on the initiative of the law 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 Councillors commissions of inquiry may be formed to gather information on specific facts or on the management of public services, institutions, and enterprises, and to submit their findings to the relevant Chamber.

11 No commission of inquiry may be established when the facts have given rise to legal proceedings and for as long as those proceedings are ongoing. If a commission has already been established, its mission shall end as soon as a judicial investigation is opened into the facts that led to its creation.

Commissions of inquiry are temporary in nature. Their mission ends when they submit their report to the Bureau of the relevant Chamber and, where applicable, when the President of that Chamber refers the matter to the courts.

A public hearing is reserved by the relevant committee for the discussion of the reports of the inquiry commissions.

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

Article 68

1. The sessions of the Houses of Parliament shall be public. 1. The full minutes of the debates shall be published in the Official Gazette of Parliament.

/haqñic (thanJhïe may sit in secret committee at the request of the President of the Government or the Minister of
IIICIIIhrCS.

1. The meetings of the Parliamentary Committees are secret. 1. The internal regulations of both Houses of Parliament determine the cases and rules allowing these Committees to hold public meetings.

The Parliament holds joint meetings of its two Chambers, particularly in the following cases:

- the opening of the parliamentary session by the King on the second Friday of October and the delivery of the King's messages to Parliament;
- the adoption of the revision of the Constitution, in accordance with the provisions of Article 174;
- statements by the Head of Government;
- the presentation of the draft finance bill for the year;
- speeches by foreign heads of state and government.

The Head of Government may also request the President of the House of Representatives and the President of the House of Councillors to hold joint meetings of the two Houses for the presentation of information relating to

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Joint meetings shall be held under the chairmanship of the President of the House of Representatives. The rules of procedure of both Houses shall determine the procedures and rules for holding such meetings.

In addition to joint sessions, the standing committees of Parliament may hold joint meetings to hear information on matters of national importance, in accordance with the rules laid down in the rules of procedure of both chambers.

Article 69

Each Chamber shall establish and vote on its rules of procedure. However, these rules may only be implemented after they have been declared by the Constitutional Court to be in accordance with the provisions of this Constitution.

When drawing up their respective rules of procedure, the two chambers of Parliament shall take into consideration the imperatives of harmonization and complementarity, so as to ensure the efficiency of parliamentary work.

1. Internal rules of procedure, in particular:

the rules governing the composition, functioning, and membership of parliamentary groups and groupings, and the specific rights granted to opposition groups:

the obligation of members to participate effectively in the work of committees and plenary sessions, including penalties applicable in the event of absence;

- the number, powers, and organization of standing committees, with the chairmanship of at least one or two of these committees reserved for the opposition, subject to the provisions of Article 10 of this Constitution,

Def Powers of Parliament

Article 70

Parliament shall exercise legislative power.

It passes laws, oversees government action, and evaluates public policy.

An enabling act may authorize the government, for a limited period and for a specific purpose, to take decisions and measures that would normally fall within the domain of the legislature. Decisions take effect as soon as they are published, but must be submitted to Parliament for ratification at the end of the period specified in the enabling act. The enabling act becomes null and void in the event of the dissolution of both Houses of Parliament, or of one of them.

Article 71

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expressérnent dévolucs |iaí d'autres articles de la Constitution

the fundamental freedoms and rights provided for in the
preamble. in other articles of the present
f“0ns|ibution;

the status of the family and civil status;

the principles and rules of the health system;

the right to audiovisual and press freedom under the rule
of law;

amnesty;

nationality and the status of foreigners,

the determination of offenses and the penalties
applicable to them

— the judicial organization and the creation of new
categories of courts;

civil and criminal procedure;

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the general status of the civil service;

the fundamental guarantees granted to civil and military
officials;

the status of law enforcement agencies and forces;

the regulation of local authorities and the principles
governing the delimitation of territorial jurisdiction;

the Electoral Code for local authorities and the principles
governing the division of electoral districts;

the tax system and the basis, rate, and methods of tax
collection;

the legal regime governing the issuance of currency and
the status of the central bank;

the customs regime;

the system of civil and commercial obligations, company
law and cooperative law;

the real real and Yes regions of public,
private, and collective real estate properties;

the reyiine of transport,

labor relations; social security, workplace accidents, and
occupational illnesses;

– the Basque system, insurance companies, and mutual
insurance companies;

– the regime governing information and communication
technologies;

– urban planning and land use;

rules relating to environmental management, the
protection of natural resources, and sustainable
development;

– the regime governing forests and fisheries;

– the determination of guidelines and the general
organization of education, scientific research, and
vocational training;

– the creation of public institutions and any other legal
entity governed by public law;

– the nationalization of companies and the
privatization regime.

In addition to the matters referred to in the preceding
paragraph, Parliament shall be empowered to pass
framework laws concerning the fundamental objectives of
the State's economic, social, environmental, and cultural
activities.

Article 72

Matters other than those falling within the scope of the
law fall within the scope of regulations.

Article 73

Legislative texts may be amended by decree, after approval
by the Constitutional Court, when they fall within the scope of
regulatory power.

Article 74

A state of siege may be declared, by a decree
countersigned by the Head of Government, for a period of 30
days. This period may only be extended by law.

Article 75

Parliament shall vote on the finance bill, which shall be
submitted as a matter of priority to the House of
Representatives, under the conditions laid down by an organic
law. The latter shall determine the nature of the information,
documents, and data necessary to enrich parliamentary debates on
the draft finance bill.

1. The legislature shall vote a single law on the expenditures necessary, in the field of development, for the implementation of the development plans and multi-year programs established by the government in accordance with the law. 1. The expenditures thus approved shall be automatically renewed for the duration of these plans and programs. Only the government shall be authorized to submit bills to modify the expenditures approved in the aforementioned case.

If, at the beginning of the fiscal year, the finance bill has not been passed or has not been enacted due to its submission to the Constitutional Court pursuant to Article 132 of the Constitution,

is voted on or is not promulgated due to its submission to the Constitutional Council pursuant to Article 132 of the present Constitution, the government shall, by decree, take the measures necessary for the functioning of public services and the exercise of its mission, on the basis of the budget proposals submitted for approval.

In this case, revenue will continue to be collected in accordance with the relevant laws and regulations, with the exception, however, of revenue whose replacement is provided for in the draft finance bill. In addition to those for which the bill provides for a rate reduction, they will be collected at the new rate. For those for which the bill provides for a rate reduction, they will be collected at the new rate.

Article 76

1.c The government shall submit annually to Congress a bill to amend the finance law during the second fiscal year following that in which the said finance law was implemented.

This law shall include the budget for investment projects whose

Article 77

1 The Parliament and the government shall ensure the maintenance of balanced state finances.

The government may, in a reasoned manner, oppose any proposal or amendment made by members of parliament when its adoption would result, in relation to the finance bill, in either a reduction in public resources or the creation or increase of a public expenditure.

Exercise of legislative power

Article 78

The initiative to propose laws belongs jointly to the Head of Government and the members of Parliament.

1. Bills shall be submitted as a matter of priority to the House of Representatives. However, bills relating specifically to local authorities, regional development, and social affairs shall be submitted as a matter of priority to the House of Councillors.

Article 79

The government may object to the admissibility of any proposal or amendment that does not fall within the scope of the law.

In the event of disagreement, the Constitutional Court shall rule within eight days at the request of the President of either House of Parliament or the Head of Government.

Article 81

Bills and proposed legislation are submitted for review to committees, which continue to operate between sessions.

Article 81

1. Between sessions, the government may, with the agreement of the relevant committees of both Houses, issue decree-laws, which must be submitted to Parliament for ratification during the next ordinary session.

The draft decree-law is submitted to the House of Representatives. It is examined successively by the relevant committees of both Houses with a view to reaching a joint decision within six days. Failing this, the decision is taken by the relevant committee of the House of Representatives.

Article 82

The agenda of each Chamber is set by its bureau. It includes bills and proposed legislation, in order of priority and in the order set by the government.

At least one day per month shall be reserved for the examination of legislative proposals, including those of the opposition.

Article 83

The members of each House of Parliament and the Government shall have the right to propose amendments. After the debate has begun, the Government may oppose the consideration of any amendment that has not been previously submitted to the relevant committee.

If the government so requests, the Chamber considering the text under discussion shall vote on all or part of it in a single vote, retaining only those amendments proposed or accepted by the government. The Chamber concerned may oppose this procedure by a majority of its members.

Article 84

Every bill or proposed law is examined successively by both Houses of Parliament in order to arrive at the adoption of an identical text. The House of Representatives deliberates first and successively on bills and proposed laws initiated by its *members*; The House of Councillors deliberates first and successively on bills and legislative proposals initiated by its members. A House that receives a text voted on by the other House deliberates on the text as it was transmitted to it.

The House of Representatives ultimately adopts the text under consideration. Voting may only take place with an absolute majority of the members present, in the case of a text concerning *fiscal matters* and *matters* relating to regional development and social affairs.

Article 85

Organic bills and proposals shall be submitted to the House of Representatives for deliberation only after a period of ten days following their submission to the House and in accordance with the same procedure referred to in Article 84. They shall be definitively adopted by an absolute majority of the members present in the House. However, in the case of a draft or proposed organic law relating to the Senate or concerning local authorities, the vote shall be taken by a majority of the members of the
€/hambrc of representatives.

Organic laws relating to the House of Councillors must be voted on in the same terms by both Houses of Parliament.

Organic laws may only be promulgated after the Constitutional Court has ruled on their conformity with the Constitution.

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The organic bills provided for in this Constitution must be submitted to Parliament for approval within a period not exceeding the duration of the first legislative term following the promulgation of the said Constitution.

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OR EXECUTIVE POWER

Article 87

The government shall consist of the Head of Government and ministers, and may also include secretaries of state.

An organic law shall define, in particular, the rules relating to the organization and conduct of the work of the government and the status of its members.

It also determines cases of incompatibility with government office, matters relating to the limitation of the scope of duties, and matters relating to the conduct of day-to-day business by the government whose functions have been terminated.

Article 88

After the King has appointed the members of the government, the Head of Government shall present and explain to both Houses of Parliament, sitting together, the program he intends to implement. This program shall set out the guidelines for the action that the government proposes to take in the various sectors of national activity, particularly in the areas of economic, social, environmental, cultural, and foreign policy.

This program is debated in each of the two Houses. The debate is followed by a vote in the House of Representatives.

The government is invested, after having obtained the confidence of the House of Representatives, expressed by an absolute majority vote of the members of said house, in favor of the government's program.

Article 89

The government exercises executive power.

Under the authority of the Head of Government, the government implements its program, ensures the execution of laws, administers and supervises public institutions and enterprises, and ensures their oversight.

Article 90

1. The Head of Government exercises regulatory power and may delegate some of his powers to ministers.

The regulatory acts of the Head of Government shall be countersigned by the ministers responsible for their implementation.

Article 9

The Head of Government shall appoint civil servants to public administrations and to senior positions in public institutions and enterprises, without prejudice to the provisions of Article 49 of this Constitution.

He may delegate this power.

Article 92

Under the chairmanship of the Head of Government, the Council of Government shall deliberate on the following matters and texts:

- the general policy of the State before its presentation to the Council of Ministers;
- public policies;
- sectoral policies;
- the commitment of the government's responsibility to the House of Representatives;
- current issues related to human rights and public order;
- Ice bills, including the finance bill, before being submitted to the office of the House of Representatives, without prejudice to the provisions of Article 49 of this Constitution;

- decree-laws;
- draft regulatory decrees;
- draft decrees referred to in Articles 65 (paragraph 2), 66, and 70 (paragraph 3) of this Constitution;
- international treaties and conventions before their submission to the Council of Ministers;
- the appointment of secretaries-general and central directors of public administrations, university presidents, deans, and directors of higher education institutions and institutes. The organic law provided for in Article 49 of this Constitution may supplement the list of positions to be filled by the Council of Government and determine, in particular, the principles and criteria for appointment to these positions, notably those of equal opportunity, merit, competence, and transparency.

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

Article 93

Ministers are responsible, each in their respective areas of responsibility and within the framework of government solidarity, for implementing government policy.

Ministers carry out the tasks assigned to them by the head of government. They report to the Council of Government.

They may delegate part of their powers to secretaries of state.

Article 94

Members of the government are criminally liable before the courts of the Kingdom for crimes and offenses committed in the exercise of their functions.

The law shall determine the procedure relating to this liability.

TITLE VI

RELATIONSHIPS BETWEEN THE LEGISLATIVE POWERS

Relations between the Executive and the Legislative Powers

Article 95

The King may request both Houses of Parliament to proceed to a new reading of any bill or proposed law.

The request for a new reading shall be made by message. This new reading may not be refused.

Article 96

The King may, after consulting the President of the Constitutional Court and informing the Head of Government, the President of the House of Representatives, and the President of the

£. Hunger of the Councilors, dissolve by dahir, the two Ûhambies or one of them only.

The dissolution shall take place after a message addressed by the King to the Nation.

Article 97

The election of the new Parliament or the new Chamber shall take place no later than two months after the dissolution.

Article 98

1. When a Chamber is dissolved, its successor may not be elected until one year after its election, unless no government majority is formed within the newly elected Chamber of Representatives.

newly elected House of Representatives.

Article 99

The declaration of war, decided by the Council of Ministers in accordance with Article 49 of this Constitution, shall take place after the King has informed the Senate.

Relations between the legislative and executive powers

Article 100

One session per week shall be reserved in each Chamber as a matter of priority for questions from its members and responses from the government.

The government shall give its response within twenty days of the date on which the question was referred to it.

Answers to questions of general policy are given by the Head of Government. One sitting per month is reserved for these questions, and the answers thereto are presented to the relevant House within thirty days of the date of their transmission to the Head of Government.

Article 101

The Head of Government shall present to Parliament a progress report on government action, either on his own initiative or at the request of one-third of the members of the House of Representatives or a majority of the members of the Senate.

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An annual session shall be reserved by Parliament for the discussion and evaluation of public policies.

Article 102

The relevant committees in each of the two chambers may request to hear from the heads of administrations and public institutions and enterprises, in the presence and under the responsibility of the ministers concerned.

Article 1113

The Head of Government may call upon the responsibility of the government before the House of Representatives, on a statement of general policy or on the vote on a text.

Confidence may only be refused or the text rejected by an absolute majority of the members of the House of Representatives.

The vote may only take place three clear days after the question of confidence has been raised.

The refusal of confidence leads to the collective resignation of the government.

Article t04

The Head of Government may dissolve the House of Representatives by decree issued by the Council of Ministers, after consulting the King, the President of the House, and the President of the Constitutional Court.

The Head of Government shall present to the House of Representatives a statement setting out, in particular, the reasons for and objectives of the decision to dissolve the House.

Article 1115

The House of Representatives may call the government to account by voting on a motion of censure. This motion is only admissible if it is signed by at least one-fifth of the members of the House.

A motion of censure shall only be approved by the House of Representatives by an absolute majority vote of its members.

The vote may only take place three clear days after the motion has been tabled. A vote of no confidence shall result in the collective resignation of the government.

When the government is censured by the House of Representatives, no motion of censure from that House shall be admissible for a period of one year.

Article 1116

The Senate may question the government by means of a motion signed by at least one-fifth of its members. It may only be voted on three clear days after its submission and by an absolute majority of the members of that House.

The text of the motion of interpellation shall be immediately forwarded by the President of the Chamber of Councillors to the Head of the Government, who shall have six days to present the **Government's** response to this Chamber. This shall be followed by a debate without a vote.

TITLE Y11

JUDICIAL POWER

On the independence of the judiciary

Article 1117

The judiciary is independent from the legislative and executive branches.

1. The King is the guarantor of the independence of the judiciary.

Article 1118

I. Judges are irremovable.

1: Any interference in matters submitted to the courts is prohibited. In their judicial functions, judges may not receive orders or instructions, nor be subject to any pressure.

Whenever a judge considers that his or her independence is threatened, he or she must refer the matter to the High Council of the Judiciary.

Any failure on the part of a judge to fulfill his or her duties of independence and impartiality constitutes serious professional misconduct, without prejudice to any legal proceedings that may be brought.

The law punishes any person who attempts to influence a judge in an unlawful manner.

Article 1111

Judges are bound only by the application of the law. Court decisions are rendered solely on the basis of the impartial application of the law.

Prosecutors are bound to apply the law and must comply with written instructions issued by their superiors in accordance with the law.

Article 111

Magistrates enjoy freedom of expression, consistent with their duty of discretion and judicial ethics.

They may join or create professional associations, in accordance with the duties of impartiality and independence of the judiciary and under the conditions provided for by law.

They may not join political parties or trade unions.

Article 112

The status of magistrates is determined by organic law.

The Superior Council of the Judiciary

Article 113

The High Council of the Judiciary shall ensure the application of the guarantees granted to magistrates, particularly with regard to their independence, appointment, promotion, retirement, and discipline.

On its own initiative, it shall draw up reports on the state of justice and the judicial system and shall make appropriate recommendations in this regard.

At the request of the King, the government, or Parliament, the Council issues detailed opinions on any matter relating to justice, subject to the principle of the separation of powers.

Article 114

Individual decisions of the High Council of the Judiciary may be appealed on the grounds of abuse of power before the highest administrative court of the country.

Article 115

I.c The High Council of the Judiciary is chaired by the King. It is composed of:

the President of the Court of Cassation as Deputy President;

— the Attorney General of the King at the Court of Cassation;

the President of the First Chamber of the Court of Cassation;

four representatives elected by the magistrates of the courts of appeal;

six representatives elected from among themselves by the magistrates of the courts of first instance;

one representative of the magistrates to be appointed, from among the ten elected members, in proportion to their presence in the body of magistrates;

— the President of the National Human Rights Council:

five individuals appointed by the King, recognized for their competence, impartiality, and integrity, as well as for their distinguished contribution to the independence of the judiciary and the rule of law, together with a member appointed by the Secretary General of the Supreme Council of Ulemas.

Article 116

I.c (The successor to judicial power holds at least two sessions per year.

It has administrative and financial autonomy.

In disciplinary matters, the High Council of the Judiciary is assisted by experienced magistrate-inspectors.

The structure, organization, and functioning of the High Council of the Judiciary, as well as the criteria for the appointment of magistrates and the rules of disciplinary procedure, are laid down in an organic law.

In cases concerning prosecutors, the High Council of the Judiciary takes into consideration the evaluation reports prepared by the hierarchical authority to which they report.

*The rights of yusticishles
and rules governing the functioning of justice*

Article 117

I. Judges are responsible for protecting the rights, freedoms, and judicial security of individuals and groups, as well as for enforcing the law.

Access to justice is guaranteed to all persons for the defense of their rights and interests protected by law.

Any regulatory or individual act taken in administrative matters may be appealed before the competent administrative court.

Article 119

Any person who has been charged or accused shall be presumed innocent until proven guilty by a final court decision.

Article 118

Everyone has the right to a fair trial and to a judgment rendered within a reasonable time.

The rights of the defense are guaranteed before all courts.

Article 121

In cases where the law so provides, justice is free for those who do not have sufficient resources to take legal action.

Article 112 i

Damage caused by a judicial error shall give rise to compensation payable by the State.

Article 123

Hearings shall be public, except where the law provides otherwise.

Article 124

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

Article 125

All judgments shall be reasoned and pronounced in open court under the conditions provided for by law.

Article 126

1. Final judgments are binding on all parties.

Public authorities shall provide the necessary assistance when requested during the proceedings. They are also required to assist in the enforcement of judgments.

Article 127

Ordinary or specialized courts are established by

the
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tion
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Court

No court of exception may be created.

Article 128

The judiciary acts under the authority of the Ministry

public ct of investigating judges for all matters relating to the inquiries and investigations necessary for the investigation of offenses, the arrest of offenders, and the establishment of the truth.

TITLE VI

DE LA COUR CONSTITUTIONNELLE

Article 129

A Constitutional Court is hereby established.

Article 130

The Constitutional Court is composed of twelve members appointed for a non-renewable nine-year term. Six members are appointed by the King, including one member proposed by the Secretary General of the Higher Council of Ulemas, and six members are elected, half by the Chamber of Representatives and half by the Chamber of Advisors from among candidates presented by the Bureau of each Chamber. This is done by secret ballot and by a two-thirds majority of the members of each Chamber.

If the two Chambers of Parliament or one of them do not elect the aforementioned members within the legal deadline required for renewal, the Court shall exercise its powers and render its decisions on the basis of a quorum that does not take into account the members who have not yet been elected.

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

The President of the Constitutional Court is appointed by the King from among the members of the Court.

The members of the Constitutional Court are chosen from among individuals with advanced training in the legal field and judicial, doctrinal, or administrative expertise, who have practiced their profession for more than fifteen years and are recognized for their impartiality and integrity.

Article 131

An organic law shall determine the rules of organization and of the Constitutional Court, as well as the procedure followed before it and the status of its members.

It also determines incompatible functions, including those relating to the liberal professions, sets the conditions for the first renewals of the courts and the procedures for replacing members who are prevented from attending, resign or die during their term of office.

Article 132

1. The Constitutional Court exercises the powers conferred upon it by the articles of the Constitution and the provisions of organic laws. It also rules on the regularity of the election of members of Parliament and referendum operations.

Organic laws, prior to their promulgation, and the rules of procedure of the House of Representatives and the House of Councillors, prior to their implementation, shall be submitted to the Constitutional Court, which shall rule on their conformity with the Constitution.

For the same purposes, laws may be referred to the Constitutional Court prior to their promulgation by the King, the Head of Government, the Speaker of the House of Representatives, the Speaker of the House of Councillors, or by one-fifth of the members of the House of Representatives or by forty members of the House of Councillors.

In the cases provided for in the second and third paragraphs of this article, the Constitutional Court shall rule within one month of being seized of the matter. However, at the request of the government, in urgent cases, this period shall be reduced to eight days.

In these same cases, referral to the Constitutional Court shall suspend the promulgation period.

It shall rule on the regularity of the election of members of Parliament within one year of the expiry of the legal time limit for appeals. However, the Court may rule beyond this time limit, by reasoned decision, where the number or nature of the appeals so requires.

Article 133

The Constitutional Court shall have jurisdiction to hear an exception of unconstitutionality raised during a trial, when one of the parties argues that the law on which the outcome of the dispute depends infringes the rights and freedoms guaranteed by the Constitution.

An organic law shall determine the conditions and procedures for the application of this article.

Article 134

A provision declared unconstitutional on the basis of Article 132 of this Constitution may not be promulgated or enforced. A provision declared unconstitutional on the basis of Article 133 shall be repealed as of the date set by the Constitutional Court in its decision.

The decisions of the Constitutional Court are not subject to appeal. They are binding on the public authorities and all administrative and judicial authorities.

TITLE IX

REGIONS AND OTHER TERRITORIAL COLLECTIVITIES

Article 135

1. The local authorities of the Kingdom are
•*s ons, prefectures, provinces, and municipalities.

They are legal entities governed by public law, which manage their affairs democratically.

The regional and municipal councils are elected by direct universal suffrage.

4 Any other local authority is created by law, where applicable, to replace one or more of **the authorities** mentioned in the first paragraph above.

Article 136

Regional and territorial organization is based on the principles of self-government, cooperation, and solidarity. It ensures the participation of indigenous peoples in the management of their affairs and promotes their contribution to integrated and sustainable human development.

Article 17

The regions and other territorial communities participate in the implementation of the general policy of the State and in the development of territorial policies through their representatives in the Chamber of Councillors.

Article 13g

The presidents of the regional councils and the presidents of other local authorities shall implement the deliberations and decisions of these councils.

Article 139

Participatory mechanisms for dialogue and consultation are established by regional councils and councils of other local authorities to encourage the involvement of citizens and associations in the development and monitoring of development programs.

Citizens and associations may exercise the right of petition to request that an issue falling within the Council's remit be included on its agenda.

Article 140

Based on the principle of subsidiarity, local authorities have their own powers, powers shared with the State, and powers that can be transferred to them by the State.

Regions and other local authorities have regulatory powers within their respective areas of competence and territorial jurisdiction for the exercise of their powers.

Article 141

I. Regions and other local authorities have their own financial resources and financial resources allocated by the State.

The transfer of powers from the State to the regions and other local authorities must be accompanied by a transfer of the corresponding resources.

Article 142

A social upgrading fund is created for a fixed period for the benefit of the regions, intended to reduce deficits in human development, infrastructure, and education.

The aim is to achieve a fair distribution of resources in order to reduce disparities between regions.

Il est créé en outre un Fonds de solidarité interrégionale

Article 143

No territorial community may exercise authority over another.

In the development and monitoring of regional development programs and regional land use plans, the regional council, under the supervision of the president of the regional council, shall play a leading role in relation to other local authorities, while respecting the specific powers of the latter.

Where the cooperation of several local authorities is necessary for the implementation of a project, the authorities concerned shall agree on the terms of their cooperation.

Article 144

1. Local authorities may form groups with a view to pooling resources and

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Article 145

In local authorities, regional governors and prefects and provincial governors represent the central government.

On behalf of the government, they ensure the application of laws, implement regulations and government decisions, and exercise administrative control.

The walis and governors assist the presidents of local authorities, particularly the presidents of regional councils, in implementing development plans and programs.

Under the authority of the relevant ministers, they coordinate the activities of the decentralized services of the central administration and ensure their proper functioning.

Article 146 An

organic law shall determine, in

particular:

the conditions for the democratic management of their affairs by the regions and other local authorities, the number of members of their councils, the rules relating to eligibility, incompatibilities, and cases of prohibition of multiple mandates, as well as the electoral system and provisions aimed at ensuring better representation of women on these councils;

- the conditions for the implementation, by the presidents of the councils of the regions and the presidents of the councils of the other local authorities, of the deliberations and decisions of said councils, in accordance with the provisions of Article 138;

the conditions for the exercise by citizens and associations of the right of petition provided for in Article 139;

the powers specific to the regions, those shared with the State, and those transferred to the regions and other local authorities, as provided for in Article 140;

the financial regime of the regions and other local authorities;

the origin of the financial resources of the regions and other local authorities provided for in Article 141;

the resources and operating procedures of the social upgrading fund and the interregional solidarity fund provided for in Article 142;

- the conditions and procedures for establishing the groupings referred to in Article 144;

- provisions promoting the development of inter-municipal cooperation, as well as mechanisms designed to ensure the adaptation of territorial organization in
- ce sens ;
- governance rules relating to the proper functioning of free administration, control of the management of funds and programs, evaluation of actions, and accountability.

III: THE COURT OF JUSTICE

III: THE COURT OF JUSTICE CİJMP1 ÜS

Article 147

The Court of Auditors is the institution responsible for controlling the Kingdom's public finances. Its independence is guaranteed by the Constitution.

The Court of Auditors has the mission of consolidating and protecting the principles and values of good governance, transparency, and accountability of the State and public organizations.

1.a The Court of Auditors is responsible for ensuring the supreme control of the execution of finance laws. It verifies the regularity of the revenue and expenditure operations of the bodies subject to its control by virtue of the law and assesses their management. Where necessary, it penalizes any breaches of the rules governing such operations.

The Court of Auditors monitors and follows up on declarations of assets, audits the accounts of political parties, and verifies the regularity of electoral campaign expenditures.

1. The Court of Auditors assists Parliament in the areas of public finance control. It responds to questions and consultations relating to the legislative, control, and evaluation functions exercised by Parliament in relation to public finances.

The Court of Auditors provides assistance to judicial authorities.

The Court of Auditors assists the government in matters falling within its jurisdiction under the law.

It publishes all of its work, including specific reports and judicial decisions.

It submits an annual report on all its activities to the King, which it also sends to the Head of Government and the Presidents of both Houses of Parliament. This report is published in the Kingdom's "Official Gazette."

A statement of the Court's activities is presented by its Chief Justice before Parliament. It is followed by a debate.

Article 149

The regional courts of auditors are responsible for auditing the accounts and management of local and regional authorities and their groupings.

Where necessary, they penalize breaches of the rules governing such operations.

Article 150

The powers, organizational rules, and operating procedures of the Court of Auditors and the regional courts of auditors are established by law.

TITLE XI

THE ECONOMIC, SOCIAL AND ENVIRONMENTAL COUNCIL

Article 151

An Economic, Social and Environmental 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 Councillors on all matters of an economic, social, or environmental nature.

It gives its opinion on the general direction of the national economy and sustainable development.

Article 153

The composition, organization, powers, and operating procedures of the Economic, Social, and Environmental Council are established by organic law.

SECTION XII

PRINCIPLES OF GOOD GOVERNANCE

Governance principles

Article 154

Public services are organized on the basis of equal access for citizens, equitable coverage of the national territory, and continuity of service provision.

They are subject to standards of quality, transparency, accountability, and responsibility, and are governed by the democratic principles and values enshrined in the Constitution.

Article 155

Public service employees shall perform their duties in accordance with the principles of respect for the law, neutrality, integrity, probity, and the general interest.

Article 156

1. Public services listen to their users and follow up on their comments, suggestions, and complaints.

They are responsible for managing public funds in accordance with the legislation in force and are subject to control and evaluation obligations in this regard.

Article 157

A public service charter sets out all the rules of good governance relating to the functioning of public administrations, regions, other local authorities, and public bodies.

Article 158

Any person, whether elected or appointed, holding public office must, in accordance with the procedures laid down by law, make a written declaration of the property and assets held by them, directly or indirectly, upon taking office, during their term of office, and upon leaving office.

Article 159

1. The bodies responsible for good governance shall be independent. They shall enjoy the support of State organs. The law may, if necessary, create other regulatory and good governance bodies in addition to those referred to below.

Article 160

All institutions and bodies referred to in Articles 161 to 170 of this Constitution shall submit a report on their activities at least once a year. These reports shall be debated in Parliament.

Institutions and bodies responsible for protecting rights and freedoms, good governance, human and sustainable development, and participatory democracy

Institutions for the protection and promotion of human rights

Article 161

The National Human Rights Council is a pluralistic and independent national institution. It is responsible for examining all issues relating to the defense and protection of human rights and freedoms, ensuring their full exercise and promotion, and preserving the dignity, rights, and freedoms of citizens, both individually and collectively, in strict compliance with national and universal standards in this area.

Article 162

The Ombudsman is an independent and specialized national institution whose mission, in the context of relations between the administration and users, is to defend rights, contribute to strengthening the rule of law, and promote the principles of justice and fairness, as well as the values of morality and transparency in the management of administrations, public institutions, local authorities, and bodies vested with public authority.

Article 163

The Council of the Moroccan Community Abroad is responsible, in particular, for issuing opinions on public policy guidelines aimed at ensuring that Moroccans living abroad maintain strong ties with their Moroccan identity, guaranteeing their rights, preserving their interests, and contributing to the human and sustainable development of their homeland, Morocco, and its progress.

Article 164

1. The authority responsible for equality and combating all forms of discrimination, established pursuant to Article 19 of this Constitution, shall ensure, in particular, compliance with the rights and freedoms provided for in that article, subject to the powers vested in the National Human Rights Council.

1. Good governance and regulatory bodies

Article 165

1. The Audiovisual Communications Authority shall be responsible for ensuring respect for pluralism of opinion and thought and the right to information in the audiovisual field, in accordance with fundamental civilizational values and the laws of the Kingdom.

Article 166

The Competition Council is an independent institution responsible for ensuring transparency and fairness in economic relations, particularly through the regulation of competition in the markets, the control of anti-competitive practices, unfair commercial practices, and economic concentration and monopoly operations, within the framework of free and fair competition. SC and the regulation of competition in the markets, the control of anti-competitive practices, unfair commercial practices, and economic concentration and monopoly operations.

Article 167

The national authority for probity, prevention, and combating corruption, established under Article 36, has the task, in particular, of initiating, coordinating, supervise, and monitor the implementation of policies for the prevention and fight against corruption, to collect and disseminate information in this area, to contribute to the moralization of public life, and to consolidate the principles of good governance, the culture of public service, and the values of responsible citizenship.

*Instances of promotion of human and sustainable development
and participatory democracy*

Article 168

11 A Higher Council for Education, Training, and Scientific Research is hereby established.

This Council is a consultative body responsible for issuing opinions on all public policies and matters of national interest concerning education, training, and scientific research, as well as on the objectives and functioning of the public services responsible for these areas. It also contributes to the evaluation of public policies and programs in these areas.

Article 169

The Advisory Council on Family and Children, established under Article 31 of the present Constitution, has the task of monitoring the situation of families and children, to issue its opinion on national plans relating to these areas, to stimulate public debate on family policy, and to monitor the implementation of national programs initiated by the various departments, structures, and competent bodies.

Article 170

1. The Advisory Council on Youth and Community Action, established pursuant to Article 33 of this Constitution, is a consultative body in the areas of youth protection and the promotion of community life. It is responsible for studying and monitoring issues relating to these areas and for making proposals on any economic, social, and cultural matters of direct interest to young people and community action, as well as for developing the creative energies of young people and encouraging them to participate in national life in a spirit of responsible citizenship.

Article 171

Laws shall determine the composition, organization, powers, and rules of procedure of the institutions and bodies provided for in Articles 161 to 170 of this Constitution and, where applicable, cases of incompatibility.

II^o I RH XIII

Draft A REVISION OF THE CONSTITUTION

Article 172

The initiative to revise the Constitution belongs to the King, the Head of Government, the House of Representatives, and the House of Councillors.

The King may directly submit the draft revision he has initiated to a referendum.

Article 173

A proposal for revision originating from one or more members of either of the two Houses of Parliament may only be adopted by a two-thirds majority vote of the members comprising that House.

This proposal shall be submitted to the other Chamber, which shall adopt it by a two-thirds majority of its members.

I. The revision proposal from the Head of Government shall be submitted to the Council of Ministers, after a declaration in the Council of the Government.

Article 174

Proposals and drafts for the revision of the Constitution shall be submitted to a referendum.

The revision of the Constitution shall be final after adopted by referendum.

The King may, after consulting the President of the Constitutional Court, submit a draft revision of certain provisions of the Constitution to Parliament by dahir.

I.c Pat lement, convened by the King in joint chambers, approves it by a two-thirds majority of the members of Parliament.

I.e The Rules of Procedure of the House of Representatives shall determine the procedures for implementing this provision.

I.a The Constitutional Court shall review the regularity of the procedure for this revision and shall proclaim the results.

Article 175

No revision may relate to provisions concerning the Muslim religion, the monarchical form of the State, the democratic choice of the Nation, or the achievements in terms of freedoms and fundamental rights enshrined in this Constitution.

TITLE XIV

TRANSITIONAL AND FINAL PROVISIONS

Article 176

Until the election of the Chambers of Parliament provided for in this Constitution, the Chambers currently in office shall continue to exercise their powers, in particular to vote on the laws necessary for the establishment of the new Chambers of Parliament, without prejudice to the application of Article 51 of this Constitution.

Article 177

The Constitutional Council currently in office shall continue to exercise its powers pending the establishment of the Constitutional Council provided for in this Constitution.

Article 178

The High Council of the Judiciary currently in office shall continue to exercise its powers until the installation of the High Council of the Judiciary provided for in this Constitution.

Article 179

The texts in force relating to the institutions and bodies referred to in Title XII, as well as those relating to the Economic and Social Council and the Higher Council for Education, shall remain in force until further notice, in accordance with the provisions of this Constitution.

Article 18

Subject to the transitional provisions set forth in this Title, the text of the revised Constitution, promulgated by Dahir No. 1-96-157 of June 23, 1417 (October 7, 1996), is repealed.

CONSTITUTIONAL DECISION

Decision of the Constitutional Council No. 815-2011 of 12 Chaabane 1432 (July 14, 2011) proclaiming the results of the referendum on the draft Constitution held on Friday, 28 Rajab 1432 (July 11, 2011).

See the text of the decision in the general edition of the Official Gazette No. 5964 *bis* of 28 Sha'ban 1432 (July 30, 2011), page 3628.