

Dahir No. 1.21.81 of 3 Dhu al-Hijjah 1442 (14 July 2021) on the implementation of Law No. 36.21 on Civil Status

PRAISE BE TO GOD ALONE!

(Great Seal of His Majesty Mohammed VI)

Let it be known hereby – may God elevate and strengthen its contents!

Having regard to the Constitution, in particular Articles 42 and 50 thereof,

DECIDED AS FOLLOWS:

Law No. 36-21 on Civil Status, as adopted by the House of Councillors and the House of Representatives, shall be applied and shall be published in the Official Gazette, following this dahir.

Done at Fez, 3 Hija 1442 (14 July 2021).

To countersign:

The Head of Government,

YOU CAN GET DINE EL OTMAN.

Law No. 36.21 on Civil Status

Chapter I General Provisions

Article 1

In accordance with this law, a national digital system and a national civil registry to register, delimit, update and preserve the basic civil facts of persons, such as birth, death, marriage and dissolution of the matrimonial pact, through an integrated central information system.

This law applies compulsorily to all Moroccans. Foreigners may also benefit from it for their births and deaths occurring in the national territory.

Article 2

The Act and its regulations state the following:

- **Civil Status:** It is a system that allows the registration of the essential civil facts of individuals including births, deaths, marriages and the dissolution of the matrimonial pact as well as to adjust all the data attached to them according to their type, date and place of occurrence through a national digital system dedicated to this purpose.

- **The National Digital Civil Registration System:** This is a digital system that allows to record, delimit, update and store the civil acts of individuals as well as to share its data. It is referred to as a "digital system".

- **Civil Status Portal :** This is an electronic information platform, interactive specific to civil status. It allows beneficiaries, authorities, institutions and bodies referred to in Article 20 of this Law to make a pre-declaration of various civil events such as births, deaths, marriages, or the dissolution of the conjugal pact.

- **A civil registry management computer system;** It is an advanced information system that allows its users to automatically control the various procedures and procedures related to civil status, and provides a new generation of services to beneficiaries and public administrations. It is referred to as a "Computer System"
- **The National Civil Status Register:** This is an electronic register bringing together all the electronic civil status documents that make up the central civil status data database. It is referred to as the "National Register".
- **The electronic family record book:** It includes references and summaries of electronic documents for the husband, wife(s) as the case may be, and their children and data. It is based on the Civil Registry Management Information System.
- **The competent services:** administrations, public institutions and bodies, local authorities and private bodies authorised by the central authority for the use of civil status data.

Article 3

Civil status documents have the same probative value as official documents, taking into account the legal requirements for proving filiation and personal status. Electronic civil status documents are subject to the legislative provisions related to electronic transactions.

The form and content of the electronic civil status certificate are to be determined by a regulatory text.

Article 4

Civil registry offices are located at the level of each municipality of the Kingdom according to the division of the collectivities of the national territory. The municipal council may, if necessary, proceed with the creation of subsidiaries in the territory of the municipality following decisions validated by the Governor of the prefecture or province or his interim.

The detailed rules for the application of the provisions of the first paragraph above shall be determined by a regulatory text.

Abroad, civil registry offices are located at diplomatic and consular posts dedicated to Moroccans living abroad.

Article 5

The heads of the councils of the communes must ensure the availability of all the material means and human resources necessary for the functioning of the civil registry offices at the level of their territory. The government authority in charge of the Ministry of Foreign Affairs is obliged to provide all material means and human resources to the civil registry offices located in diplomatic and consular posts abroad.

Chapter II

Registrars

Article 6

In accordance with the provisions of Regulatory Law No. 113.14 on municipalities, and taking into account the provisions of this law, the duties of the civil registrar shall be entrusted to the presidents of the councils of the municipalities. These tasks may be delegated, in accordance with the provisions of Article 102 of the above-mentioned Organic Law, to the Vice-Presidents or to the members of the Council in the absence of the President of the Municipality or if he has been prevented from doing so in accordance with Article 109 of the said Organic Law.

The duties of the civil registrar in the communes of the arrondissements are entrusted to the presidents of the district councils in accordance with the provisions of article 237 of the same organic law. The procedures for delegating the functions of the civil registrar are to be determined by a regulatory text.

The pasha of each commune of the communes of the Mechouars exercises the duties of the civil registrar. He may delegate these tasks to his assistant, who replaces him in his absence or if he has been prevented from doing so.

Article 7

The missions of civil registrars outside the Kingdom are entrusted to diplomats and consuls abroad in accordance with the legislative and regulatory provisions relating to the competences of diplomats and consuls abroad.

Article 8

The government authority in charge of the Ministry of the Interior supervises the tasks of the civil registrars as well as the monitoring of the functioning of the Kingdom's civil registry offices.

The government authority in charge of Foreign Affairs supervises the Civil Registry Offices outside the Kingdom.

The monitoring and supervision procedure will be determined by a regulatory text.

Article 9

The status of civil registrar for those in charge of it ceases as soon as they cease to perform their legal duties.

Article 10

Registrars and civil servants are liable in accordance with the rules of Tort Liability for damages caused to others as a result of their failure to comply with civil status procedures or as a result of their gross professional misconduct.

The competent Public Prosecutor's Office shall take the necessary measures to prosecute the registrar or other officials if it has been proven that they have committed acts punishable by law.

Chapter III

The Digital System and the National Registry

First

The digital system

Article 11

The registration, delimitation and updating of civil status facts, the issuance of extracts from its deeds as well as the exploitation and sharing of its statistics and data with the relevant services are carried out via a digital system.

Article 12

The digital system consists of the following components:

- The civil status portal;
- The information system;
- The National Register;
- Electronic sharing of civil status data,
- The civil and social digital identifier referred to in Article 30 of this law.

In the second The National Register

Article 13

The National Registry includes the following:

- Civil status certificates drawn up electronically by the information system after each declaration of birth or death, or the entry of marriage data and the dissolution of the marital pact or the updating of the data of the certificates, whether by modification, addition, deletion or rectification.
- Electronic civil status records kept as part of the process of digitizing acts established in paper registers kept in various civil status offices in Morocco or abroad.

In the event of a discrepancy between the data of the deeds drawn up on the paper registers and their counterparts that have been digitised, the original paper registers that have been stored and preserved electronically must be taken into account.

Paper civil status registers after digitization are subject to the legal provisions on archives.

Article 14

The National Register is the only official source for all civil status records and extracts. The national register is hosted on the central platform of the government authority in charge of the interior.

Article 15

A central authority, defined by regulation, ensures the design and development of digital approaches and procedures for the management of the national register, as well as the availability of the Infrastructure, organisational and technical means necessary to ensure the safety and security of the databases, in accordance with the legislation on cybersecurity.

Article 16

The central authority undertakes the management of the national register. Thus, it deploys all the necessary material, human and organizational resources. The modalities and tasks for the management of the national register are to be determined by a regulatory text.

Article 17

The personal data kept in the national register must be processed and used in accordance with the legislation on the protection of individuals with regard to the processing of personal data.

Article 18

In accordance with the provisions of Chapter 10 of Part I of the Third Book of Criminal Law, any person who has committed harmful acts concerning the automatic processing of the data referred to in this Law shall be punished.

Chapter IV

Civil status records

First: Provisions Common to Extracts

Article 19

Civil status facts, such as birth, death, marriage and dissolution of the marriage pact are registered in any civil status office, whether inside or outside Morocco through the information system dedicated to this purpose.

The beneficiary or user of the service can pre-declare the above-mentioned facts via the digital system.

In the event of exceptional circumstances that impede the electronic recording of documents, the registrar shall draw up a report in this regard. The minutes are attached to the exhibits Supporting documents supporting the declaration via the information system once the registration of the electronic act is possible.

Civil status certificates are written in Arabic, with the family names and personal names of the subject concerned by the act written in Tifinagh and Latin letters.

Article 20

The directors and administrators of civilian and military health establishments, communal health offices, penitentiary establishments, correction centres and social welfare institutions and other relevant institutions are required to pre-register births and deaths that occur in their establishments through the means of communication relating to the digital system.

Local administrative authorities are required to pre-register births and deaths in their territories.

The pre-declaration of births or deaths shall not become final and shall not be kept in the national register by the civil registrar until it has been completed by the persons referred to,

as the case may be, in Articles 24, 25 and 37 of this Law in accordance with the provisions of Article 39 of this Law.

The electronic pre-declaration procedure is determined by a regulatory text.

Article 21

If the persons referred to in Articles 24, 25 and 37 of this Law do not complete the pre-declaration of births or deaths within a period to be specified by a regulatory text, the act shall not be registered in this case without the authorization of the central authority or any delegated person. The request for authorisation is made by any person with a legitimate interest or by the services concerned.

If the central authority or delegation has refused to grant permission for registration, the person concerned may apply to the court in accordance with the provisions of Article 217 of the Code of Civil Procedure.

Article 22

Civil status certificates are signed electronically in accordance with the legislative provisions on electronic transactions.

The civil registrar is required to sign the civil status certificates electronically as soon as they are drawn up and validated by the information system.

Article 23

If, despite all technical precautions, it turns out that a person has mistakenly entered the national register with the same data more than once, the case must be submitted to the central authority by the registrar or beneficiary in order to obtain approval for its cancellation.

If it is proved to the central authority, in a case other than that referred to in paragraph 1 above, that it is a person who has registered more than once with different data or identities, the status of his act must be fixed and the issue must be presented to the court competent to issue a judgment annulling the act registered more than once.

The penalty provided for in article 361 of the Criminal Law Group applies to any person who has made a false declaration with a view to registering or re-registering in the National Register more than once.

Second: The birth certificate

Article 24

The pre-birth registration is completed by the newborn's relatives in the following order:

- The father or mother;
- Grandfather or grandmother;
- Paternal uncle or paternal aunt
- Maternal uncle or maternal aunt
- The father's guardian or the mother's guardian;
- Sibling;
- Nephew or niece (brother's son or daughter)
- Nephew or niece (sister's son or daughter)

The first brother has priority over the paternal half-brother, and the paternal half-brother has priority over the maternal half-brother. The eldest child takes precedence over the younger person when he or she has sufficient capacity to declare.

The obligation to register births rests with one of the persons designated in the first paragraph above to the next in order in cases where prior registration is not made for any reason.

The procurator replaces his attorney.

Article 25

In the case of a newborn baby whose parents are unknown or a newborn child abandoned just after birth, the public prosecutor shall declare the child's birth automatically or at the request of the local administrative authority or the person concerned, supporting his or her

declaration with a report drawn up in this regard and a medical certificate specifying the age of the newborn in an approximate manner. The registrar chooses for him a family name and a personal name, a father's name and a paternal father's name derived from the names of "Aoboudiya" to God. He also chose for her a mother's name and a maternal grandfather's name derived from the names "Aoboudiya" to God. The choice of the names of the parents and grandparents must be mentioned in the birth certificate of the person concerned in accordance with the provisions of this Act.

The mother or the person she delegates makes the declaration of her son whose father is unknown. She also chooses for him a personal name, a father's name and a paternal grandfather's name derived from the names of "Aoboudiya" to God. The registrar chooses a proper surname if the mother does not want to give her her name. It should be noted that the names of the father and paternal grandfather were chosen in accordance with the provisions of this Act.

Any person whose father or parents are unknown and who is already registered in the civil registry without information about the father or parents, may request himself or through a person delegated by him to add the name of the father or parents, or the name of the grandfather or grandparents, as the case may be, by a court decision or judgment.

Article 26

The birth certificate of the adopted child "makfoul" should include references to the document that allowed the allocation, cancellation or continuance of the adoption "kafala" in accordance with the legislation in force.

Article 27

The birth certificate is issued for each of the twins. A personal name is chosen for each of them with the mention on the birth certificate of the expression "first twin" and "second twin" until the last twin.

Article 28

The declaration of birth of a hermaphrodite is supported by a medical certificate specifying the sex of the newborn and on which the drafting of the certificate is based. If a change in the sex of the hermaphrodite is made in the future, the sex must be changed on the birth certificate by a judgment issued by the competent court.

Article 29

The deceased newborn is registered in the civil registry office, as the case may be:

- If the child was born alive, a birth certificate must be issued first, followed by a death certificate;
- If stillborn, the birth certificate does not have to be issued, but a death certificate must be drawn up and it is stated that the mother gave birth to a "stillbirth".

Article 30

When registering the birth of any Moroccan or foreigner residing in Morocco via the digital system, a civil and social digital identifier is assigned as stipulated in the legislation relating to the system for targeting beneficiaries of the social support program and the creation of the National Registry Agency.

Article 31

If the birth of a Moroccan occurred during a sea or air journey, it is mandatory to declare it to the Moroccan consul or diplomatic agent in the destination of arrival or to the civil registrar in Morocco, within a period to be determined by a regulatory text

Article 32

The birth of a foreigner who has acquired Moroccan nationality is registered, if he or she was born in Morocco, by one of the civil registry offices in accordance with the procedures to be specified in a regulatory text.

For holders of Moroccan nationality born outside Morocco, their registration is done on the basis of a birth declaration judgment issued by the competent court.

Article 33

A person must, when registering with the civil registry for the first time, choose his or her surname. The latter must not be different from his father's surname or offend morals or public order. It must not also be a personal name, or a ridiculous name, or the name of a city, or a village, or a tribe, or a compound name, unless it is a member of the paternal family of the person concerned registered with a compound name in the civil registry.

If the chosen surname is a Cherifian name, it must be proven by a certificate issued by the competent Dean of the Sherifs, and in case of absence of the latter, it is confirmed by an Adular "Lafif" certificate.

The chosen surname, registered in the civil registry, becomes binding on its bearer and his descendants after him. No person shall change it unless authorized to do so by order, subject to the provisions of section 35 below.

Article 34

The personal name chosen by the person who has made the declaration of birth for the purpose of civil registration must not be contrary to morals or public order. It must not also be a surname or a ridiculous name, or the name of a city, or a village, or a tribe, or a name composed of two or more names.

The declared personal name must be entered before the family name at the time of civil registration. It should not be accompanied by any nickname or adjective such as "Moulay", "Sidi", or "Lalla". It should not be followed by a number or number.

Any Moroccan registered in the civil registry can request a change of his personal name if there is proof by a court decision.

Article 35

The Higher Committee of Civil Status stipulated by Decree No. 2.99.665 issued on 2 Shaaban 1423 (9 October 2002), hereinafter referred to as the Supreme Committee, is responsible for verifying the compatibility of the selected surnames with the provisions of article 33 above. It is also responsible for studying requests to change the personal names of foreigners for citizens registered in the Moroccan civil registry.

The Supreme Committee shall decide on disputes relating to personal names submitted to it by civil registrars in order to verify their compatibility with the conditions laid down in article 34 above.

The decisions of the Supreme Committee may be appealed to the Administrative Court in Rabat. The Supreme Committee is composed of the Historian of the Kingdom as President, and a judge appointed by the Supreme Council of the Judiciary, and a representative of the government authority in charge of the interior. The procedure and functioning of the Supreme Committee shall be determined by a regulation.

Third: Notification of Marriage Certificate References and Dissolution of the Matrimonial Pact on Birth Certificates

Article 36

On the birth certificate, the civil registrar writes all the essential data contained in the marriage certificate or in the marriage contract for Moroccans living abroad if it has been drawn up in accordance with the local law of the country of residence, and this according to the provisions of the "Mouadawana" Family Code.

The civil registrar shall also include in the birth certificate all the essential data appearing on the document of the dissolution of the conjugal pact as soon as it is received by the family judge or by the consular services concerned abroad in the case of Moroccans living abroad.

The summaries of the two marriage certificates and the dissolution of the matrimonial pact must be referred to the Civil Registrar, via the digital system or, if necessary, by means of a paper medium by the family judge or by the head of the clerks' service of the court that pronounced the judgment acquiring the force of res judicata or the head of the diplomatic or consular post, concerning the dissolution of the matrimonial pact.

Despite all the controversial legislative provisions, data on marriage certificates and the dissolution of the matrimonial pact for Moroccans residing abroad and who have concluded marriage contracts in accordance with the local law of the country of residence are included without respecting any deadline.

The interested party can submit a request to notify the data of marriage and the dissolution of the matrimonial pact at any civil registry office or through the digital system.

Fourth: The Death Certificate

Article 37

The pre-declaration of death is made by the persons indicated below in the following order:

- the husband or wife;
- the son or daughter;
- Sibling
- the father, mother, father's guardian, mother's guardian, or the person who submitted to the deceased before his death.
- grandfather or grandmother;
- The "Kafil" or "kafila" sponsor in relation to the adoptive parent.
- Relatives following the order.

The same provisions stipulated in Article 24 above shall apply with respect to the priority and transmission of the duty of the declaration and power of attorney.

Article 38

If a person's body is discovered, the civil registrar is required to draw up a death certificate on the basis of a report drawn up by the judicial police officer of the territory in which the body was discovered by the public prosecutor.

The death certificate must include the full identity of the deceased if available. Otherwise, it should include the characters of its description as far as possible.

If the identity of the deceased is subsequently recognized, the death certificate must be rectified and redone in accordance with the identity required by court judgment.

Article 39

If the relatives of the deceased referred to in article 37 above are unable to pre-declare the death at the establishments mentioned in article 20 of this law, the competent civil registrar shall register the death in the national register on the basis of all the information and data available in the establishments mentioned within a period to be set by a regulatory text.

Article 40

If the death of a Moroccan occurred during a sea or air journey, the declaration of death must be made to the diplomatic agent or the Moroccan consul abroad at the destination of arrival or at any civil registry office in Morocco, within a period to be specified by a regulatory text.

Article 41

The death of the person reported missing in Morocco or abroad is registered, on the basis of the declaration of his relatives or by the Public Prosecutor's Office supported by a judgment of death acquired by force of law in accordance with the provisions of the Family Code.

Article 42

The government authority in charge of the administration of national defense shall declare the deaths of members of the Royal Armed Forces and members of the Auxiliary Forces and "martyred" soldiers who have died in actions in defense of the Kingdom to the competent civil registrar using the means

of digital communication of the digital system following the decision of the government authority in charge of the interior to record the fact on the basis of the arguments presented.

Depending on all the controversial provisions, the civil registrar referred to in Article 1 above proceeds, on the basis of the request of the government authority responsible for the administration of national defence, to the annulment of the death certificates of the martyred soldiers if it has been proved that they are still alive, or to update their death certificates. death if proven that there are errors in the data.

CHAPTER V

Extracts from civil status records

Article 43

A copy of the electronic civil status certificate or a full copy or summary thereof of the person concerned, his ascendants, descendants, widowed spouse, guardian or whoever has delegated it for this purpose, his sponsor "Kafil" or the applicant for adoption "Kafala" in accordance with the legislation on the care of abandoned children, is issued by one of the civil registry offices, whether in Morocco or abroad.

Copies of the civil status certificates referred to in the paragraph cited in the above article may be requested via the digital system. They can be requested and retrieved remotely using all available means of communication.

Judicial or administrative authorities, as well as diplomatic agents and consuls assigned to Morocco may request copies of their citizens' documents.

In the case of a person other than those mentioned in 1st and 3rd paragraph above, Copies of these documents shall be issued only after authorisation by the central authority or its delegation on the basis of a written request to justify the person.

If the central authority or its delegation refuses to grant the authorisation, the person concerned may apply to the competent court.

The costs of extracts from civil status certificates issued by the civil registrar are specified in accordance with the legislation in force.

The form, content and procedures for issuing copies of electronic documents and copies of civil status will be specified in a regulatory text.

Article 44

The electronic family record book is created in the digital system. It is written in Arabic with the personal names and surnames of the person concerned by the act written in Tifinagh and Latin letters, as well as in Arabic letters. A copy of this booklet extracted through the information system is issued to Moroccan married couples registered with the civil registry and to the legal representative.

Article 45

A copy of the electronic family record book can be requested via the digital system or remotely using all available means of communication. The form and content of the electronic family record book as well as the procedures for issuing its copy extracted via the information system and the documents required for this procedure are determined by an organisational text.

Chapter VI

Updating of civil status data

Article 46

All civil registry data shall be updated via the digital system by any civil registrar, in accordance with the provisions of this Law.

Article 47

The registrar shall add or correct the personal names and surnames of the person concerned by the act and his ascendants on his birth certificate in Tifinagh letters and Latin letters following the authorization of the central authority or its delegation in accordance with the provisions of Article 52 of this Law.

This competence lies with the government authority in charge of the outside world or its delegation in the case of birth certificates registered at the level of Moroccan consuls and diplomatic posts abroad.

Article 48

The competent courts rule on requests for rectification of data from civil status documents containing substantive errors.

The central authority or its delegation is responsible for granting permission to rectify clerical errors.

If the central authority or the authority delegated by it refuses to grant permission to rectify the clerical error, the person concerned may submit an application to that effect to the president of the competent court.

The procedure for rectifying clerical errors is determined by a regulatory text.

Article 49

The civil status certificate is considered to be vitiated by a clerical error in the following two cases:

- if the mention of a data on the document has been omitted even though the declarant has already declared it and the omitted data has been proved by the necessary documents.
- If a piece of data has been mentioned on the deed, contrary to what was declared, based on the documents supporting the declaration.

The civil status certificate is considered to be vitiated by a substantive error in the following cases:

- if the mention of any data on the deed was omitted at the time of the declaration.
- If it turns out that any of the data mentioned on the deed are different from reality;
- If the deed includes any of the data prohibited by law from being mentioned therein;
- If the deed has been registered more than once with different data and identity

Article 50

An application for rectification of a civil status certificate vitiated by a substantive error shall be made to the competent court. Thus, the application is decided in accordance with the rules laid down in the Code of Civil Procedure

Article 51

The request to obtain authorization to rectify material errors via the digital system referred to by the civil registrar in Morocco or abroad, is sent to the central authority or its delegation in the event of agreement or refusal within a maximum period of fifteen days from the date of its receipt.

Article 52

The competent courts rule on requests to add or rectify each of the data, birth certificates and death certificates of Moroccans and deceased foreigners registered in the Moroccan civil registry.

Article 53

The judgment of the competent court ordering the rectification or authorization of the central authority or its delegation shall be sent compulsorily via the digital system by all available digital means, or if necessary on a paper medium, to any civil registrar who must include the summary of the judgment or authorization in the act to be rectified under penalty of judgment against the civil registrar concerned in accordance with the rules of the Tort.

CHAPTER VII

Transitional and final provisions

Article 54

The central authority is responsible for the digitization of the documents established on the paper registers kept in Moroccan municipalities, consulates and diplomatic posts abroad, while ensuring that they are compatible with their origins, their reliability and their digital archiving.

Article 55

The identity and civil status booklet relating only to the field of civil status and the family record book drawn up before this law remain in force and valid.

Article 56

The reference to the provisions of Law No. 37.99 on Civil Status, the implementing Dahir of which is Dahir No. 1.02.239 of 25 Rajab 1423 (3 October 2002), shall be replaced in the laws or regulations in force by reference to similar provisions of that Law.

Article 57

Proceedings carried out in civil status cases before the date of entry into force of this Act remain valid. Judgments rendered before the date of entry into force of this Law shall remain

subject to appeals and their time limits in accordance with the provisions of the above-mentioned Law No. 37.99.

Article 58

The provisions of Law No. 37.99 on Civil Status are reproduced in accordance with the provisions of article 59 below, and all the controversial provisions of this Law are reproduced, in particular the fourth paragraph of Article 218 and the second paragraph of Article 219 of the Law on Civil Procedure stipulated in Dahir No. 1.74.447 of 11 Ramadan 1394 (28 September 1974).

Article 59

Manual entry and paper registers should be abandoned at the level of civil registry offices where the digital system is already installed, both inside the Kingdom and abroad, through decisions issued by the central authority.

The digital system shall be gradually generalized in civil registry offices, inside the Kingdom and abroad within a period not exceeding three years from the date of publication of this law in the Official Gazette and its entry into force.

Draft- traduction non officielle