

Morocco - Constitution

{ Document Status: 1992 }

Preamble

The Kingdom of Morocco, a **Muslim Sovereign State** whose official language is Arabic, constitutes a part of the Great Arab Maghreb.

As an African State, one of its constituted objectives is the realization of African unity.

Aware of the necessity of setting its action within the context of the international organizations of which it is an active and energetic member, the Kingdom of Morocco subscribes to the principles, rights, and obligations resulting from the charters of the aforesaid organizations and reaffirms its attachment to the Human Rights as they are universally recognized.

The Kingdom of Morocco also reaffirms its determination to work for the maintenance of peace and security in the world.

Title I Basic Principles

Article 1 [Monarchy]

Morocco is a constitutional, democratic, and social Monarchy.

Article 2 [Sovereignty]

Sovereignty belongs to the Nation which exercises it directly by means of referendum and indirectly through its constitutional institutions.

Article 3 [Organizations, Party Pluralism]

(1) Political parties, trade unions, local councils, and professional chambers participate in the organization of the State and in the representation of the citizens.

(2) There can be no single party.

Article 4 [Binding Law]

Law is the supreme expression of the Nation's will. All must submit to it. Law can have no retroactive effect.

Article 5 [Equality]

All Moroccans are equal before law.

Article 6 [State Religion]

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

Article 7 [Emblem, Motto]

The Kingdom's emblem is a red nag stamped with a five-pointed green star in the middle. The Kingdom's motto is: /"God, The Homeland, The King"/.

Article 8 [Electoral Equality, Women's Suffrage]

(1) Men and Women enjoy equal political rights.

(2) All citizens of age of both sexes are electors, provided they enjoy their civil and political rights.

Article 9 [Citizen's Rights]

(1) The Constitution guarantees to all citizens:

1) Freedom of movement and freedom to settle in any part of the Kingdom;

2) Freedom of opinion, freedom of expression under all its forms, and freedom to assemble;

3) Freedom to organize and freedom to join any trade union or political organization of their own choice.

(2) No restrictions can be imposed on such freedoms other than by law.

Article 10 [Personal Liberty, Home]

(1) No one can be arrested, detained, or punished except in the cases and forms provided by law.

(2) The home is inviolable. There can be no searches or inspections except under the conditions and the forms provided by law.

Article 11 [Secrecy of Correspondence]

Correspondence is secret.

Article 12 [Public Office]

All citizens have access, under equal conditions, to public functions and public employment.

Article 13 [Education, Work]

All citizens have equal rights to education and to work.

Article 14 [Strike]

(1) The right to strike is guaranteed.

(2) An organic law determines the conditions and forms of exercising this right.

Article 15 [Property, Expropriation]

(1) The right to own property is guaranteed.

(2) Its extent and use may be restricted by law if the needs of economic and social planning and development require it.

(3) No expropriation can take place except in the cases and forms provided by law.

Article 16 [Duty to Defense]

All citizens contribute to the common defense of the homeland.

Article 17 [Duty to Pay Taxes]

All contribute, in proportion to their economic capacities, to the public expenditures which only the law can institute and distribute in the forms provided for in the present Constitution.

Article 18 [Duty to Bear Cost of National Calamities]

All citizens collectively bear the costs resulting from national calamities.

Title II The Kingship

Article 19 [The King]

(1) The King, Commander of the Faithful, Supreme Representative of the nation, Symbol of its unity and guarantor of the permanence and continuity of the State, ensures the observance of Islam and the Constitution. He is the protector of the rights and liberties of the citizen, social groups, and collectivities.

(2) He guarantees the independence of the Nation and the territorial integrity of the Kingdom within its authentic borders.

Article 20 [Hereditary Monarchy]

The Crown of Morocco and its constitutional rights are hereditary and transmitted from father to son to the male lineal descendants of His Majesty The King Hassan II, unless the King, during his lifetime, designates among his sons a successor other than his eldest son. If there are no male lineal descendants,

the Throne passes to the closest collateral male descendants under the same conditions.

Article 21 [Regency Council]

(1) The King is under age until he has turned sixteen. During the minority of the King, all powers and constitutional rights of the Throne are exercised by a Regency Council, save those concerning the revision of the Constitution. The Regency Council functions as an advisory body to the King until he has turned twenty.

(2) The Regency Council is headed by the First President of the Supreme Court. It is composed, furthermore, of the President of the Chamber of Representatives, President of the Regional Council of the Ulemas of Rabat and Sale, and ten personalities appointed by the King personally.

(3) The rules of the functioning of the Council are provided for by an organic law.

Article 22 [Civil List]

The King has a civil list.

Article 23 [Inviolability of the King]

The King's person is inviolable and sacred.

Article 24 [Appointment of Government]

(1) The King appoints the Prime Minister.

(2) On proposal of the Prime Minister, he appoints the other members of the Government.

(3) He terminates their tenure either on His own initiative or by the fact of the resignation of the Government.

Article 25 [Council of Ministers]

The King presides over the Council of Ministers.

Article 26 [Promulgation of Laws]

The King promulgates the law within 30 days following the transmission of the approved law to Government.

Article 27 [Dissolution of Parliament]

The King can dissolve the Chamber of Representatives by decree under the conditions specified in Articles 70 and 72 of Title V.

Article 28 [King's Addresses]

The King can address the Chamber of Representatives and the Nation. The content of the addresses cannot be the object of any debate.

Article 29 [Decrees, Countersignature]

(1) The King exercises by decree the powers expressly reserved to him by the Constitution.

(2) The decrees are countersigned by the Prime Minister, save those specified in Articles 21 (2), 24, 35, 68, 70, 77, 82, 89 and 99.

Article 30 [Commander-in-Chief]

(1) The King is the Supreme Commander of the Royal Armed Forces.

(2) He appoints civil and military personnel and can delegate this right.

Article 31 [Diplomacy, Treaties]

(1) The King accredits ambassadors to foreign powers and international organizations. Ambassadors or representatives of international organizations are accredited to Him.

(2) He signs and ratifies treaties. However, treaties relating to the State finances cannot be ratified without prior approval of the Chamber of Representatives.

(3) Treaties inconsistent with the provisions of the Constitution are approved in accordance with the procedures necessary for the revision of the Constitution.

Article 32 [Presidency Over Councils]

The King presides over the Higher Magistracy Council, the Higher Education Council, and the Higher Council for National Promotion.

Article 33 [Appointment of Judges]

The King appoints judges under the conditions provided in Article 82.

Article 34 [Right of Pardon]

The King exercises the right of pardon.

Article 35 [State of Emergency]

(1) When the integrity of the national territory is threatened, or when events occur which may impair the functioning of the Constitutional Institutions, the King can, after having consulted the Speaker of the Chamber of Representatives and the Chairman of the Constitutional Council and having addressed a message to the Nation, declare, by decree, the state of emergency.

(2) He is, by this fact, entitled to take any contrary provisions, notwithstanding the measures necessary for the defense of the territorial integrity, the reinstatement of the functioning of the constitutional institutions and the normal conduct of state affairs.

(3) The state of emergency does not entail the dissolution of the Chamber of Representatives.

(4) The state of emergency is terminated in the same forms as its proclamation.

Title III Chamber of Representatives

Article 36 [Responsibility]

The members of the Chamber of Representatives owe their mandate to the Nation. Their voting right is personal and cannot be delegated.

Article 37 [Relative Indemnity, Immunity]

(1) No member of the Chamber of Representatives can be prosecuted or pursued, arrested, detained, or tried for opinions or votes expressed in the discharge of his duties, except when he expresses opinions questioning the monarchical system, the Muslim religion, or lacking the respect due to the King.

(2) During the sessions, no member of the Chamber of Representatives can be prosecuted or arrested for crimes or misdemeanors other than those mentioned in the preceding paragraph, without the permission of the Chamber of Representatives, except in case of /flagrante delicto./

(3) No member of the Chamber of Representatives can be placed under arrest, during the recess, without the authorization of the Office of the Chamber, except in case of /flagrante delicto./

(4) Detention or prosecution of a member of the Chamber of Representatives is suspended upon request from the same, except in case of /flagrante delicto/ and in authorized prosecutions or definitive condemnation.

Article 38 [Sessions]

(1) The Chamber of Representatives holds two sessions a year. The King presides over the opening of the first session which commences on the second Friday in October. The second session shall commence on the second Friday in April.

(2) When the Chamber of Representatives has been sitting, during each session, for at least two months, adjournment can be pronounced by decree.

Article 39 [Extraordinary Sessions]

(1) The Chamber of Representatives may be convened in a special session, either upon request from the absolute majority of its members or by decree.

(2) The extraordinary sessions are held on the basis of a well defined agenda. When the same has been exhausted, the session is closed by decree.

Article 40 [Ministers in Parliament, Commissions of Inquiry]

(1) Ministers have access to the Chamber of Representatives and to its Committees; they can be assisted by commissioners designated by them.

(2) Besides the standing Committees referred to in the previous paragraph, Commissions of Inquiry can be established, within the Chamber of Representatives, on the King's initiative or at the request of the majority of the Chamber of Representatives, to collect elements of information about determined facts and submit their findings to the Chamber of Representatives. No Commission of Inquiry can be created when the facts have given rise to a judicial prosecution and as long as prosecutions are under way. When a Commission has already been set up, its task ends as soon as a judicial investigation is opened concerning the facts which caused its creation.

(3) Commissions of Inquiry have a temporary nature. Their task end with the submission of their report.

(4) An organic law determines the modalities of the functioning of these Commissions.

Article 41 [Publicity]

The sessions of the Chamber of Representatives are public. The minutes of the debates are published in the official gazette. The Chamber may hold closed committee sessions at the request of the Prime Minister or one third of its members.

Article 42 [Rules of Proceedings]

The Chamber of Representatives establishes and votes on the rules of its proceedings. These, however, are not in force until they are declared by the Constitutional Council consistent with the provisions of the present Constitution.

Article 43 [Elections, Term]

(1) Members of the Chamber of Representatives are elected for a six-year term. They bear the name of Representatives. The Chamber of Representatives is composed proportionately, of two-thirds of members elected through direct universal suffrage and of one-third of members elected by an electoral college composed of local councilors as well as members elected by electoral colleges composed of elected members of the professional chambers and representatives of the wage-earners.

(2) The number of representatives and that of representatives to be elected by each one of the electoral colleges, the mode of election, the requisite conditions for being eligible, and the incompatibility regulations are specified by an organic law.

(3) The President and the presiding officers of the Chamber of Representatives are elected at the beginning of the October session. The President is elected for a three-year term, the other members of the bureau are elected for a one-year term. The bureau is elected by proportional representation of the groups.

Article 44 [Laws]

The law is voted on by the Chamber of Representatives. The same may authorize the Government, for a limited period and determined objective, to take measures

that are normally in the legislative domain. Decrees come into force as soon as they are published; however, they have to be referred to the Chamber of Representatives for ratification on the expiry date determined by habilitation law. The habilitation law becomes inoperative if the Chamber of Representatives is dissolved.

Article 45

In addition to those matters expressly devolving on it by virtue of other provisions in the Constitution, the following fall within the legislative domain;

Individual or collective rights enumerated in Title One of the present Constitution;

The determination of misdemeanors and their punishment, penal procedure, civil procedure, and the establishment of new categories of jurisdiction;

The Statute of the Judiciary;

The General Statute of the Civil Service;

The fundamental guarantees granted to civil and military personnel;

The electoral system of the assemblies and the local councils;

The system of civil and commercial liabilities;

The creation of public establishments;

The nationalization of enterprises and the transfer of enterprises from the public sector to the private sector;

The Chamber of Representatives is entitled to approve outline laws relating to the essential objectives of the economic, social, and culture action of the State.

Article 46 [Other Matters]

All other matters which do not fall within the province of the legislative domain belong to the regulatory domain.

Article 47 [Decree]

Texts drawn up in a legislative form concerning matters falling within the domain of the regulatory power, may be modified by decree upon approval by the Constitutional Council.

Article 48 [State of Siege]

The state of siege can be proclaimed, by decree, for a period of thirty days. The thirty day time limit can only be extended by law.

Article 49 [Budget]

(1) The Chamber of Representatives approves the Budget bill in accordance with the provisions of an organic law.

(2) Investment expenditures resulting from the plan implementation are passed only once, when the Chamber of Representatives approves the plan. They are automatically renewed for the duration of the plan.

(3) The Government alone is empowered to introduce bills aiming at modifying the already adopted program.

(4) If, by the 31st of December, the Budget has not been approved, the Government opens by decree the credits necessary for the work of public services and for the fulfillment of their mission, on the basis of the proposals introduced for approval.

(5) In this case, revenues continue to be raised in conformity with the legislative provisions and the executive regulations in force, with the exception, however, of the revenues whose suppression is proposed in the Budget Bill. As to those for which the aforesaid Bill proposes a reduction, they are levied according to the new proposed rate.

Article 50

Proposals and amendments introduced by members of the Chamber of Representatives are not admissible if, when approved, they would, as far as the Budget is concerned, entail either a diminution of public revenues or increase of public expense.

Article 51 [Initiative]

(1) The legislative initiative belongs concurrently to the Prime Minister and the members of the Chamber of Representatives.

(2) Legislative proposals are submitted to the Bureau of the Chamber of Representatives.

Article 52 [Government Protest]

(1) The Government can express objection to any proposal or amendment which is not within the legislative domain.

(2) In case of disagreement, the Constitutional Council decides within eight days upon request by the Chamber or the Government.

Article 53 [Committee Referral]

Proposals for legislative action introduced are referred for consideration to the Committees which carry on their activities between sessions.

Article 54 [Decree-Laws]

In the recess, the Government may issue decree-laws in accord with the concerned Committees, to be referred for approval to the Chamber of Representatives during its following regular session.

Article 55 [Order of Business]

(1) The order of business of the Chamber of Representatives is established by its Bureau. It comprises, with priority and in the order established by the Government, floor consideration of the legislative proposals introduced by the Government and those accepted by it.

(2) One meeting a week is reserved, with priority, to the questions of the members of the Chamber of Representatives and answers of the Government.

(3) The Government's answers are made within twenty days following the date on which the question was submitted to the Government.

Article 56 [Amending Bills]

(1) The Members of the Chamber of Representatives and the Government have the right to introduce amendments. After the opening of the debate, the Government can object to the consideration of any amendment which has not been previously submitted to the relevant Committee.

(2) If the Government so demands, the Chamber of Representatives decides, by a single vote, on the whole or part of the bill under discussion, keeping solely the amendments proposed or accepted by it.

Article 57 [Organic Laws]

(1) Organic laws are approved and modified under the following conditions: the legislative proposals introduced either by the Government or the Chamber are not submitted to the Chamber of Representatives for consideration and vote until a time-limit of ten days has expired from the date of their introduction.

(2) Organic laws cannot be promulgated until they have been referred for approval to the Constitutional Council.

Title IV The Government

Article 58 [Composition]

The Government is composed of the Prime Minister and the ministers.

Article 59 [Responsibility]

(1) The Government is responsible to the King and to the Chamber of Representatives.

(2) After the nomination of the members of the Government by the King, the Prime Minister appears before the Chamber of Representatives, and presents the program he intends to implement. This program must sketch the guidelines of action which the Government intends to take in various sectors of national activity, and particularly in the areas of economic, social, cultural, and foreign policy.

(3) This program is the object of a debate followed with a vote under the conditions and with the effects provided in Article 74 (2) and (3).

Article 60 [Execution, Supervision]

Under the responsibility of the Prime Minister, the Government assures the execution of the laws and supervises the administration.

Article 61 [Initiative]

The Prime Minister initiates the laws. No bill can be presented by him to the Bureau of the Chamber of Representatives unless it has been considered in the Council of Ministers.

Article 62 [Executive Power]

(1) The executive power is exercised by the Prime Minister.

(2) The regulatory acts of the Prime Minister are countersigned by the ministers in charge of their execution.

Article 63 [Ministerial Powers]

The Prime Minister can delegate some of his powers to the ministers.

Article 64 [Coordination]

The Prime Minister assumes responsibility for the coordination of the ministerial activities.

Article 65 [Council of Ministers Issues]

The following matters are referred to the Council of Ministers prior to any decision:

questions concerning the general policy of the State;

the declaration of a state of siege;

the declaration of war;

the assumption of responsibility of the Government before the Chamber of Representatives;

legislative proposals before their introduction in the Bureau of the Chamber of Representatives;

regulatory decrees;

the decrees referred to in Articles 38, 39, 44 and 54;

the plan draft;

drafts for revision of the Constitution.

Title V Relations Between the Powers

Article 66 [Demand for a New Reading]

The King can demand of the Chamber of Representatives to proceed with a new reading of any bill or legislative proposal.

Article 67 [Message]

The demand for a new reading is introduced in the form of a message.
This new reading cannot be refused.

Article 68 [Proposal by Decree]

The King can, after a new reading, submit by decree, any project or the legislative proposals, except in the case when the text of the project or the legislative proposals submitted to a new reading has been adopted or rejected by a two-thirds majority of the members which constitute the Chamber of Representatives.

Article 69 [Referendum]

The results of the referendum apply to all.

Article 70 [Dissolution]

The King can, after having consulted with the President of the Constitutional Council and addressed a message to the Nation, dissolve, by decree, the Chamber of Representatives.

Article 71 [Re-Election]

(1) The election of a new Chamber of Representatives takes place three months, at the latest, after the dissolution.

(2) The King exercises, in the meantime and in order to fill the vacancy, in addition to the powers vested in him by the present Constitution, those of the Chamber of Representatives.

Article 72 [Repeated Dissolution]

When the Chamber of Representatives has been dissolved, the succeeding one cannot be dissolved until a year after its election.

Article 73 [Notification of War]

The declaration of war is made after the Chamber of Representatives has been notified.

Article 74 [Vote of Confidence]

(1) The Prime Minister may assume the responsibility of the Government before the Chamber of Representatives, upon a declaration of general policy or the vote on a text.

(2) Confidence cannot be denied or a test rejected except on the basis of an absolute majority vote of the Chamber of Representatives.

(3) Voting can only take place after three clear days after the question of confidence has been made.

(4) Refusal of a confidence vote entails the collective resignation of the Government.

Article 75 [Motion of Censure]

(1) The Chamber of Representatives may question the responsibility of the Government by the veto on a motion of censure. Such a motion is not admissible if it is signed by less than a quarter of the members composing the Chamber of Representatives.

(2) The motion of censure is not approved by the Chamber of Representatives unless it has been approved by the absolute majority of the members composing it. The voting can only take place three clear days after the introduction of the motion.

(3) The passing of a motion of censure entails the collective resignation of the Government.

(4) When the Government has been censured by the Chamber of Representatives, no motion of censure is admissible within a year.

Title VI The Constitutional Council

Article 76 [Establishment]

A Constitutional Council is established.

Article 77 [Composition]

(1) It comprises:

Four members nominated by the King for a period of six years;

Four members nominated for the same period by the President of the Chamber of Representatives after consultation with the groups.

(2) Besides the above-mentioned members, the King appoints for the same period the President of the Constitutional Council.

(3) Each category of the members of the Constitutional Council is renewable by half every three years.

Article 78 [Organizational Law]

(1) An organic law determines the rules of the organization and the functioning of the Constitutional Council, the procedure to be taken before it and, in particular, the time allowed for any arguments to be submitted.

(2) It also determines the functions incompatible with those of the members of this council, the conditions for the first triennial renewal, as well as the forms of replacement of the impeached, resigning, or deceased members.

Article 79 [Constitutional Review]

(1) The Constitutional Council exercises the powers vested in it by virtue of the articles of the Constitution or the provisions of organic laws. It also provides rulings on the regularity of the election of the members of the Chamber of Representatives and the referendum operations.

(2) Furthermore, organic laws, before their promulgation, and the Rules of the Chamber of Representatives, prior to their implementation, must be referred to the Constitutional Council, which rules on their conformity with the Constitution.

(3) For the same purposes, bills can be referred to the Constitutional Council by the King, the Prime Minister, the President of the Chamber of Representatives, or a quarter of the members who make up the latter.

(4) In the cases stated at the previous paragraphs, the Constitutional Council must give a ruling within one month. However, at the request of the Government, in case of urgency, this time-limit is reduced to eight days.

(5) In these cases, the reference to the Constitutional Council suspends the time-limit for the promulgation.

(6) An unconstitutional provision cannot be promulgated or applied.

(7) The decisions of the Constitutional Council are non-appealable. They are enforced on public powers, and all administrative and jurisdictional authorities.

Title VII The Judiciary

Article 80 [Independent Power]

The judicial authority is independent of the legislative power and of the executive power.

Article 81 [Sentences]

Sentences are passed in the name of the King.

Article 82 [Nomination]

The magistrates are nominated by decree on the proposal of the Superior Council of the Magistracy.

Article 83 [Irremovability]
The magistrates are irremovable.

Article 84 [Superior Council of the Magistracy]
The Superior Council of the Magistracy is presided over by the King.
Furthermore, it is composed of:
The Minister of Justice, as vice-president;
The first president of the Supreme Court;
The King's Prosecutor General at the Supreme Court;
Four representatives of the first degree jurisdictions magistrates elected from among themselves.

Article 85 [Functions]
The Superior Council of the Magistracy watches over the application of the guarantees granted to the magistrates concerning their advancement and discipline.

Title VIII The Supreme Court

Article 86 [Liability of Government]
The members of the government are liable to prosecution for crimes or misdemeanors committed in the discharge of their function.

Article 87 [Impeachment]
They can be impeached by the Chamber of Representatives and referred to the Supreme Court.

Article 88 [Majority]
The Chamber of Representatives acts by secret ballot with a two-thirds majority of the members composing it, with the exception of those members called upon to take part in the prosecution, preliminary examination, and judgment.

Article 89 [Composition]
The Supreme Court is composed of members elected from within the Chamber. Its President is nominated by decree.

Article 90 [Membership]
An organic law specifies the number of the Supreme Court members, the modalities of their election, as well as the applicable procedure.

Title IX Economic and Social Council

Article 91 [Establishment]
An Economic and Social Council is established.

Article 92 [Functions]
The Economic and Social Council can be consulted by the Government and by the Chamber of Representatives on all questions of economic or social character. It provides its opinion on the general trends of the national economy and formation.

Article 93 [Organization]
The composition, organization, powers, and methods of functioning of the Economic and Social Council are determined by an organic law.

Title X Local Units

Article 94 [Local Units]

The local units of the Kingdom are the regions, prefectures, provinces, and communes. Any other local unit is established by law.

Article 95 [Local Assemblies]

They elect assemblies entrusted with managing democratically their affairs under the conditions determined by law.

Article 96 [Local Governors]

Within the prefectures and the provinces, the governors coordinate the action of the administrations and watch over the application of the law. They also carry out the decisions of the prefectural and provincial Assemblies.

Title XI Revision of the Constitution

Article 97 [Initiative, Referendum]

(1) The initiative concerning the revision of the Constitution belongs to the King and the Chamber of Representatives.

(2) The King can submit directly to a referendum the project of revision which he has initiated.

Article 98 [Majority]

The revision proposal introduced by one or several members of the Chamber of Representatives cannot be adopted unless it has been passed by a majority of two-thirds of the members composing the Chamber.

Article 99 [Referendum]

(1) The projects and proposals of revision are put to referendum by decree.

(2) The revision of the Constitution are definitive when adopted by referendum.

Article 100 [Restrictions of Constitutional Amendment]

The monarchic form of the State as well as the provisions relating to the Islamic religion cannot be the object of a constitutional revision.

Title XII Special Provisions

Article 101 [Provisional Legislation]

Until the installation of the Chamber of Representatives, provided in the present Constitution, the legislative measures necessary for putting into effect the constitutional institutions for the functioning of the public powers and for the conduct of the State affairs, are taken by His Majesty the King.

Article 102 [Provisional Powers of Supreme Court]

Until the establishment of the Constitutional Council, the powers vested in it by the Constitution are exercised by the Constitutional Chamber of the Supreme Court.
