

# The Constitution adopted on September 13th, 1996.

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## PREAMBLE

An Islamic and fully sovereign state whose official language is Arabic, the Kingdom of Morocco constitutes a part of the Great Arab Maghreb.

As an African state, it has, among its objectives, the realisation of African unity.

Aware of the need of incorporating its work within the frame of the international organisations of which it has become an active and dynamic member, the Kingdom of Morocco fully adheres to the principles, rights and obligations arising from the charters of such organisations, as it reaffirms its determination to abide by the universally recognised human rights.

Likewise, it reaffirms its determination to continue its steady endeavours towards the safeguard of peace and security in the world.

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## CHAPTER ONE:

### General provisions. Basic principles

#### ARTICLE 1

Morocco shall have a democratic, social and constitutional Monarchy.

#### ARTICLE 2

Sovereignty shall be that of the People who shall exercise it directly, by means of referendum, or indirectly, through the constitutional institutions.

#### ARTICLE 3

Political parties, unions, district councils and trade chambers shall participate in the organisation and

representation of the citizens.

There shall be no one-party system.

#### **ARTICLE 4**

The law shall be the supreme expression of the will of the Nation. All shall abide by it. The law shall have no retroactive effect.

#### **ARTICLE 5**

All Moroccan citizens shall be equal before the law.

#### **ARTICLE 6**

Islam shall be the state religion. The state shall guarantee freedom of worship for all.

#### **ARTICLE 7**

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

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

#### **ARTICLE 8**

Men and women shall enjoy equal political rights. Any citizen of age enjoying his or her civil and political rights shall be eligible to vote.

#### **ARTICLE 9**

The constitution shall guarantee all citizens the following:

- (a) freedom of movement through, and of settlement in, all parts of the Kingdom;
- (b) freedom of opinion, of expression in all its forms, and of public gathering;
- (c) freedom of association, and the freedom to belong to any union or political group of their choice.

No limitation, except by law, shall be put to the exercise of such freedoms.

#### **ARTICLE 10**

No one shall be arrested, put into custody or penalised except under the circumstances and procedures prescribed by law.

The home shall be inviolable. Search warrant shall be issued and investigation ordered under the conditions and procedures prescribed by law.

#### **ARTICLE 11**

Secrecy of personal correspondence shall be preserved.

#### **ARTICLE 12**

Opportunities for employment in public offices and positions shall be uniformly open to all citizens.

#### **ARTICLE 13**

All citizens shall have equal rights in seeking education and employment .

#### **ARTICLE 14**

The right of strike shall be guaranteed.

Conditions and ways of exercising such a right shall be defined by an organic law.

#### **ARTICLE 15**

The right of private property **and free enterprise** shall be guaranteed.

The law shall put limitations to its extent and use if so required by the socio-economic development planned for the Nation.

No expropriation shall be ordered except under such circumstances and provisions as prescribed by law.

#### **ARTICLE 16**

All citizens shall contribute to the defence of the Country.

#### **ARTICLE 17**

All citizens shall, according to their contributory power, bear public costs which shall be enacted and

allocated only by the law, and in the manner stipulated in the provisions of the present Constitution.

## **ARTICLE 18**

All shall, in solidarity, bear the costs resulting from disasters suffered by the Nation.

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## **CHAPTER TWO :**

### **MONARCHY**

## **ARTICLE 19**

The King, "Amir Al-Muminin"(Commander of the Faithful), shall be the Supreme Representative of the Nation and the Symbol of the unity thereof. He shall be the guarantor of the perpetuation and the continuity of the State.As Defender of the Faith, He shall ensure the respect for the Constitution. He shall be the Protector of the rights and liberties of the citizens, social groups and organisations.

The King shall be the guarantor of the independence of the Nation and the territorial integrity of the Kingdom within all its rightfull boundaries.

## **ARTICLE 20**

The Moroccan Crown and the constitutional rights thereof shall be hereditary and handed down, from father to son, to descendants in direct male line and by order of primogeniture among the offspring of His Majesty King Hassan II, unless the King should, during his lifetime, designate a successor among his sons apart from the eldest one. In case of failing descendants in direct male line, the right of succession to the Throne shall, under the same conditions, be invested in the closest male in the collateral consanguinity.

## **ARTICLE 21**

The King shall be considered minor until he turns sixteen.During the King's phase of minority, a Regency Council shall assume the powers of the constitutional rights of the Crown, with the exception of those pertaining to the revision of the Constitution.

The Regency Council shall serve as an advisory board to the King until he turns twenty.

The Regency Council shall be presided over by the First President of the Supreme Court. It shall include, in addition to its Chairman, the President of the House of Representatives, **the President of the**

**House of Counsellors** , the Chairman of the Rabat and Salé Ulama Council (of scholars), and ten dignitaries appointed with the King's own accord.

Rules of procedure of the Regency Council shall be governed by an organic law.

## **ARTICLE 22**

The King shall be entitled to a Civil List.

## **ARTICLE 23**

The person of the King shall be sacred and inviolable.

## **ARTICLE 24**

The King shall appoint the Prime Minister.

Upon the Prime Minister's recommendation, the King shall appoint the other Cabinet members as he may terminate their services.

The King shall terminate the services of the Government either on his own initiative or because of their resignation.

## **ARTICLE 25**

The King shall preside over Cabinet meetings.

## **ARTICLE 26**

The King shall promulgate a definitively adopted law within the thirty days following its receipt by the Government.

## **ARTICLE 27**

The King may dissolve **the two Houses of Parliament or one thereof** by Royal Decree, in accordance with the conditions prescribed in Articles 71 and 73.

## **ARTICLE 28**

The King shall have the right to deliver addresses to the Nation **and to the Parliament.** **The messages shall be read out before both Houses** and shall not be subject to any debate.

## **ARTICLE 29**

The King shall, by Royal Decrees, exercise the statutory powers explicitly conferred upon him by the Constitution.

Royal Decrees shall be countersigned by the Prime Minister, with the exception of those provided for in Articles 21 (Paragraph 2), 24 (paragraphs 1, 3 and 4), **35, 69,71, 79, 84, 91, 99 and 105.**

## **ARTICLE 30**

The King shall be the Commander-in-chief of the Royal Armed Forces. He shall make civil and military appointments and shall reserve the right to delegate such a power.

## **ARTICLE 31**

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

The King shall sign and ratify treaties. However, treaties committing State finances shall not be ratified **without having been approved under the law.**

Treaties likely to affect the constitutional provisions shall be approved in accordance with the procedures prescribed for the modification of the Constitution.

## **ARTICLE 32**

The King shall preside over the Supreme Council of the Magistracy, the Supreme Council of Education and the Supreme Council for National Reconstruction and Planning.

## **ARTICLE 33**

The King shall appoint magistrates in accordance with the conditions prescribed in Article **84.**

## **ARTICLE 34**

The King shall exercise the right of granting pardon.

## **ARTICLE 35**

Should the integrity of the national territory ever be under threat or should any event interrupt the course

of action of the constitutional institutions, the King shall, after consulting with the President of the House of Representatives **and the president of the House of Counsellors** as well as the Chairman of the Constitutional Council, and addressing the Nation, have the right to declare a State of Emergency by Royal Decree.

Notwithstanding all contrary provisions, he shall hence assume the responsibility of taking all the necessary measures for the country's defence and the restoration of a normal functioning of constitutional institutions and State affairs.

The State of Emergency shall not entail the dissolution of **the Parliament**.

The State of Emergency shall be terminated according to the same procedure followed in the proclamation thereof.

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## **CHAPTER THREE:**

### **ORGANISATION OF THE PARLIAMENT**

#### **ARTICLE 36**

**The Parliament shall be made up of two Houses, the House of Representatives and the House of Counsellors .Members of the Houses** shall hold their mandate from the Nation. Their right to vote shall be personal and cannot be delegated.

#### **ARTICLE 37**

**Members of the House of Representatives shall be elected for a six- year term by direct universal suffrage. The legal legislative period shall end at the opening of the October session in the fifth year following the election of the House.**

**The number of representatives as well as the voting system, eligibility requirements, incompatibility cases, legal contentions concerning elections shall be set out in an organic law.**

**The President shall be elected first at the beginning of the legislative period, then at the April session in the third year of the said period and for the remaining portion thereof.**

**Members of the Board shall be elected for one year; their number shall be in propotion to their respective groups.**

## ARTICLE 38

For 3/5 of its membership, the House of Counsellors shall consist of members elected in each region by electoral colleges made up of elected members of trade chambers as well as members elected at the national level by an electoral college consisting of wage-earners' representatives.

Members of the House of Counsellors shall be elected for a nine-year term. One third of the House shall be renewed every three years. In the first and second renewal operations, seats shall be drawn by lot. The number of counsellors as well as the voting system, the number of members to be elected by each electoral college, the distribution of seats according to regions, eligibility requirements, incompatibility cases, balloting procedures mentioned above and legal contentions concerning elections shall be set out in an organic law.

The President of the House of Counsellors and members of the Board shall be elected at the October session during each renewal operation in the House. Members of the Board shall be elected in proportion to the size of their respective groups.

Upon the setting up of the first House of Counsellors or upon its election following the dissolution of the preceding House, the President and the members of the Board shall be elected at the beginning of the session which follows the election; they shall seek renewal of their term of office at the beginning of the October session during each renewal operation in the House.

## ARTICLE 39

No member of **Parliament** shall be prosecuted, arrested, put into custody or brought to trial as a result of expressing opinions or casting a vote while exercising office functions, except when the opinions expressed may be injurious to the monarchical system and the religion of Islam or derogatory to the respect owed the king.

During parliamentary sessions, no member of **Parliament** shall be subject to prosecution or arrest for criminal charges or felonies, besides those mentioned in the preceding paragraph, without permission from the House except *flagrante delicto*.

Outside parliamentary sessions, no member of **Parliament** shall be subject to arrest without permission from the Board of the House, except *flagrante delicto*, or in the case of authorised prosecution or final judgement.

The imprisonment or prosecution of a member of **Parliament** shall be suspended if so required by the House, except *flagrante delicto* or in the case of authorised prosecution or final judgment.

## ARTICLE 40



The **Parliament** shall hold its meetings during two sessions a year. The King shall preside over the opening of the first session which shall begin on the second Friday in October. The second session shall begin on the second Friday in April.

When the **Parliament** convenes for at least three months during one session, the session may be adjourned by decree.

## ARTICLE 41

The **Parliament** may be convened in special session either at the request of the absolute majority of the members of **one of the two Houses** or by decree.

Special sessions of the **Parliament** shall be held on the basis of a defined agenda. Once the agenda fully addressed , the session shall be adjourned by decree.

## ARTICLE 42

Cabinet members may attend the meetings of **each House** and those of the committees thereof; they shall, in this respect, have the right to commission their own assistants.

Apart from the standing committees referred to in the preceding paragraph, parliamentary fact-finding committees may be established on the King's initiative or upon the request of the majority **of the members of one of the two Houses and within each House** , with the mission of inquiring about specific facts and submitting findings thereon to **that** House.

There shall be no fact-finding committees in cases involving prosecutions, and as long as these are being conducted.

The mission of any fact-finding committee which may be established shall end with the opening of the judicial investigation pertaining to the instances bringing about the establishment thereof.

Fact-finding committees shall by nature be temporary. Their mission shall end with the submission of their reports. The functioning of these committees shall be governed by an organic law.

## ARTICLE 43

Meetings **of the Houses of Parliament** shall be open to the public. Proceedings of the debates shall be published *in extenso* in the **Gazette** .

Each House may hold private meetings if so requested by the Prime Minister, or by a third of its members.

## ARTICLE 44

Each House shall establish and vote on its own Rules of Procedure. These shall not, however, go into effect until they are declared by the Constitutional Council as consistent with the provisions of this Constitution.

## POWERS OF THE PARLIAMENT

### ARTICLE 45

Legislation shall be voted on by **Parliament**. For a limited period of time, and for a defined purpose, the Government may be **empowered by law** to take, by decree, measures normally falling within the purview of the law. Decrees shall become effective immediately after the publication thereof; however, they shall be submitted, for ratification, to the **Parliament** within **the time limits set** by the empowering law. Should **either House** be dissolved, such a law shall become void.

### ARTICLE 46

In addition to jurisdiction matters explicitly assigned in other articles of the Constitution, the Legislative Power shall have competence in the following areas:

- (a) the individual and collective rights enumerated in Chapter One of the present Constitution;
- (b) determining offences and the appropriate penalties, the penal and civil procedure and the promulgation of new categories of jurisdiction;
- (c) the statute of magistrates;
- (d) the general statute of public offices;
- (e) the fundamental guarantees granted civil and military personnel;
- (f) the electoral system of local assemblies and councils;
- (g) the regulation of civil and commercial liabilities;
- (h) the establishment of new public agencies;
- (i) the nationalisation of enterprises or the transfer thereof from the public to the private sector.

The **Parliament** shall be empowered to vote on basic laws pertaining to the fundamental objectives of the activities of the State in economic, social and cultural areas.

#### **ARTICLE 47**

Matters outside the purview of legislature shall come under statutory jurisdiction.

#### **ARTICLE 48**

Legislated bills may be amended by decree, with the consent of the Constitutional Council and when they fall within the jurisdiction of the authority holding statutory power.

#### **ARTICLE 49**

A state of martial law may be declared by Royal Decree for a period of thirty days. This duration may be extended by law only.

#### **ARTICLE 50**

The appropriation law shall be voted on by the **Parliament** under conditions prescribed by an organic law.

Capital expenditures resulting from development plans shall be voted on only at the time the **Parliament approves** such plans. These expenditures shall automatically be extended throughout the period **of the plan**. The Government alone shall have the prerogative to submit draft bills aimed at modifying programmes thus adopted.

If, by the end of the fiscal year, the budget is not voted on or is not promulgated as a result of its submission to the Constitutional Council in accordance with Article **81**, the Government shall, by decree and in accordance with the **budgetary proposals** submitted for approval, be entitled to allocate funds necessary for the operation of the public services and the exercise of the functions thereof.

In such a case, revenues shall be collected in accordance with the legislative and statutory prescriptions in force, except, however, those revenues to be cancelled under the proposed appropriation law. As for those to be cut down under the same law, they shall be collected at the proposed new rate.

#### **ARTICLE 51**

Proposals and amendments introduced by Members of **Parliament** shall not be acceptable when the adoption thereof might affect the proposed I appropriation law by causing a decrease in public resources, an increase in a public expenditure or the creation of a new one.

## THE EXERCISE OF THE LEGISLATIVE POWER

### ARTICLE 52

The right to introduce laws shall equally be granted the Prime Minister and Members of **Parliament**.

Draft bills shall be laid on the table of **one of the two Houses**.

### ARTICLE 53

The Government may declare the unsuitability of any proposal or amendment considered outside the purview of the legislative power.

In case of disagreement, the Constitutional Council shall take action within a period of eight days upon request of **one of the two Houses** or the Government.

### ARTICLE 54

Draft bills and proposals shall be examined by the acting committees whose work shall continue during the interval between the sessions.

### ARTICLE 55

During the recess periods, the Government may, in agreement with the committees concerned, **in both Houses**, adopt ordinances which shall be submitted, for ratification, during the following regular session of **Parliament**.

**The draft bill shall be tabled in one of the two Houses. It shall be considered successively by the relevant committees in both Houses in order to reach a joined decision within a period of six days. In case such a decision is not reached, steps shall be taken at the request of the Government to set up a joint committee with equal representation; it shall have three days to work out a joint decision for submission to the relevant committees.**

**The agreement mentioned in the first paragraph of the present article shall be considered as refused if the joint committee with equal representation has not reached a decision within the time limits mentioned above or if the decision proposed by the said committee is not endorsed by the relevant committees within a period of four days .**

### ARTICLE 56

The Board of **each House** shall prepare the agenda of the House. Priority shall be given, in the order

defined by the Government, to the discussion of draft bills it introduces and proposed laws accepted by it.

One meeting per week shall, by priority, be reserved **in each House** for the questions of the members of the House and the Government's responses.

The Government shall give a reply within twenty days after their receipt of the question.

#### **ARTICLE 57**

Members of **each House**, as well as the Government, shall have the right to propose amendments. After the opening of the debates, the Government may object to the examination of any amendment not submitted, beforehand, to the acting committee concerned.

If requested by the Government, **the House in which the text under discussion was tabled** shall take action by single vote on the whole or part of the bill under discussion. Only amendments proposed or accepted by the Government shall be considered.

#### **ARTICLE 58**

**Any draft bill or proposed bill shall be considered successively by the two Houses of Parliament, with a vi**