

# Constitution of the Kingdom of Morocco (2011)

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

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**Practice areas:** Administrative law, Civil law, Family law, Criminal law and business crime, Litigation, arbitration and mediation, Employment law

The 2011 Constitution enshrines the separation of powers, the independence of the judiciary, access to the courts, the right to a fair trial, the presumption of innocence, the protection of property and freedom of enterprise, equality between women and men and the protection of the family.

## Rights and freedoms that may be invoked before the courts

- Equality of citizens, women and men (Art. 19), right to life and security (Arts. 20 and 21), prohibition of torture and arbitrary detention (Arts. 22 and 23).
- Protection of the family founded on marriage and of children (Art. 32).
- Right of property and freedom of enterprise (Art. 35).
- Access to justice, fair trial, judgment within a reasonable time, rights of the defence (Arts. 118 to 120).
- Justiciability of administrative decisions: any decision, whether individual or regulatory, may be challenged before the competent administrative court (Art. 118).

## Organisation of the judiciary

- The judiciary is independent of the legislative and executive powers (Art. 107).
- Supreme Council of the Judiciary (Art. 113 et seq.).
- Constitutional Court and plea of unconstitutionality (Art. 133).

## Key articles

### ART. 118

Access to justice is guaranteed to every person for the defence of their rights and interests protected by law. Any legal act, whether regulatory or individual, taken in administrative matters may be challenged before the competent administrative court.

### ART. 120

Every person has the right to a fair trial and to a judgment delivered within a reasonable time. The rights of the defence are guaranteed before all courts.

#### ART. 35

The right of 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. The State guarantees freedom of enterprise and free competition.

### Points to watch

- Constitutional principles may be invoked directly before the courts and form the basis of the plea of unconstitutionality.

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**Sheet prepared by Maître Mouad Lahfaia, lawyer at the Rabat Bar.** 69 Rue Tansift, Apt 6, Agdal, Rabat 10090, Morocco · +212 808-507367 · cabinetlahfaia@gmail.com

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