

MOROCCO

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1 Population indicators

1.1 What is the total population of Morocco?

As of September 2014, Morocco had a population of 33 762036.¹

1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Morocco. What criteria are used to determine who falls within the class of persons with disabilities in Morocco?

In preparation for the 2014 census, Morocco developed new census questions that address disability based on the International Classification of Performance.² The 2014 census collected information about disability by asking six questions on six functional key areas namely: sight, hearing, movement, perception, self-care and communication.³ Because this census was performed recently, census data disaggregated by disability is presently unavailable.

1.3 What is the total number and percentage of persons with disabilities in Morocco?

According to the 2004 census an estimated 2.2 million, or seven per cent of the population in Morocco have a disability.⁴ However, according to the 2004 General

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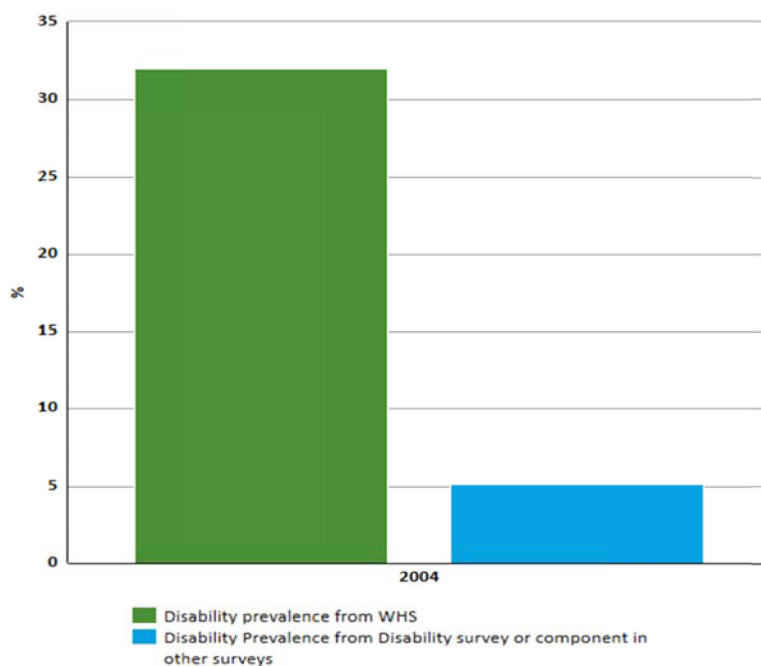
1 'Morocco Population Reached 33.8 Million in September 2014: Census' *Morocco World News* 16 March 2015.

2 Interministerial Delegation for Human Rights 'Mid-term Report on the progress made in the implementation of the recommendations issued at the second cycle of the Universal Periodic Review' (2014).

3 As above.

4 United States Department of State Bureau of Democracy, Human Rights, and Labor 'Morocco' 28 February 2005 (accessed 29 April 2015).

Census of Population and Housing, the number of people with disabilities is approximately 680000, of whom 387000 live in urban areas and 293000 live in rural areas.⁵ A World Health Survey done in 2004 also indicates that 32 per cent of the population has a disability, while the Disability Survey in 2004 estimated only 5,12 per cent, as shown in figure 1.1.⁶ Another estimate places the percentage at seven per cent; and a third study reports that people with physical disabilities alone constitute 10 per cent of the population.⁷



Source: World Report on Disability, 2014 (based on 2004 data)

1.4 What is the total number and percentage of women with disabilities in Morocco?

According to the Moroccan National Survey of 2004-2006, one in four households, or a total of 1309000 households have a person with a disability.⁸ This survey also

5 World Bank Statistics Directorate 'General Census of Population and Housing 2004' (2014).
 6 Knoema 'World Report on Disability, 2014' (2014). This report was published in 2014, but the survey was conducted in 2004 knoema.com/WBRD2014/world-report-on-disability-2014?country=1001140-morocco (accessed 29 April 2015).
 7 A Chetouani 'Etude numérique de problèmes non linéaire et application aux problèmes de dynamique de populations' unpublished PhD thesis, Mohammed the First University (2003).
 8 L. Bakker 'Perceptions of child's disability in the Moroccan context: Religious perspectives' unpublished Master's thesis, Leiden University, 2010.

estimates that 5,12 per cent of the population or 1530000 people have a disability,⁹ Of those, 58,4 per cent live in urban areas, and 41,6 per cent live in rural territories.

The Moroccan National Survey of 2004-2006, estimates that 46,6 per cent of the persons with a disability are female and 53,4 per cent are male.¹⁰

1.5 What is the total number and percentage of children with disabilities in Morocco?

The National Survey of 2004-2006 estimates that 36,6 per cent of Moroccan children have a physical or mental disability, 23,1 per cent have multiple disabilities, 13,8 per cent have a motor disability, 9,3 per cent have autism, 8,7 per cent have a visceral/metabolic disability, 5,1 per cent have a visual disability and 3,4 per cent have a speech/language disability.¹¹

1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Morocco?

According to the WHO, the following percentages below show the prevalence of disabilities amongst the Moroccan population.¹²

- 51,9 per cent of people with disabilities have a motor impairment;
- 31,8 per cent have a visceral or metabolic deficiency;
- 28,8 per cent have a visual impairment;
- 25,8 per cent have a speech impairment;
- 23 per cent have a mental impairment;
- 14,3 per cent have a hearing deficit; and
- 4,7 per cent have an 'aesthetic' deficiency.

However, a 2010 study indicates that the cause of:

- 22,8 per cent of disabilities are related to inherited, congenital and perinatal issues;
- 38,4 per cent of disabilities are related to acquired illnesses;
- 24,4 per cent of disabilities are accidents; and
- 14,4 per cent of disabilities are related to aging.

2 Morocco's international obligations

2.1 What is the status of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in Morocco? Did Morocco sign and ratify the CRPD? Provide the date(s).

Morocco signed the UNCRPD on 30 March 2007 and ratified it on 8 April 2009.

⁹ As above.

¹⁰ As above.

¹¹ As above.

¹² As above.

Although most countries typically sign and then ratify documents, Morocco actually ratified but did not sign the Optional Protocol on 8 April 2009.¹³

2.2 If Morocco has signed and ratified the CRPD, when was its country report due? Which government department is responsible for submission of the report? Did Morocco submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?

Morocco's Country Report was due on 8 April 2011. Morocco submitted it on 27 April 2015, but only the Arabic Language version of the Moroccan Report is available on the CRPD Committee website. At this time, the CRPD Committee has issued no concluding observations. The Report states that it was prepared by the 'Committee Responsible for the Rights of People with Disabilities Implementation of the International Convention on the Rights of People with Disabilities: The initial report submitted by the participating countries under Article 35 of the Convention'.

2.3 While reporting under various other United Nations instruments, under the African Charter on Human and Peoples' Rights, or the African Charter on the Rights and Welfare of the Child, did Morocco also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant 'concluding observations' adopted? If relevant, were these observations given effect to? Was mention made of disability rights in your state's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?

Morocco has ratified the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child.¹⁴ The 2011 concluding observations of the Committee against Torture and the Committee on the Elimination of Discrimination against Women mention disability only insofar as it refers to Morocco's ratification of the CRPD.¹⁵ However, the 2014 concluding observations from the Committee on the Rights of the Child includes a statement that expresses concern that Morocco was not doing enough to identify and treat refugee and asylum-seeking children who have trauma related disabilities.¹⁶

Morocco also ratified the Convention Governing the Specific Aspects of Refugee Problems in Africa.¹⁷ State reports and concluding observations of the African Union on Human Rights and People's rights indicates that Morocco has not submitted any of its country reports on these treaties.¹⁸

13 United Nations Enable 'Convention and Optional Protocol signatures and ratifications' <http://www.un.org/disabilities/countries.asp?navid=12&pid=166#M> (accessed 27 April 2015).

14 Office for the High Commissioner for Human Rights *Human Rights Bodies* <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx> (accessed 28 April 2015).

15 Committee against Torture 'Concluding Observations of the Committee against Torture: Morocco' (21 December 2011).

16 Committee on the Rights of the Child 'Concluding Observations on the report submitted by Morocco under article 8, paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict' (13 November 2014).

17 United Nations Children's Fund 'At a glance: Morocco Statistics' 2013 http://www.unicef.org/infobycountry/morocco_statistics.html#120 (accessed 28 April 2015).

18 African Commission on Human and People's Rights 'State reports and concluding observations' <http://www.achpr.org/states/reports-and-concluding-observations/> (accessed 28 April 2015).

Morocco's second Universal Periodic Review (UPR) for the Human Rights Council was completed in 2012. It mentions that a national action plan for the social integration of persons with disabilities was adopted for the period 2008-2017, and that measures have been taken to improve access to information, education, training and employment, to improve physical accessibility and access to transportation, and to promote participation in socio-cultural, sports and leisure activities for people with disabilities. However, the UPR also states that these measures still fall short of meeting the needs of persons with disabilities, particularly with respect to their access to employment and accessibility, in general.¹⁹

In Morocco's Mid-term Report on the progress made in the implementation of the recommendations issued at the second cycle of the UPR, the Inter-ministerial Delegation for Human Rights (IDHR) of Morocco reported on its progress in addressing these concerns. The IDHR reported that it implemented a new national definition of 'disability' to be included in future data collection that will make it possible to update the statistics of disability in Morocco.²⁰ Other implemented changes include: the creation of 555 integrated classes in 383 educational institutions (benefiting 5998 boys and 2226 girls), the creation of integrated hospitals specialising in psychiatry and mental health with a 248-bed capacity (with plans to increase to 720 beds by 2016), the establishment of three psychiatric hospitals in the cities of Agadir, Kénitra, Kalaat Sraghna (with 120 bed capacities), and the development of legislation in the field of mental health, through the proposal of a new draft law.²¹

The National Human Rights Council also recommended that Morocco adopt Bill No 62-09 on enhancing the rights of persons with disabilities. The Council has called for the establishment of a mechanism to monitor public policy, to ensure that the disability perspective and the principle of non-discrimination on the basis of disability are taken into account in all public policies.²²

2.4 Was there any domestic effect on Morocco's legal system after ratifying the international or regional instruments in 2.3 above? Does the international or regional instrument that has been ratified require Morocco's legislature to incorporate it into the legal system before the instrument can have force in Morocco's domestic law? Have Morocco's courts ever considered this question? If so, cite the case(s).

Morocco follows a monist approach to international law, as stated in its Preamble to the 2011 Constitution of the Kingdom of Morocco. In relevant part, the Preamble states:

Founded on these values and these immutable principles, and strong in its firm will to reaffirm the bonds of fraternity, or cooperation, or solidarity and of constructive partnership with all other States, and to work for common progress, the Kingdom of Morocco, [a] united State, totally sovereign, belonging the Grand Maghreb, reaffirms that which follows and commits itself:

To comply with the international conventions duly ratified by it, within the framework of the provisions of the Constitution and of the laws of the Kingdom, within respect for its immutable national identity, and on the publication of these conventions, [their]

19 Human Rights Council 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Morocco' (8 March 2012).

20 Interministerial Delegation for Human Rights (n 2 above).

21 As above.

22 Interministerial Delegation for Human Rights (n 2 above).

primacy over the internal law of the country, and to harmonize in consequence the pertinent provisions of national legislation.²³

As such, the Constitution of the Kingdom of Morocco requires that any ratified convention will take 'primacy over the internal law' of Morocco. No additional information or case law on this issue is provided.

2.5 With reference to 2.4 above, has the CRPD or any other ratified international instrument been domesticated? Provide details.

As stated above, Morocco signed the CRPD on 30 March 2007 and officially ratified it on 8 April 2009.²⁴ A 2013 press release from the Moroccan Minister of Foreign Affairs and Cooperation, Saad-Eddine El Otmani, said that the Moroccan government has completed consultations with all those concerned by the promotion of the rights of people with disabilities in order to harmonise Moroccan laws with the CRPD. He also noted that Morocco wants to integrate disabled persons into the post-2015 development program.²⁵ No additional information is provided.

3 Constitution

3.1 Does the Constitution of Morocco contain provisions that directly address disability? If so, list the provisions, and explain how each provision addresses disability.

Yes, the Constitution of the Kingdom of Morocco prohibits discrimination based on disability as well as on race, gender, language, social status, faith, culture, regional origin and 'other personal circumstances'. Article 34 of the Constitution of the Kingdom of Morocco states as follows:

The public powers enact and implement the policies designed for persons and for categories of specific needs. To this effect, it seeks notably: – to respond to and provide for the vulnerability of certain categories of women and of mothers, of children, and of elderly persons; – to rehabilitate and integrate into social and civil life the physically, sensorimotor and mentally handicapped and to facilitate their enjoyment of the rights and freedoms recognized to all.²⁶

3.2 Does the Constitution of Morocco contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.

Yes, the Constitution of the Kingdom of Morocco contains articles that address disability indirectly, including the following:

23 The Constitution of the Kingdom of Morocco, Preamble.

24 United Nations Enable (n 14 above).

25 Kingdom of Morocco 'Morocco about to adopt integrated policy for rights of handicapped persons' 25 September 2013 <http://www.maroc.ma/en/news/morocco-about-adopt-integrated-policy-rights-handicapped-persons>(accessed 28 April 2015).

26 The Constitution of the Kingdom of Morocco,art34.

Article 19

The man and the woman enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural and environmental character, enounced in this Title and in the other provisions of the Constitution, as well as in the international conventions and pacts duly ratified by Morocco and this, with respect for the provisions of the Constitution, of the constants and of the laws of the Kingdom.²⁷

Article 22

The physical or moral integrity of anyone may not be infringed, in whatever circumstance that may be and by any person that may be, public or private.²⁸

Article 31

The State, the public establishments and the territorial collectivities work for the mobilization of all the means available to facilitate the equal access of the citizens feminine and citizens masculine to conditions that permit their enjoyment of the right: – to healthcare; – to social protection, to medical coverage and to the mutual or organized joint and several liability of the State; – to a modern, accessible education of quality; – to education concerning attachment to the Moroccan identity and to the immutable national constants; – to professional instruction and to physical and artistic education; – to decent housing; – to work and to the support of the public powers in matters of searching for employment or of self-employment; – to access to public functions according to the merits; – to the access to water and to a healthy environment; – to lasting [durable] development.²⁹

Since all of the above articles prohibit discrimination generally, they also can be read to indirectly prohibit discrimination based on disability.

4 Legislation

4.1 Does Morocco have legislation that directly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.

Morocco does have laws directly addressing disability issues, however, the only information available is in French. According to the Ministry of Social Development, Family, and Solidarity (the Ministry responsible for persons with disabilities), three laws directly address people with disabilities. They are: Law No 5-81 (on the welfare of the blind and visually impaired),³⁰ Law No 07-92 (on the social protections of people with disabilities),³¹ and Law No 10-03 (relating to

27 The Constitution of the Kingdom of Morocco, art 19.

28 The Constitution of the Kingdom of Morocco, art 22.

29 The Constitution of the Kingdom of Morocco, art 31.

30 Ministry of Social Development, Family, and Solidarity 'Dahir n° 1- 82- 246 du 11 rejev 1402 (6 Mai 1982) portant promulgation de la loi n°05- 81 relative à la protection sociale des aveugles et des déficients visuels' http://www.social.gov.ma/MdsfsFichiers/pdf/loi_05-81_fr.pdf (accessed 28 April 2015).

31 Ministry of Social Development, Family, and Solidarity 'Dahir n° 1-92-30 du 22 rabia I 1414 (10 Septembre 1993) portant promulgation de la loi n°07-92 relative à la protection sociale des personnes handicapées' http://www.social.gov.ma/MdsfsFichiers/pdf/loi_07-92_fr.pdf(accessed 28 April 2015).

accessibility).³² In addition, Morocco has the following laws:

- The principal law is the Dahir of 1959, which addresses the prevention of mental illnesses and protection of the patients. Its main aim is to guarantee that the institutions treat patients while protecting their rights and their property during their period of mental illness. This law also created the Central Service for Mental Health and Degenerative Diseases, the Mental Health Committee, organised mental institutions and other psychiatric services, specified different manners of patient admission and discharge, and outlined the ways in which patients and their property is to be protected.
- The 1974 'Circulaire' (Ministerial recommendations document), introduced regionalisation and 'deinstitutionalization'. This was the start of a strategic policy to reduce the number of beds in psychiatric hospitals, to create smaller units with fewer beds (20-40 beds), and to integrate mental health into general hospitals.³³
- Law No 14-05 establishes institutions for children with physical disabilities.

However, it has been noted that in recent years, special centres and schools have been established for these children, but their services are generally not affordable to most families.³⁴

The Dahir 1-58-295 relating to the prevention of mental illnesses and protection of the patients is the most recent mental health legislation.³⁵ While this legislation was drafted in 1959, it was reviewed by WHO officials in 1998 and again in 2008.³⁶

The law in Morocco also includes building codes that require access for persons with disabilities. However, the government has not effectively implemented these laws and codes. The codes are rarely enforced, and in many cases, builders and building inspectors are unaware of the laws requiring accessibility.³⁷

The Ministry of Social Development, Family, and Solidarity has the responsibility for protecting the rights of persons with disabilities by implementing a quota of seven per cent for persons with disabilities in vocational training in the private and public sectors. In 2008, the government created 217 classes for children with disabilities.³⁸ In practice, integration was largely left to the private charities.³⁹

32 Ministry of Social Development, Family, and Solidarity 'Dahir n° 1-03-58 du 10 rabii I 1424 (12 Mai 2003) portant promulgation de la loi n° 10-03 relative aux accessibilités' http://www.social.gov.ma/MdsfsFichiers/pdf/loi_10-03_fr.pdf (accessed 28 April 2015).

33 World Health Organization & Ministry of Health Morocco 'WHO-AIMS Report on Mental Health System in Morocco' 2006.

34 Manara Network for Child Rights 'Country profile of Morocco: Are view of the implementation of the UN Convention on the Rights of the Child' (August 2011) <http://www.ibcr.org/editor/assets/Morocco%20Country%20Profile.pdf> (accessed 29 April 2015).

35 World Health Organization Department of Mental Health and Substance Abuse 'Mental Health Atlas 2005' (2005) http://www.who.int/mental_health/evidence/atlas/profiles_countries_j_m.pdf?ua=1 (accessed 28 April 2015).

36 As above.

37 United States Department of State Bureau of Democracy, Human Rights, and Labor '2009 human rights practices: Morocco' (11 March 2010) <http://www.state.gov/j/drl/rls/hrrpt/2009/nea/136075.htm> (accessed 28 April 2015).

38 The Moroccan Family Code (Moudawana) of 5 February 2004 <http://www.hrea.org/wp-content/uploads/2015/02/Moudawana.pdf> (accessed 24 September 2015) trans Human Rights Education Associates (2005).

39 As above.

4.2 Does Morocco have legislation that indirectly addresses issues relating to disability? If so, list the main legislation and explain how the legislation relates to disability.

- Article 1 of Dahir N 04-2000, B.O N4800 of 1 June 2000 stipulates that all Moroccan children of both sexes, having reached the age of 6 years, have the right and the duty to education.⁴⁰
- The Moroccan Family Code (Moudawana) of 5 February 2004⁴¹ also indirectly addresses the rights of people with disabilities (to the extent that they are not excluded).

The government of Morocco also approved two legal reforms in 2005 to expand health insurance coverage for its citizens. The first is a payroll-based mandatory health insurance plan for public and formal private-sector employees, which extends coverage from the current 16 per cent of the population to 30 per cent. The second creates a publicly financed fund to cover services for the poor.⁴²

5 Decisions of courts and tribunals

5.1 Have the courts (or tribunals) in Morocco ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.

No such court or tribunal cases were found.

6 Policies and programmes

6.1 Does Morocco have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability.

- Morocco has a mental health policy which was last revised in 2008 and includes the following components: (1) developing community mental health services; (2) downsizing large mental hospitals; (3) developing a mental health component in primary health care; (4) human resources; (5) advocacy and promotion; (6) human rights protection of patients; (7) equity of access across different groups; (8) financing; and (9) quality improvement. An essential medicines list is present in the country.⁴³

40 The International Labour Office & The African Commission on Human & Peoples' Rights 'Country report of the research project by the International Labour Organization and the African Commission on Human and Peoples' Rights on the constitutional and legislative protection of the rights of indigenous peoples: Morocco' http://www.chr.up.ac.za/chr_old/indigenous/country_reports/Country_reports_Morocco.pdf (accessed 26 May 2015).

41 n 38 above.

42 J Ruger & D Kress 'Health financing and insurance reform in Morocco' (July 2007) <http://content.healthaffairs.org/content/26/4/1009.full> (accessed 26 May 2015).

43 World Health Organization Department of Mental Health and Substance Abuse (n 35 above).

- In 2000, the government created a Special Commission for the Integration of Persons with Disabilities. The Commission is responsible for developing programmes that facilitate the societal integration of people with disabilities.⁴⁴
- In 2000, the Government instituted an annual 'National Day of the Disabled', aimed at increasing public awareness of issues affecting persons with disabilities. The King's charity, the Mohammed V Solidarity Fund, makes several donations each year to institutions supporting persons with disabilities.⁴⁵
- On 5 December 2001, The International Day of Disabled Persons, the Ministry for the Condition of Women, Protection of the Family and Children, and Integration of the Handicapped sponsored a 2-day workshop with NGO's to promote self-employment of the handicapped. The programme included micro-financing for persons with disabilities.⁴⁶
- The organisation Diwan Alemadalim was established in December 2001 and it functions as an arbitrator between citizens and the administration to combat corruption, misuse of power and to protect the rights of the child.
- The Ministry of Social Development, Family, and Solidarity has responsibility for protecting the rights of persons with disabilities and has attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the public sector and 5 percent in the private sector.⁴⁷

6.2 Does Morocco have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability

In addition to the information provided below in response to questions 7 and 8, Morocco has a compulsory social security system, Caisse Nationale de Sécurité Sociale (CNSS), which provides family allowance, disability, sickness, maternity, and pension benefits but not health insurance. It operates about a dozen health clinics providing subsidised care for uninsured people and limited health care benefits for children.⁴⁸

7 Disability bodies

7.1 Other than the ordinary courts or tribunals, does Morocco have any official body that though not established to specifically address violations of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.

The Ministry of Social Development, Family, and Solidarity has responsibility for protecting the rights of persons with disabilities and has attempted to integrate persons with disabilities into society by implementing a quota of seven per cent for persons with disabilities in vocational training in the public sector and five per cent in the private sector.⁴⁹ However, neither sector has reached its quotas.⁵⁰ The

44 Bureau of Democracy, Human Rights, and Labor 'Country reports on human rights practices' (4 March 2002) <http://www.state.gov/j/drl/rls/hrrpt/2001/nea/8277.htm> (accessed 28 April 2015).

45 As above.

46 As above.

47 As above.

48 Ruger & Kress (n 42 above).

49 Country report (n 40 above)

government also has more than 400 integrated classes for children with learning disabilities, but integration is largely left to private charities.⁵¹ Families typically support persons with disabilities, although some survive by begging.⁵²

7.2 Other than the ordinary courts or tribunals, does Morocco have any official body that though not established to specifically address violations of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.

No such official body was identified.

8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector

8.1 Does Morocco have a Human Rights Commission, an Ombudsman or Public Protector? If so, does its remit include the promotion and protection of the rights of people with disabilities? If your answer is yes, also indicate whether the Human Rights Commission, the Ombudsman or Public Protector of Morocco has ever addressed issues relating to the rights of persons with disabilities.

Morocco has an Ombudsman Institution (Diwan al Malhalim), which combines ancient and modern Islamic tradition with the Swedish ombudsman model and other variations.⁵³ The National Ombudsman's Office (mediator institution) helps to resolve civil matters when the judiciary is unable to do so.⁵⁴ Article 162 of the Constitution provides for the Ombudsman (Office of the Mediator) as an independent and specialised national institution that aims to protect human rights,⁵⁵ including disability rights.

The National Human Rights Council (CNDH) is a national institution for the protection and promotion of human rights.⁵⁶ It also has jurisdiction to,

examine complaints submitted to the Council or the contents of relevant reports published by the different civil society stakeholders, follows up the implementation of the Convention on the Rights of Persons with Disabilities and its Optional Protocol and national initiatives aiming at the protection of the rights of person with disabilities in Morocco in comparison with the substantive provisions of the Convention, and makes relevant recommendations in this area.⁵⁷

50 As above.

51 n 44 above.

52 As above.

53 M Mhamed Iraki & Wali al Madhalim 'In the Kingdom of Morocco: Readings in the Islamic Model of Ombudsman' (12 June 2009).

54 United States Department of State Bureau of Democracy, Human Rights and Labor (n 43 above).

55 Human Rights Council 'Report of the Independent Expert in the field of cultural rights, Farida Shaheed' (2 May 2012) http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-26-Add2_en.pdf (accessed 28 April 2015).

56 As above.

57 Kingdom of Morocco National Human Rights Council 'Conditions and situation of persons with disabilities' <http://www.cndh.org.ma/an/programs/human-rights-protection-programs> (accessed 28 April 2015).

In addition, the royal decree creating the CNDH grants the Council the power to investigate any allegations of human rights violations, to summon people to give evidence in its investigations, and to act as an early warning mechanism to prevent human rights violations including those of persons with disabilities.⁵⁸

The CNDH has thirteen regional human rights commissions which monitor the situation of human rights in the different regions of Morocco.⁵⁹ The CNDH also examines complaints and relevant civil society reports, monitors cases of violations, examines the national laws compliance with international treaties to which Morocco is a party, and contributes to the implementation of mechanisms provided for by these international human rights conventions.⁶⁰

9 Disabled people's organisations (DPOs) and other civil society organisations

9.1 Does Morocco have organisations that represent and advocate for the rights and welfare of persons with disabilities? If so, list each organisation and describe its activities.

- An umbrella organisation known as 'Collectif pour la Promotion des Droits des Personnes en Situation de Handicap' consists of five organisations which represent the North, South and centre of Morocco. These organisations work to strive for equal civil, social, economic, and cultural rights of persons with disabilities.⁶¹
- Handicap International, an international disability organisation, also works in Morocco to help translate the CRPD into 'practical action that will improve the lives of people with disabilities' in Morocco.⁶² Handicap International works with disabled people's organisations so they can play a leading role in the creation and monitoring of new disability policies so that the Convention is meaningful for all people with disabilities.⁶³ Handicap International currently has three Disability Rights projects in the country of Morocco: A pilot programme with local partners in Tetouan to improve the city's accessibility in compliance with the CRPD (Convention on the Rights of Persons with Disabilities); A partner project with public authorities, based on the LEAD (Leadership and Empowerment for Action on Disability) project, to increase the social, economic and political involvement of 11 million people with disabilities in Morocco, Algeria, and Tunisia through advocacy training workshops and The *Go To The Vote* project to encourage political and legislative involvement from people with disabilities in Morocco and Libya. Building the capacities of local disabled people's organisations, electoral commissions, and political parties, the project aims to change the perception of disability through media campaigns, promote the accessibility of people with disabilities to elections, and ensure that disability is taken into account in electoral programmes.⁶⁴

58 See National Council on Human Rights at <http://www.cndh.org.ma/an/about-cndh/about-us> (accessed 25 May 2015). See also Morocco on the Move 'Morocco is committed to protecting human rights' (2012) https://moroccoonthemove.files.wordpress.com/2012/03/fs_morocco_protectinghumanrights10january2012.pdf (accessed 28 April 2015).

59 National Human Rights Council *About Us* <http://www.cndh.org.ma/an/about-cndh/about-us> (accessed 28 April 2015).

60 As above.

61 Bakker (n 8 above).

62 Handicap International UK *Morocco 2015* http://www.handicap-international.org.uk/where_we_work/africa/morocco (accessed 28 April 2015).

63 As above.

64 As above.

- In the city of Salé and region of Souss-Massa-Drâa, Handicap International promotes the access of adults and children with disabilities to local educational, health, vocational, and administration systems. In Salé, awareness campaigns targeted at the general public on inclusive education, and sponsored debates and events for child education continue to directly benefit 297 children with disabilities and their families. In Souss-Massa-Drâa, technical support to paramedical professionals and the development of provincial disability committees promote the full and equal inclusion of people with disabilities in all facets of Moroccan society.
- In addition, Morocco has undergone a series of major reforms since King Mohammed VI ascended to the throne in 1999. In 2002, substantial amendments to the Decree on the Right to Establish Associations were adopted, and a new Constitution was approved following popular protests in 2011. These reforms have enlarged the legal space for civil society, expanding its rights as well as its role in policymaking and the public sphere. As a result of the more enabling legal environment, Moroccan civil society has undergone substantial development.
- In Morocco, there are several DPOs: The African Campaign on Disability and HIV&AIDS: This organisation is an umbrella organisation under which numerous organisations work collectively to coordinate the efforts of disabled people's organisations and HIV/AIDS organisations and fight for equal access for people with disabilities in Africa to information and services on HIV & AIDS. International Foundation for Electoral Systems (IFES).
- Haut Commissariat aux Personnes Handicapées, a national umbrella organisation which advocates for rights, mobilises persons with disabilities, identifies needs and priorities, and contributes to public awareness. The national coordinating committee ('Le Haut Commissariat aux Personnes Handicapées') reports to the Prime Minister's office. The committee includes representatives of the commission of planning.

In sum, over the last decade, the number of Moroccan organisations working on disability issues has increased dramatically.⁶⁵ Handicap International, for example, is working to build the capacities of these organisations to ensure they are better able to take into account the needs of people with disabilities and to more effectively advance their rights.⁶⁶ In addition, the International Foundation for Electoral Systems (IFES), in partnership with disability experts and organisations from the MENA region, undertook a series of activities in Lebanon, Egypt, Yemen and Morocco to promote greater political and electoral participation of citizens with disabilities. In Morocco, IFES worked with the Collectif pour la Promotion des Droits des Personnes en Situation de Handicap – the largest and most active disabilities rights collective in the country – to create guides and conduct trainings on increased political participation of persons with disabilities, targeted at NGOs, political parties and government officials. Under this project, each nation made important strides in increasing access of the disabled in political and electoral participation.⁶⁷

9.2 In the countries in Morocco's region (North Africa) are DPOs organised/coordinated at national and/or regional level?

Morocco has a national umbrella organisation called 'Haut Commissariat aux Personnes Handicapées'. There is a national coordinating committee ('Le Haut Commissariat aux Personnes Handicapées') reporting to the Prime Minister's

⁶⁵ Handicap International UK (n 62 above).

⁶⁶ As above.

⁶⁷ International Foundation for Electoral Systems 'People with disabilities' (2015) <http://www.ifes.org/Content/Topics/Inclusion-and-Empowerment/Inclusion-of-Persons-with-Disabilities/People-with-Disabilities.aspx> (accessed 28 April 2015).

office. The committee includes representatives of the commission of planning, of the CBR-programme and of an inter-ministerial committee.⁶⁸

In Morocco, IFES worked with the Collectif pour la Promotion des Droits des Personnes en Situation de Handicap – the largest and most active disabilities rights collective in the country.

9.3 If Morocco has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?

In Morocco, there are several DPOs:

- The African Campaign on Disability and HIV & AIDS is an umbrella under which numerous organisations work collectively to coordinate the efforts of disabled people's organisations and HIV/AIDS organisations and fight for equal access for people with disabilities in Africa to information and services on HIV & AIDS.
- International Foundation for Electoral Systems (IFES)
- IFES worked with the Collectif pour la Promotion des Droits des Personnes en Situation de Handicap – the largest and most active disabilities rights collective in the country – to create guides and conduct trainings on increased political participation of persons with disabilities, targeted at NGOs, political parties and government officials. Under this project, each nation made important strides in increasing access of the disabled in political and electoral participation.⁶⁹
- Haut Commissariat aux Personnes Handicapées is a national umbrella organisation which advocates for rights, mobilises persons with disabilities, identifies needs and priorities, and contributes to public awareness.⁷⁰ The national coordinating committee, Le Haut Commissariat aux Personnes Handicapées, reports to the Prime Minister's office. The committee includes representatives of the commission of planning, of the CBR-programme and of an inter-ministerial committee. The government expects the committee to participate in policy development and to perform other tasks. The establishment of the committee has had the following effects: improved coordination of measures/programmes in the disability field, improved legislation and integration of responsibility, a better dialogue in the disability field and improved promotion of public awareness.⁷¹

9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?

DPOs support the development of persons with disabilities' capacities by providing them with a common platform to exchange and share their experiences and build a common voice.⁷² They often engage in the provision of information on disability for their members (on their rights, but also existing services, facilities and provisions) or specific services, such as sign language training. Many DPOs are engaged in the provision of rehabilitation or socio-economic services to their members, which they consider part of their mandate (this varies significantly depending on the context). In their function of representatives of persons with disabilities, DPOs mostly see their role as raising awareness in society and advocating for equal rights as citizens.⁷³

68 D Michailakis 'Government action on disability policy: A Global Survey?Part II - Government replies as Country Profiles, Morocco' (1997) <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1232&context=gladnetcollect> (accessed 28 April 2015).

69 International Foundation for Electoral Systems (n 67 above).

70 Michailakis (n 68 above).

71 As above.

72 Handicap International Technical Resource Division 'Policy paper on support to organisations representative of persons with disabilities' (2011) <http://www.disabilityrightsfund.org/files/supporttodpo.pdf> (accessed 28 April 2015).

73 As above.

Civil society is very active in providing services to children living with disabilities. The Moroccan Friendship for the Disabled is an organisation working to promote the rights of people living with disabilities and contribute to their professional and social integration. Besides awareness-raising activities, this organisation also launched in October 2010, with the support of Handicap International, works towards training of teachers and educators within the 'Social Integration Classes' programme.⁷⁴

DPOs also work towards improving their living conditions and promoting the respect for dignity and their fundamental rights, together with a preventive action towards impairments and disabilities linked to diseases, accidents and violence. In most cases, this consists of reducing obstacles to full participation, ensuring that persons with disabilities can access the services they require and enjoy their lives to the fullest.⁷⁵

The mental illness advocacy association UNAHM organised a sit-in in front of parliament in Rabat to ask for an urgent intervention from the authorities to guarantee rights for the mentally challenged that follow universal United Nations conventions.⁷⁶

At a week-long conference also held in Casablanca, UNAHM insisted on the need to put the issue of mental disability amongst 'national priorities'.⁷⁷

9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?

As relatively new organisations whose members often face discrimination, DPOs have had limited opportunities to develop relevant capacities and resources.⁷⁸

9.6 Are there specific instances that provide 'best-practice models' for ensuring proper involvement of DPOs?

Although Morocco has a long way to go to realise the goals of the CRPD, the existence of a government office responsible for promoting and protecting the rights and welfare of persons with disabilities, as required under the CRPD, as well as the existence of an umbrella organisation at the country level comprising of DPOs, could be considered good practices. The actions that have been taken by NGOs to date in order to ensure implementation of the CRPD may be seen as a good practice.

9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?

Yes, there have been outcomes regarding the successful implementation of the CRPD. As part of the framework of a national implementation process of the

⁷⁴ As above.

⁷⁵ As above.

⁷⁶ Disability Rights Promotion International 'Mentally challenged in Morocco: We want our rights, not charity' (26 January 2015) <http://drpi.research.yorku.ca/mentally-challenged-in-morocco-we-want-our-rights-not-charity/> (accessed 28 April 2015).

⁷⁷ As above.

⁷⁸ As above.

International Convention on the Rights of Disabled Persons, the draft report recommends that,

the establishment of appropriate measures, including criminal, to fight against all acts of discriminatory terms and stigmatizing language and disrespectful and cruel, inhuman and degrading behavior or to the dignity of persons with disabilities.

The Economic and Social Council (ESC) of Morocco emphasises, through its draft report, the need to implement an integrated national policy to protect the rights of hundreds of thousands of Moroccan citizens affected by disability (1.5 million according to the last census of 2004). It also recalls that the fight against all forms of discrimination and protecting the rights of vulnerable groups is a constitutional commitment under article 34 of the New Constitution. As stated in the ESC report: 'By integrating the issue of the disabled, the new constitution requires the Moroccan government to develop an action plan and an effective strategy to promote integration.'⁷⁹

9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?

Additional resources are needed to increase the effectiveness of DPOs and to improve their effective engagement in the CRPD implementation process.

9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?

DPOs may be empowered in several ways. First, they may engage in capacity building trainings and programmes; they may seek ways to work together to increase their impact and to broaden their collaboration with other NGOs and mainstream human rights organisations, and they may choose to partner with other organisations to increase their access to financial and other resources.

9.10 Are there specific research institutes in the region where Morocco is situated (North Africa) that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?

No such institutes were identified in Morocco.

79 AM Mantrach 'The situation of the disabled people in Morocco concerned the Economic and Social Council' *Yabiladi* 7 February 2012 <http://yabiladi.com/articles/details/11666/situation-handicapes-maroc-inquiete-conseil.html> (accessed 28 April 2015).

10 Government departments

10.1 Does Morocco have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).

The Ministry of Solidarity, Women, and Social Development is the governmental ministry that is expressly tasked with the responsibility of protecting the rights of persons with disabilities.⁸⁰ It is currently working in four areas:

- **Improving access to information, education, training and employment**

The goal is improving school enrollment rates of children with disabilities to reach the stated government objective of 70 per cent, introduced by the Prime Minister before parliament.

The Ministry works to improve access to information, job training and employment of people at risk or with disabilities, their families and associations working in this area.

- **Improving physical, communication and transportation accessibility**

In order to facilitate the integration of persons with disabilities, the Ministry works to improve access to open spaces, public buildings and the built environment, as well as to means of transportation and communication.

- **Participating in cultural, sporting, tourist and leisure activities**

This programme aims at improving the well-being of persons with disabilities through their participation in sporting, cultural and leisure activities.

The Ministry strives to provide support for greater accessibility to leisure activities, participation in sporting, artistic and cultural events and community based initiatives.

- **Producing information and knowledge about disabilities**

Five years after the completion of the first national survey on disabilities, the Ministry will conduct a second survey. It will enable monitoring of disabilities in different Moroccan cities and an evaluation of policies targeting this area.⁸¹

80 Ministry of Solidarity, Women, and Social Development *About Us* 2015 <http://www.social.gov.ma/index.aspx> (accessed 28 April 2015).

81 Ministry of Solidarity, Women, and Social Development 'Strategy' 2015 <http://www.social.gov.ma/fr/index.aspx?mod=15&rub=261> (accessed 28 April 2015).

11 Main human rights concerns of people with disabilities in Morocco

11.1 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses to:

- Research on the parental attitudes towards disability often focused on mental disabilities.⁸² This means the other categories of disabilities receive less awareness and, as a result, fewer resources.
- Religious beliefs, in general, have been associated with the idea that disability is a punishment or god-given. This belief remains strongly present in Morocco. In a list recording the causes of health problems, 49,5 per cent of informants with disability in the Moroccan National Survey of 2004 mentioned the divine power as the cause of the disability. The relationship between religion and disability is evident in such attitudes.⁸³

11.2 Do people with disabilities have a right to participation in political life (political representation and leadership) in Morocco?

The International Foundation for Electoral Systems (IFES), in partnership with disability experts and organisations from the MENA region, undertook a series of activities in Morocco to promote greater political and electoral participation of citizens with disabilities. In Morocco, IFES worked with the Collectif pour la Promotion des Droits des Personnes en Situation de Handicap, the largest and most active disability rights collective in the country, to create guides and conduct trainings on increased political participation of persons with disabilities, targeted at NGOs, political parties and government officials. In this project, Morocco made important strides in increasing access for people with disabilities in the arenas of political and electoral participation.⁸⁴

11.3 Are people with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in Morocco?

- The Collectif pour la promotion des droits des personnes en situation de handicap (Disability Rights Promotion Group) (CHDM) indicated that persons with disabilities still endure discrimination, particularly in the workplace.
- CHDM also recommended that Morocco mobilise the necessary resources to allow children with disabilities to enjoy their right to education. CHDM also reported the restrictions on the participation of persons with disabilities in public and political life and mentioned the issue of the restricted legal capacity

82 R Hasnain et al 'Disability and the Muslim perspective: An introduction for rehabilitation and health care providers' (2008) *Center for Rehabilitation Research Information & Exchange* <http://cirrie.buffalo.edu/culture/monographs/muslim/> (accessed 1 May 2015).

83 Foundation du Fonds pour le Maroc 'Inventaire sur la situation des sourds au Maroc' <http://www.fmsourds.org/index.php?a=readmore&n=71> (accessed 1 May 2015).

84 International Foundation for Electoral Systems (n 67 above).

of the 'feeble-minded', making a recommendation on the matter. CHDM reported that 'no investigations had been made and/or prosecutions brought in the case of physical and/or sexual violence suffered by a number of persons with disabilities.'⁸⁵

- Le Collectif autism Maroc (CAM) mentioned the particular problems of autistic children in education, and shortcomings in the right to health of persons with disabilities; it also made recommendations, particularly on stopping the practice of treating autism as a psychosis and establishing a national fund for persons with disabilities.

Le Médiateur pour la démocratie et les droits de l'homme (MDDH) reported that few persons with disabilities were recruited into the public sector.

11.4 Case studies of specific vulnerable groups

• Older Persons

The rights of older persons are a major challenge for Moroccan society.⁸⁶ Despite the new Constitution, which guarantees access to social protection, and the social welfare institutions law, Morocco has not yet had any specific legal provisions protecting the rights of older persons.⁸⁷

• Indigenous Persons

Imazighen, also known as Berbers, are the indigenous peoples of Morocco.⁸⁸ Prior to 2011, the Preamble to the Constitution of the Kingdom of Morocco recognised Arabic as the sole national language and Morocco's government suppressed the Tamazight language as a symbol of Imazighen identity and their cultural rights.⁸⁹ In 2011, the revised Constitution of the Kingdom of Morocco recognised the Tamazight language as an official language of Morocco.⁹⁰ However, since then, the government has yet to implement this provision, despite calls from the Amazigh Cultural Movement (ACM) to do so. Until such a law is implemented, 'the situation of Amazigh or Indigenous persons' rights will remain in a state of limbo'.⁹¹

• Children

Net primary school enrolment rates have been increasing rapidly, reaching 87 per cent for girls and 92 per cent for boys in 2009. However, net secondary school rates are still extremely low, with only 37 per cent of boys and 32 per cent of girls attending secondary school.⁹² The quality of education is also an issue as evidenced by poor retention rates: 25 per cent of school children drop out before the fifth grade, and only 10 per cent make it to 11th grade.⁹³

85 International Disability Alliance 'Universal Periodic Review 13th Session' 26 April 2012.

86 Kingdom of Morocco National Human Rights Counsel 'Rights of Older Persons: Major Challenge Moroccan Society' (8 September 2014) <http://www.cndh.org.ma/an/highlights/rights-older-persons-major-challenge-moroccan-society-0> (accessed 26 May 2015).

87 As above.

88 Country Report (n 44 above).

89 As above.

90 International Workgroup for Indigenous Affairs '2015 yearbook article' http://www.iwgia.org/images/stories/sections/regions/africa/documents/IW2015/Morocco_IW2015_web.pdf (accessed 26 May 2015).

91 As above.

92 Save the Children *Children's Situation in Morocco* 12 April 2013 <http://resourcecentre.savethechildren.se/start/countries/morocco> (accessed 26 May 2015).

93 As above.

With respect to Child Marriages, although reforms to the family law (2004) have raised the minimum age of marriage for women from 15 to 18 years, girls as young as 13 may get married, but only with judicial authorisation.⁹⁴ The number of child marriages, however, is increasing. Between 2009 and 2010, it increased by 3000, with a total of 33253 early marriages recorded.⁹⁵ Although forced child labour is also prohibited, it remains a critical challenge as it concerns nine per cent of children aged 5 to 14 years.⁹⁶ Violence against and abuse of children also remains an issue. Owing to the fact that teachers and parents believe that children should fear them, 'violence is often socially-accepted and approved'.⁹⁷ Sixty-one per cent of children report that they have been beaten by their parents at least once.⁹⁸ Even in school, where corporal punishment is not permitted, it is still widely practiced, with 87 per cent of children reporting that they have been beaten at school at least once.⁹⁹

- **Women**

The issue of women's rights is a highly visible and widely discussed topic in Morocco today. The King has been quoted as saying that since women make up 50 per cent of the population, they should have a similar representation in the legislature.¹⁰⁰ However, less attention is paid to issues affecting women with disabilities.¹⁰¹

- **Persons with Mental Disabilities**

Based on the laws described in section 3.1 above, there is some attention also paid to issues affecting persons with mental disabilities in Morocco. For example, research on parental attitudes towards disability often focused on the needs of children and adults with mental disabilities.¹⁰² Little or no research on attitudes about other types of disabilities has been conducted.

12 Future perspective

12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in Morocco at the moment?

None that we are aware of.

12.2 What legal reforms would you like to see in Morocco? Why?

In order to ensure greater recognition for the rights of people with disabilities under the CRPD and domestic law, additional research and advocacy is needed. For example, a research institute on disability rights could be established to support DPOs efforts and increase their capacity. Opportunities for DPOs to partner with other regional and international DPOs would also increase their capacity as would trainings by activists, self-advocates and other experts who have experience

94 As above.

95 As above.

96 As above.

97 As above.

98 As above.

99 As above.

100 DH Gray 'Educated, professional women in Morocco and women of Moroccan origin in France: Asserting anew public and private identity' (2006) 2 *Journal Of Middle East Women's Studies* 48.

101 Human Rights Council (n 55 above).

102 Bakker (n 8 above).

working on the advancement of disability rights in such areas as education, employment, political participation, to name a few. Additional lawyer and policy makers could benefit by training on how human rights principles and the CRPD, in particular, apply to people with disabilities. For example, some universities, such as Syracuse University College of Law, now offer specialised advanced legal training in disability rights for lawyers from other countries. If lawyers (especially lawyers with disabilities) from Morocco participated in such programmes, upon their return to Morocco the following year, they would be particularly well suited to advance the rights of people with disabilities in Morocco.