**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to Morocco**

**Main issues raised by TBs:**

* Discrimination of persons with disabilities
* Awareness-raising campaigns to combat the stigmatization, prejudice and discrimination
* Institutionalisation of children with disabilities
* Monitoring and inspecting psychiatric hospitals
* Inclusive education: lack of strategy towards inclusion
* Access to health-care, including early intervention for children with disabilities
* Unemployment and need for implementation special measures (quota)
* Need for poverty reduction programs inclusive of persons with disabilities

Concluding observations of the Human Rights Committee, 2016

TO BE PUBLISHED IN NOVEMBER

Concluding observations of the CESCR Committee, [E/C.12/MAR/CO/4](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MAR/E_C-12_MAR_CO_4_21951_F.doc), 2015

Discrimination

13. The Committee remains concerned about:

 (a) The lack of comprehensive anti-discrimination legislation prohibiting all forms of discrimination affecting enjoyment of the rights enshrined in the Covenant;

 (b) The disparities between rural and urban areas with respect to the enjoyment of economic, social and cultural rights, particularly as regards the most marginalized and vulnerable individuals and groups;

 (c) The de facto discrimination against Amazighs, especially in terms of access to education and employment (art. 2).

14. The Committee recommends that the State party:

 (a) Adopt and apply a comprehensive anti-discrimination law, which should contain a general prohibition of all forms of direct and indirect discrimination, and authorize the use of temporary special measures to benefit disadvantaged and marginalized groups.

 (b) Take the necessary measures to remedy the regional disparities that prevent the enjoyment of economic, social and cultural rights on an equal basis by all the population;

 (c) Take steps to ensure that Amazighs enjoy fully the rights set out in the Covenant, if necessary by adopting special measures;

 (d) Ensure that women, **persons with disabilities**, asylum seekers, refugees, migrants, Sahraouis, children born out of wedlock and homosexuals can enjoy the rights recognized in the Covenant, particularly access to employment, social services, health care and education.

**Persons with disabilities**

23. The Committee finds it regrettable that the bill on the promotion and protection of the rights of **persons with disabilities** has still not been adopted. The Committee also remains concerned that, while the State party has decided to set a quota of 7 per cent for posts to be reserved for **persons with disabilities**, this quota has not yet been effectively implemented and the employment situation of these persons has not improved (art. 6).

24. The Committee recommends that the State party expedite the adoption of the aforementioned bill and promote its implementation. It further recommends that the State party take all necessary measures to enable **persons with disabilities** to fully enjoy their economic, social and cultural rights. It encourages the State party to apply the 7-per-cent quota and to take any other special measure to promote access for **persons with disabilities** to employment, education and health care.

Poverty

41. While it recognizes the progress made in reducing poverty, the Committee remains concerned about the fact that poverty continues to affect women, children, the Amazighs, the Sahraouis, older persons, **persons with disabilities** and persons living in rural areas in particular. The Committee is also concerned that resources are neither properly shared nor fairly distributed (art. 11).

42. The Committee recommends that the State party increase its efforts to reduce poverty, in particular by adopting a human rights-based poverty reduction strategy that specifically targets the needs of disadvantaged and marginalized individuals and groups, allocating sufficient financial and other resources to their implementation and ensuring that these resources are fairly distributed among those affected by poverty. In this regard, the Committee refers the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights (2001).

Cultural rights

49. The Committee takes note of the fact that the Amazigh language has been constitutionally recognized as an official language but finds it regrettable that the draft organic law to implement that recognition has not been adopted to date and that the Amazigh language is not taught at every level of education. The Committee remains concerned about the practical difficulties that the Amazigh community sometimes encounters in registering Amazigh first names and about the fact that very few programmes in Amazigh are shown on public television, despite the efforts of the State party. The Committee also expresses its concern at the fact that the Saharo-Hassani language and culture are not sufficiently supported. Lastly, it notes that considerable efforts are still required to ensure access to culture and science for all (art. 15).

50. The Committee recommends that the State party adopt the draft organic law on the recognition of the Amazigh language as one of the official State languages as soon as possible and redouble its efforts to provide primary, secondary and university education in Amazigh, increase the use of Amazigh on television and lay down definite regulations on the question of Amazigh first names. The Committee further recommends that the State party take measures to guarantee Amazighs and Sahraouis full and unrestricted enjoyment of their right to take part in cultural life. It also recommends additional measures to protect cultural diversity and permit Amazighs and Sahraouis to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs. Lastly, the Committee encourages the State party to continue to facilitate access to culture and science for all, including access to the Internet, particularly for **persons with disabilities** and the poorest sectors of the population. In this regard, the Committee invites the State party to refer to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

Concluding observations of the CRC Committee, [CRC/C/MAR/CO/3-4](http://daccess-ods.un.org/access.nsf/Get?Open&DS=CRC/C/MAR/CO/3-4&Lang=E), 2014

Non-discrimination

24. The Committee welcomes the statement by the State party’s delegation that measures will promptly be taken in order for children not to be identified as born out of wedlock in their identity documents. The Committee is, however, concerned about:

(a) De jure and de facto discrimination against girls and children born out of wedlock, including in areas relating to personal status (e.g. family name, inheritance);

(b) The persistent disparities between different regions and between rural and urban areas;

(c) Reports that the richest 20 per cent of families account for 30 per cent of the national income, while the poorest 20 per cent account for only 2 per cent of it;

(d) The persistent discrimination against **children with disabilities**.

25. The Committee urges the State party to:

(a) Expedite the amendment, without delay, of article 16, paragraph 7, of Law No. 37-99 and remove from identity documents any mention that leads to the identification of children as born out of wedlock;

(b) Repeal all legal provisions especially those contained in the Family Code that discriminate against girls and children born out of wedlock; and

(c) Ensure that the Integrated Policy on Children currently being elaborated addresses as a matter of priority the situation of children in the most marginalized or disadvantaged situations, and especially the various types of discrimination suffered by girls, **children with disabilities**, and children living in rural and remote areas.

Violence against children, including abuse and neglect

38. The Committee welcomes the numerous initiatives of the State party to address violence in schools, as well as the child protection units in major cities, the regional counselling and guidance centres for child victims of violence in hospitals and the care units for women and children in tribunals. The Committee is, however, concerned that the lack of human, technical and financial resources allocated to these mechanisms greatly undermines their effectiveness and efficiency, and that tremendous efforts still need to be

undertaken to build a coherent and well-coordinated child protection system as recognized by the State party’s delegation. The Committee expresses particular concern that:

(a) The State party has not adopted legislation criminalizing all forms of domestic violence, including marital rape, even though violence against women and girls in the home is pervasive in the State party;

(b) The age until which a child is entitled to specific protection under the 2004 Criminal Code has been raised to 15 years only;

(c) Child victims of violence, children in street situations, children removed from their family environment, **children with disabilities** and children in conflict with the law are often placed all together in centres de sauvegarde, where they are deprived of their liberty and are often subjected to living conditions that amount to ill-treatment;

(d) Child protection units are reported to be operational only in Casablanca and Essaouira and are not able to provide child victims of violence with the support and assistance they need;

(e) Insufficient support is allocated to non-governmental organizations that provide child victims of violence with support, shelter and rehabilitation services.

39. The Committee recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular develop, in close cooperation with civil society, a well-coordinated and well-funded child protection system. The State party should, in particular:

(a) Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(b) Develop a comprehensive legal framework as well as a national coordinating framework to prevent, prohibit and sanction all forms of neglect, abuse and violence, including domestic violence, against all children until the age of 18 years;

(c) Take urgent measures to address the living conditions of children in centres de sauvegarde, remove from these centres without delay those in marginalized and disadvantaged situations and ensure that they benefit from kinship care and foster care programmes and are reunited with their families when this is in their best interests;

(d) Promptly establish child protection units and support units in hospitals and police stations in areas where they have not yet been established, especially in rural and remote areas, create recourse mechanisms in alternative care institutions and detention centres, and provide all these mechanisms with the necessary human, financial and technical resources to effectively protect children from all forms of violence;

(e) Further strengthen awareness-raising and educational programmes, including campaigns with the involvement of children, in order to inform children about the protection mechanisms they may access;

(f) Continue to provide grants to specialized non-governmental organizations that implement prevention and rehabilitation programmes for children who are at risk of or are victims of violence;

(g) Address the root causes of violence and abuse, and take concrete measures to change attitudes, traditions, customs and behavioural practices which often serve as a justification for domestic violence, especially against girls.

**Children with disabilities**

52. The Committee welcomes the adoption of the National Action Plan for the Social Integration of **Persons with disabilities** (2008–2017) and the increased number of children enrolled in integrated classes. The Committee is, however, concerned that the State party continues to apply the medical model of **disability**, which consists in integrating **children with disabilities** as long as their capacities permit this, instead of engaging in elimination of the physical, socioeconomic and cultural barriers that prevent the full inclusion of children with **disability** in schools and society and the full enjoyment of their rights. The Committee is particularly concerned that:

(a) The State party has not engaged in building an inclusive system of education and continues to overrely on non-governmental organizations to provide specialized services to these children;

(b) Only one third of **children with disabilities** attend schools, and those attending schools face rejection and stigmatization;

(c) One fifth of **children with disabilities** never attend a health-care facility, as recognized by the State party;

(d) The vast majority of **children with disabilities** do not benefit from adequate support, such as the presence of a multidisciplinary specialized team, social workers, and an individual follow-up process to ensure their effective inclusion in ordinary classes;n

(e) Social stigma, fears and misconceptions surrounding **children with disabilities** remain strong in society, leading to the marginalization and alienation of these children.

53. In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of **children with disabilities**, the Committee urges the State party to adopt a human rights-based approach to **disability** and specifically recommends that it:

(a) Organize the collection of data on **children with disabilities** and develop an efficient system for diagnosing **disability**, which is necessary for putting in place appropriate policies and programmes for **children with disabilities**;

(b) Set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes. To this end, the Committee urges the State party to urgently remove **children with disabilities** who have been placed in centres de sauvegarde;

(c) Take immediate measures to ensure that **children with disabilities** have access to health care, including early detection and intervention programmes;

(d) Train and assign specialized teachers and professionals in integrated classes providing individual support and all due attention to children with learning difficulties;

(e) Undertake awareness-raising campaigns aimed at the Government, the public and families to combat stigmatization and prejudice against **children with disabilities** and to promote a positive image of children and adults with **disabilities**.

Education, including vocational training and guidance

60. The Committee welcomes the achievements of the State party in relation to school enrolment over the reporting period, the measures taken to achieve gender equality at primary level, the increased amounts of public resources allocated to the education sector, the various initiatives to address violence in schools, and the efforts to introduce human rights and gender issues into school curricula. The Committee is, however, concerned that the education system continues to face serious challenges. The Committee is particularly concerned that:

 (a) A significant proportion of children living in rural areas, **children with disabilities**, children from poor households and working children are deprived of their right to education, and remain out of school;

(b)  Girls still face difficulties in accessing secondary education;

(c)  The lack of transparency and efficiency in the management of education

resources reportedly leads to the effective use of only two thirds of the resources to improve the education system;

(d) Private education is developing very quickly, especially at primary level, without the necessary supervision regarding the conditions of enrolment and the quality of education provided, which has led to a reinforcement of inequalities in the enjoyment of the right to education as well as teachers increasingly engaging in private lessons in public schools and giving priority to the work they undertake in private schools;

(e) Although quality of education remains low and the school dropout level high, especially at secondary level, the second phase of the National Programme of Learning Achievement was not conducted;

(f) Pre-school education remains undeveloped and almost non-existent in rural areas.

61. The Committee recommends that the State party:

(a) Strengthen its efforts to ensure enrolment of all children in primary and secondary education by taking targeted measures to reach children deprived of education;

(b) Conduct a proper assessment of the shortcomings of the 2009–2012 Emergency Programme, and on the basis of the lessons learned, adopt all necessary measures to ensure an effective and efficient utilization and control of the financial resources allocated to the education system;

(c) Assess and address the consequences of the rapid development of private education in the State party and ensure that teachers from the public sector contribute to the improvement of education in Morocco rather than being used by the private sector, by effectively enforcing Ministerial Circular No. 109 of 3 September 2008;

(d) Take the necessary measures to improve the quality of education, notably by providing teachers with quality training, and develop and promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school;

(e) Allocate sufficient financial resources for the development and expansion of early childhood education in rural areas, based on a comprehensive and holistic policy of early childhood care and development.

Concluding observations of the CAT, [CAT/C/MAR/CO/4](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsmuGxft5OkAddzRIE9dkADNYRtXFHNi3KotVh7hPCKZJ2lIOHeIhnJ1Lswa%2fFLkKqycS4FgduI%2fQn9wj%2f1lmrH0iI4l2GuCxJiadIaxl6XH7), 2011

Psychiatric hospitals

22. The Committee takes note of the supplementary written information provided by the State party regarding its plans for preventing the ill-treatment of patients in psychiatric hospitals and the new framework law of 2011 on the health system. The Committee is still, however, concerned about the lack of information on the system for monitoring and inspecting psychiatric hospitals that offer inpatient facilities and on the results of such monitoring arrangements and inspections (art. 16).

The State party should ensure that the national mechanism for monitoring and overseeing places of detention, which is to be put in place soon, has the authority to inspect other types of facilities where people are deprived of their liberty as well, such as psychiatric hospitals. The State party should ensure that the results of such monitoring processes are duly acted upon. The mechanism in question should provide for regular and unannounced visits as a means of preventing torture and other cruel, inhuman or degrading treatment or punishment. The State party should also ensure that forensic doctors trained to detect signs of torture are present during those visits. It should also ensure that patients detained in psychiatric hospitals against their will are able to appeal against the corresponding internment order and have access to a physician of their choice.