



Morocco's Compliance with the Convention on the Rights of Persons with Disabilities
Parallel Report for the Committee on the Rights of the Child

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC
and

MRA Mobilising for Rights Associates

a non-governmental organization based in Rabat, Morocco
in collaboration with an alliance of Moroccan NGOs¹

for the 18th Session of the Committee on the Rights of Persons with Disabilities
14 Aug 2017 - 01 Sep 2017

Submitted July 30, 2017

I. Reporting Organizations

1. The Advocates for Human Rights (“The Advocates”) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates’ Women’s Human Rights Program has published 22 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to implement new and existing laws on domestic violence effectively.

2. Mobilising for Rights Associates (“MRA”) is an international nongovernmental women’s rights organization based in Rabat and currently working in Morocco, Tunisia and Libya. MRA collaborates with grassroots level women’s rights activists and organizations to promote women’s full enjoyment of their human rights through changes in laws, structures, relationships

¹ Moroccan NGOs who contributed to this report include: Association Tafiiil Moubadarat (Taza), Association Anaouat pour femme et enfant (Commune Sidi Mohamed Dalil, Chichaoua), Association Voix de Femmes Marocaines (Agadir), Association Al Amal pour le développement (Figuig) and Association Amal pour la femme et l’enfant (El Hajeb)



and culture. Together with our partners MRA creates and implements long-term strategies to address the diverse causes of discrimination against women and develop meaningful, effective solutions. Our multidimensional strategies include popular human rights education, legal accompaniment, cause-lawyering, action-research, national law reform, and international advocacy. By engaging with local actors at different levels, MRA fosters micro-level changes in culture and relationships to support our activism for macro level legal and institutional reform.

II. Legal Framework

A. International Legal Obligations

3. Morocco has ratified several treaties relevant to its obligations to uphold the rights of women with disabilities and protect them from all forms of violence.² Morocco ratified the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol on April 8, 2009.³ As a signatory to the CRPD and its Optional Protocol, Morocco has the responsibility to uphold articles 6 and 16 which recognize the greater vulnerability of women with disabilities and require that states both prevent and take appropriate measures to address violence against persons with disabilities.⁴

4. CRPD General Comment 3 further details the impact of the double discrimination faced by women and girls with disabilities, and affirms the due diligence obligation of ratifying states to prevent violence, protect victims, and prosecute perpetrators.⁵ In addition, Morocco also has an obligation to uphold SDG 5.2 regarding the elimination of violence against women and girls in public and private life.

B. Domestic Legal and Regulatory Framework

² In addition to the Convention on the Rights of Persons with Disabilities, Morocco has ratified the International Covenant on Civil and Political Rights, the Convention Against Torture, and Convention on the Elimination of All Forms of Discrimination Against Women. UN General Assembly, International Covenant on Civil and Political Rights, 1966; UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 1966; United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984; UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

³ Committee on the Rights of Persons with Disabilities, *Consideration of reports submitted by the States parties under article 25 of the Constitution*, (September 9, 2015), U.N. Doc. CRPD/C/MAR/1, ¶ 1

⁴ United Nations Convention on the Rights of Persons with Disabilities, 2006, Art. 6, 16, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

⁵ Committee on the Rights of Persons with Disabilities, *General comment No. 3 (2016) on women and girls with disabilities*, (November 25, 2016), U.N. Doc. CRPD/C/GC/3, ¶ 26



1. Moroccan Constitution

5. Article 19 of the Moroccan Constitution provides that "Men and women enjoy on an equal basis civil, political, economic, social, cultural and environmental rights and freedoms, as 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."⁶ Article 22 prohibits all violations of physical and moral integrity and dignity, as well as all cruel, inhuman and degrading treatment, *under any circumstances*, whether committed by State or private actors.⁷ Article 34 of the Constitution provides that the State must enact and implement policies responding to persons with "specific needs," including "certain categories of women" and "to rehabilitate and integrate into social and civil life" persons with physical, sensory motor, and mental disabilities" and to "facilitate their enjoyment of the rights and freedoms recognized to all"⁸.

2. Law PWD 97-13

6. PWD 97-13, a framework law which outlines the protection and promotion of the rights of persons with disabilities, contains only two mentions of women: 1) Article 3 establishes equality between men and women with disabilities; and 2) Article 13 provides that "people with disabilities enjoy on an equal basis with others the right to protection against all forms of exploitation, violence, ill treatment and discrimination..."⁹ The law does not reference violence or other forms of discrimination against women with disabilities.

3. Draft VAW Bill 103-13

7. The Draft Bill 103-13 on violence against women, currently awaiting review by the House of Councilors, makes no reference whatsoever to women with disabilities.¹⁰ The bill does not address specific forms of violence against women with disabilities, accessibility issues, or the

⁶ Constitution of the Kingdom of Morocco of 2011, art. 19

⁷ Constitution of the Kingdom of Morocco of 2011, art. 22 (emphasis added).

⁸ Constitution of the Kingdom of Morocco of 2011, art. 34

⁹ Loi-cadre no. 97-13 relative à la protection et à la promotion des droits des personnes en situation de handicap, 12 chaabane 1437 (May 19, 2016).

¹⁰ MRA Women, "Draft VAW Law Analysis and Advocacy Chart," accessed Jul. 11 2017,

<http://mrawomen.ma/wp-content/uploads/doc/MRA%20Draft%20VAW%20law%20Morocco%20Analysis%20and%20Advocacy%20Chart%20September%207%20version.pdf>.



need for specialized services, nor does it provide specific provisions to protect, investigate and enable women with disabilities to report violence to the authorities.¹¹

8. The only provisions in the Bill that could be eventually applied in certain situations of women with disabilities victims of violence are the articles increasing penalties for certain crimes when they are “committed by a spouse, a fiancée, one of the ascendants or descendants, custodian or any person having authority or tutorship over the victim.”¹² This approach exists in current Penal Code provisions, described below, but are only applicable in the last part of the judicial process – the sentencing phase at the end of the trial.

4. Penal Code

9. The Current Penal Code provisions refer to disability primarily as an aggravating circumstance resulting in higher sentences for perpetrators in certain violence crimes, such as torture,¹³ trafficking in persons,¹⁴ indecent assault without or with violence,¹⁵ rape,¹⁶ and aiding or abetting prostitution.¹⁷ Disability is one of the criminalized bases of discrimination, distinction or hate speech.¹⁸ Additionally, a prison term can be increased up to 30 years under Articles 486, 487, 488 if the victimized woman is disabled.¹⁹ As noted in the previous paragraph, the majority of VAW cases never reach that end point in the judicial process.²⁰

5. Family Code

¹¹ MRA Women, “Draft VAW Law Analysis and Advocacy Chart,” accessed Jul. 11 2017, <http://mrawomen.ma/wp-content/uploads/doc/MRA%20Draft%20VAW%20law%20Morocco%20Analysis%20and%20Advocacy%20Chart%20September%207%20version.pdf>.

¹² MRA Women, “Draft VAW Law Analysis and Advocacy Cha,” accessed Jul. 11 2017, <http://mrawomen.ma/wp-content/uploads/doc/MRA%20Draft%20VAW%20law%20Morocco%20Analysis%20and%20Advocacy%20Chart%20September%207%20version.pdf>.

¹³ PENAL CODE art. 231-4 (Morocco).

¹⁴ PENAL CODE art. 448.4 (Morocco).

¹⁵ PENAL CODE art. 484, 485 (Morocco).

¹⁶ PENAL CODE art. 486 (Morocco).

¹⁷ PENAL CODE art. 499 (Morocco).

¹⁸ PENAL CODE art. 308-5, 431-1 (Morocco).

¹⁹ Amnesty International, “Morocco: Violence against women bill needs stronger safeguards” accessed July 11, 2017 <https://www.amnesty.org/download/Documents/MDE2940072016ENGLISH.pdf>

²⁰ Communications from local Moroccan NGOs to MRA and the Advocates, May - June 2017

10. In Articles 213, 216, and 217 of the Family Code, a person with a mental disability who is not fully capable of legally exercising is described as “a demented person” and “an insane person and a person who has lost his mind.”²¹ According to Article 23, “[t]he Family Affairs Judge in charge of marriage may authorize the marriage of a mentally disabled person after presentation by one or several medical experts of a report on the state of the person’s disability”.²² Article 212 states, “The grounds for placing a person under guardianship fall into one of two categories: the first impairs a person’s capacity while the other deprives the person of capacity.”²³

III. Morocco’s Compliance with the International Convention on the Rights of Persons with Disabilities

A. List of Issues para. 7-8, Violence against women with disabilities (Article 6: Women with disabilities)

11. In para. 7 of the List of Issues (LOI) the Committee on the Rights of Persons with Disabilities (Committee) requests that the government of Morocco provide information on the measures taken to combat discrimination against women and girls with disabilities.²⁴ In LOI para. 8, in line with target 5.2 of the Sustainable Development Goals to eliminate violence against women and girls with disabilities, the government of Morocco is requested to produce data and information on gender-based violence and programs designed to protect and support women and girls with disabilities against violence.²⁵ In LOI para. 8(b), the government of Morocco is asked to “[i]ndicate the steps envisaged to enact a law on combating violence against women to include a disability perspective in the definition of violence and also address specific barriers faced by women and girls with disabilities in accessing justice.”²⁶

12. In its Replies to the LOI, the government of Morocco provides some information about multifunctional spaces to protect female victims of violence at the local level, as well as plans to relaunch partnerships with reception centers where women and girls who are victims of violence

²¹ FAMILY CODE art. 213, 216, and 217 (Morocco)

²² FAMILY CODE, art. 23 (Morocco)

²³ FAMILY CODE, art. 212 (Morocco)

²⁴ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report*, (April 20 2017), U.N. Doc. CRPD/C/MAR/Q/1, ¶ 7

²⁵ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report*, (April 20 2017), U.N. Doc. CRPD/C/MAR/Q/1, ¶ 8

²⁶ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report*, (April 20 2017), U.N. Doc. CRPD/C/MAR/Q/1, ¶ 7



received counselling and advice.²⁷ However, Morocco does not offer concrete evidence of improvements in accessibility or implementation of programs for women with disabilities despite claiming that a "gender-based approach has been made a central strategic part of the integrated public policy for the promotion of the rights of persons with disabilities, just as it has been adopted into all the procedures associated with the National Action Plan 2017-2021."²⁸

13. The government of Morocco does not provide any information about steps envisaged to enact a law on combating violence against women or including a disability perspective in the definition of violence. Further the State Replies do not provide information about how it is addressing the specific barriers faced by women and girls with disabilities in accessing justice.

1. Violence Against Women with Disabilities in Morocco

14. Morocco has begun to address the gaps in education and social integration of disabled people, yet the violence against women with disabilities remains unacknowledged and unaddressed.²⁹ Morocco lacks specific legislation to address violence against all women in Morocco and the laws that do exist provide insufficient protection.

15. According to the 2014 National Disability Survey, one in four households is affected by disability and 6.8% of the Moroccan population is disabled.³⁰ While Morocco has made strides in recent years to improve the situation of its disabled citizens, the disabled population remains vulnerable to the societal prejudices in the form of abuse, neglect, lack of accessibility, limited autonomy, illiteracy, and unemployment. In Morocco, persons with disabilities (PWDs) are considered a dishonor to the family.³¹ PWDs are often hidden away and perceived to be the

²⁷ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report of Morocco – Replies of Morocco to the list of issues* (June 7 2017), U.N. Doc. CRPD/C/MAR/Q/1/Add.1, ¶ 20 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/157/09/PDF/G1715709.pdf?OpenElement>

²⁸ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report of Morocco – Replies of Morocco to the list of issues* (June 7 2017), U.N. Doc. CRPD/C/MAR/Q/1/Add.1, ¶ 18 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/157/09/PDF/G1715709.pdf?OpenElement>

²⁹ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report of Morocco – Replies of Morocco to the list of issues* (June 7 2017), U.N. Doc. CRPD/C/MAR/Q/1/Add.1, ¶ 18 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/157/09/PDF/G1715709.pdf?OpenElement>

³⁰ Ministry of Solidarity, Women, Family and Social Development, *National Study on Disability 2014 ("Enquête nationale sur le Handicap 2014")*, February 2015, p. 28, <http://www.social.gov.ma/sites/default/files/ENPH%20Rapport%20Fr%20BAT%20OL%20.pdf>.

³¹ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017



result of a divine curse.³² The lack of education regarding disability prevents PWDs from receiving the treatment and services they need.³³ They are often treated as “second class citizens” and lack autonomy over their life trajectories.³⁴

16. As the State reports in its Replies to the LOI, 11.1% of PWD surveyed in the 2014 National Study on Persons With Disabilities reported having experienced violence as a result of their disability.³⁵ While the 2014 study included no segregation of data by sex or specific information on VAW, it reported that 51.4 % (or 1,089,699) of persons with disabilities are women. The exclusion rates from school, employment and to services are significantly higher among women with disabilities than men. 84% of women with disabilities ages 18 to 40 do not have access to education, only 2.7% are employed, and only 4.8% are affiliated with an association.³⁶

17. In general, violence against women remains a widespread problem in Morocco. A 2011 national study found that 62.8% of women in Morocco ages 18-64 had been victims of some form of violence during the year preceding the study.³⁷ Yet the First Annual Report on Violence Against Women published by the Ministry of Solidarity, Women, Family and Social Development in 2015 does not include a single reference to women with disabilities³⁸

18. Women with disabilities face compounded violence stemming from their gender and disability identities.³⁹ Exact figures concerning the violence suffered by women with

³² Global Disability Watch, *African Disability Rights Yearbook*, accessed July 11, 2017

http://globaldisability.org/wp-content/uploads/2015/11/adry_2015_3_full_text.pdf

³³ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017.

³⁴ Mouna Lahrach, *Violence à l'égard des femmes en situation de handicap: tout reste à faire*, Portail des Marocains du Monde, Dec. 22, 2015, http://www.dimabladna.ma/index.php?option=com_flexicontent&view=items&id=14149

³⁵ Ministère de la Solidarité, de la Femme, de la Famille et du Développement Social, *Enquête nationale sur le handicap* (2014), available at <http://www.social.gov.ma/fr/handicap>

³⁶ Ministère de la Solidarité, de la Femme, de la Famille et du Développement Social, *Enquête nationale sur le handicap* (2014), available at <http://www.social.gov.ma/fr/handicap>

³⁷ Moroccan Haut Commissaire au Plan, “Principaux résultats de l’Enquête Nationale sur la Prévalence de la Violence à l’Egard des Femmes (version française)”, (January 2011), available at http://www.hcp.ma/Conference-debat-consacree-a-l-etude-de-la-violence-a-l-egard-de-femmes-au-Maroc_a66.html ; see also, UN Women, “Moroccan Government Release Extensive Gender-Based Violence Study”, (10 January 2011), available at <http://www.unwomen.org/2011/01/moroccan-government-releases-extensive-gender-based-violence-study/> .

³⁸ Available at <http://www.social.gov.ma/fr/content/premier-rapport-annuel-sur-la-violence-%C3%A0-l-%C3%A9gard-de-la-femme-2015>

³⁹ Ministère de la Solidarité, de la Femme, de la Famille et du Développement Social, *Enquête nationale sur le handicap* (2014), available at <http://www.social.gov.ma/fr/handicap>



disabilities in Morocco is not available⁴⁰ and the 2014 National Survey on Disabilities does not include sex disaggregated statistics on violence.⁴¹ The Association of Parents and Friends of People with Mental Disabilities (HADAF), however, estimates that over 80% of women with mental disabilities are victims of violence in Morocco.⁴²

19. In a 2009 National Study on the Prevalence of Violence Against Women, 3% of the women surveyed reported having a motor, sensorial or mental disability.⁴³ Of the women with disabilities surveyed, 58.4% reported experiencing violence in the year preceding the study.⁴⁴ Psychological violence was the most frequently reported form (44.3%) followed by violations of individual liberty (28.4%), legal violence (19.6%), physical violence (15.1%), sexual violence (8.5%) and economic violence (7.3%).⁴⁵ 57.2% of WWD reported violence in the conjugal context, 15.9% in the family context, and 29.8% in public.⁴⁶ 61.6% of women with disabilities reporting violence in the 2009 Study lived in urban areas and 53.6% lived in rural areas.⁴⁷

2. Information From NGOs that Serve Women in Morocco

20. NGOs that serve women victims of violence generally in Morocco provided information on women with disabilities for this report. There are no specific government or NGO services for women with disabilities victims of violence, and no research has been done to date on the prevalence or nature of violence against women with disabilities or State response. Although the

⁴⁰ Wadii Charrad, *Les femmes handicapées sujettes à 3 fois plus de violence*, TelQuel, Dec. 23, 2015. http://telquel.ma/2015/12/23/les-femmes-handicapees-sujettes-3-fois-violence-dautres_1475220

⁴¹ See generally Ministry of Solidarity, Women, Family and Social Development, *National Study on Disability 2014* ("Enquête nationale sur le Handicap 2014"), February 2015, <http://www.social.gov.ma/sites/default/files/ENPH%20Rapport%20Fr%20BAT%20OL%20.pdf>.

⁴² Fondation Education et Culture, "Violence à l'égard des femmes en situation de handicap mental : tout reste à faire." Accessed July 11, 2016. http://www.dimabladna.ma/index.php?option=com_flexicontent&view=items&id=14149

⁴³ Moroccan Haut Commissaire au Plan, *Enquête nationale sur la prévalence de la violence à l'égard des femmes au Maroc 2009*", available at http://www.hcp.ma/downloads/Violence-a-l-egard-des-femmes_t13077.html

⁴⁴ Moroccan Haut Commissaire au Plan, *Enquête nationale sur la prévalence de la violence à l'égard des femmes au Maroc 2009*", available at http://www.hcp.ma/downloads/Violence-a-l-egard-des-femmes_t13077.html

⁴⁵ Moroccan Haut Commissaire au Plan, *Enquête nationale sur la prévalence de la violence à l'égard des femmes au Maroc 2009*", available at http://www.hcp.ma/downloads/Violence-a-l-egard-des-femmes_t13077.html

⁴⁶ Moroccan Haut Commissaire au Plan, *Enquête nationale sur la prévalence de la violence à l'égard des femmes au Maroc 2009*", available at http://www.hcp.ma/downloads/Violence-a-l-egard-des-femmes_t13077.html

⁴⁷ Moroccan Haut Commissaire au Plan, *Enquête nationale sur la prévalence de la violence à l'égard des femmes au Maroc 2009*", available at http://www.hcp.ma/downloads/Violence-a-l-egard-des-femmes_t13077.html



information contained here is thus necessarily anecdotal, it highlights the need for future attention. One NGO reported that 10% of the women who come to their center for assistance have a disability.⁴⁸ Another NGO reported that 20% of their clients this year alone have been women with disabilities.⁴⁹ An additional NGO reported that they see 10 to 20 cases per year of violence against women with disabilities.⁵⁰

21. The women served by reporting organizations have psychosocial, intellectual, motor, and sensorial disabilities.⁵¹ The vulnerability of these women to violence derives from their handicap as well as the associated risk factors such as lack of financial independence, physical dependence on other people, and the fact that people consider them a liability and a burden.⁵² Violence manifests in a variety of ways: assault, sexual abuse, battery, rape, bondage, expropriation of personal property, psychological violence such as threats and insults, deprivation of financial support, and being held hostage.⁵³ Many women are “abused and re-abused, most often by the people who are closest to them.”⁵⁴ Aggressors who perform these violent acts include fathers, husbands, brothers, neighbors, friends, strangers, local authorities, work colleagues, acquaintances, and family members.⁵⁵ These acts may happen in the home, remote rural areas, the street, hospitals and public administrations.⁵⁶

22. The forms of violence experienced by women can vary depending on the nature of their disability. Mentally disabled persons cannot express themselves or communicate in the same way neuro-typical people can, and are often considered “simple” by State actors.⁵⁷ Women with mental disabilities are stigmatized: hidden when there are guests and treated as servants/maids by

⁴⁸ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

⁴⁹ Communications from local Moroccan NGOs to MRA and the Advocates, May- June 2017.

⁵⁰ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁵¹ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁵² Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁵³ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁵⁴ Mouna Lahrach, *Violence à l'égard des femmes en situation de handicap: tout reste à faire*, Portail des Marocains du Monde, Dec. 22, 2015, http://www.dimabladna.ma/index.php?option=com_flexicontent&view=items&id=14149

⁵⁵ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁵⁶ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁵⁷ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017



their own families.⁵⁸ They are often subject to various forms of sexual harassment from touching and fondling to abuse as a tool of sexual training for their family.⁵⁹

23. One NGO reported helping a 15-year-old girl with psychosocial and intellectual disabilities who was victim to rape and sexual exploitation by many people in her community due to her inability to distinguish between appropriate and inappropriate behavior or report the violence.⁶⁰ As a result of the abuse, she became pregnant several times and miscarried for lack of care. She now has two children that her family provides for.⁶¹ Although the family has filed several complaints, they have been dismissed on the grounds of lack of evidence.⁶²

24. Women with motor disabilities often suffer physical abuse due to their inability to defend themselves. One woman with a motor disability suffered assault and battery, rape, and lack of financial support.⁶³ In another case reported to MRA and The Advocates, a half-paralyzed woman was kept in a well by her husband and his brothers.⁶⁴ Another woman with a motor disability reported that she was abandoned by her husband due to the high medical costs associated with her care.⁶⁵

25. The impact of violence on women with disabilities includes: psychological harm and trauma, pregnancy, depression, loss of appetite, injuries, broken bones, fear, loss of virginity, suicide attempts, child abandonment, personal abandonment, lack of financial support, deprivation of inheritance, and loss of personal property.⁶⁶ In three cases, Moroccan NGOs assisted women with disabilities who had been sexually abused—one by a relative the others by unidentified individuals—and became pregnant as a result.⁶⁷ Another woman with a motor disability was

⁵⁸ Hicham Houdaifa, *Le calvaire des femmes en situation de handicap mental*, La Vie Eco, Jan. 8, 2016. <http://lavieeco.com/news/societe/le-calvaire-des-femmes-en-situation-de-handicap-mental.html>.

⁵⁹ Hicham Houdaifa, *Le calvaire des femmes en situation de handicap mental*, La Vie Eco, Jan. 8, 2016. <http://lavieeco.com/news/societe/le-calvaire-des-femmes-en-situation-de-handicap-mental.html>.

⁶⁰ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁶¹ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁶² Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁶³ See Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

⁶⁴ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

⁶⁵ See Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017.

⁶⁶ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

⁶⁷ Communications from local Moroccan NGOs to MRA and the Advocates, May- June 2017



evicted from the conjugal home because her husband's brother did not want to live with a woman with disabilities.⁶⁸

B. List of Issues para. 15 Access to Justice (Article 13)

26. In LOI para. 15, the Committee requests that the government of Morocco indicate measures taken to ensure that persons with disabilities have effective access to justice.⁶⁹ The State report states that violence protection units are “endeavoring to ensure that persons with disabilities have access to all the services and resources provided to prevent violence and help victims to notify the competent judicial or administrative authorities of any cases of violence.”⁷⁰ The State report also brings into question the legal personhood of these women by stating that judicial or administrative authorities may be contacted in response to violence “without the need to obtain their consent if [WDVV] are in a serious condition or in a condition, such as mental disability, which prevents them from expressing their consent.”⁷¹ Given the prevailing perceptions of persons with disabilities, there is cause for concern that fully capable WDVVs may be denied the autonomy they should rightfully possess.

27. Women with disabilities victims of violence (WDVV) face a variety of barriers related to reporting the abuse, seeking assistance, and accessing justice. While the forms of abuse experienced by WDVV may vary, violence is committed in the context of a general understanding that women with disabilities cannot defend themselves and cannot report the violence to authorities or seek retribution through the justice system.⁷² Some of the obstacles to reporting stem directly from their disability.⁷³ For instance, one blind woman was raped but she could not identify her aggressor.⁷⁴ Moreover, women with psychosocial and intellectual disabilities who have been victims of abuse may not even be fully conscious of what happened to

⁶⁸ Communications from local Moroccan NGOs to MRA and the Advocates, May- June 2017

⁶⁹ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report*, (April 20 2017), U.N. Doc. CRPD/C/MAR/Q/1, ¶ 15

⁷⁰ Government of Morocco, Report Submitted by State Party Under Article 35 of the Convention to the United Nations Committee on the Rights of Persons with Disabilities (Morocco Report), (September 9, 2015), U.N. Doc. CRPD/C/MAR/1, ¶ 95.

⁷¹ Government of Morocco, Report Submitted by State Party Under Article 35 of the Convention to the United Nations Committee on the Rights of Persons with Disabilities (Morocco Report), (September 9, 2015), U.N. Doc. CRPD/C/MAR/1, ¶ 95.

⁷² Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁷³ See Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁷⁴ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017



them or they may not be able to recognize what happened to them as being abuse,⁷⁵ thereby preventing them from reporting the abuse to the police.

28. However, even when WDVV do recognize and identify what happened to them as abuse, they are at times reluctant to report the violence out of fear of the police and of the aggressor.⁷⁶ This is especially true in situations where the aggressor also happens to be the caregiver. In these cases, WDVV fear reporting the violence because of their dependence on the caregiver.⁷⁷ WDVV are afraid that if they report the violence to the police, they may face retaliation by their offender and consequently lose the needed support and care.

29. **When WDVV do report the violence to the authorities, they face considerable obstacles in accessing support and justice.** First, women with disabilities frequently face attitudinal barriers and are frequently denigrated by the police.⁷⁸ They are not taken seriously and are considered "crazy" because of their disabilities.⁷⁹ Their accounts of violence are frequently viewed by authorities as lacking credibility.⁸⁰ Further, the police may themselves be perpetrators of violence. In one instance reported to MRA and The Advocates, a police officer called a nurse and asked her to administer a tranquilizer to a woman with psychosocial intellectual disabilities to ensure that she would not disrupt a sporting event.⁸¹

30. NGOs reporting to MRA and The Advocates note that the police response to cases of violence against women with disabilities is similar to the police response to VAW cases generally—they do not consider these cases a priority and do not act on them with seriousness and rigor.⁸² In several instances, even after women victims of violence reported the abuse they suffered, the police failed to take protective measures, follow-up, take a complaint, and/or investigate the offenders.⁸³ One of the NGOs reported that they accompanied a mute woman to the police and their only response was to try to obtain an interpreter, no complaints were recorded and no protective measures were put in place.⁸⁴

⁷⁵ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁷⁶ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁷⁷ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁷⁸ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁷⁹ Mouna Lahrach, *Violence à l'égard des femmes en situation de handicap: tout reste à faire*, Portail des Marocains du Monde, Dec. 22, 2015, http://www.dimabladna.ma/index.php?option=com_flexicontent&view=items&id=14149

⁸⁰ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁸¹ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁸² Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁸³ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁸⁴ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017



31. Furthermore, WDVV also experience challenges in communicating and describing the harm they suffered, which in turn prevents them from reporting the violence they experienced.⁸⁵ Communication challenges arise from the fact that, depending on the nature of their disability, WDVV may have a hard time denouncing the violence, may not be able to speak or may not necessarily have the same codes of communication (e.g. sign language) to convey the harm they experienced.⁸⁶ Most often, WDVV need someone to accompany them to help communicate with the police for them.⁸⁷ These challenges highlight the need for police stations to be staffed with people who can speak sign language.⁸⁸ Currently, police stations are insufficiently and inadequately staffed, resourced, or equipped to properly receive women with disabilities victims of violence. WDVV also face barriers such as lack of physical accessibility of police stations for PWD and difficulty traveling to police stations given their limited mobility and autonomy.⁸⁹ The geographical distribution of police stations, especially for women living in rural areas, is also a barrier to accessing justice.⁹⁰

32. No special units exist for WDVV at police stations and no specific procedures or services exist for WDVV for investigating the offenders.⁹¹ Likewise, there are no protective measures in place for victims.⁹² WDVV also face information accessibility barriers to justice.⁹³ Knowledge of the law and of rights under the law is essential to accessing justice. Unfortunately, however, women with disabilities often lack information and knowledge of the law and of their rights under the law.⁹⁴ As a result of this gap in knowledge, women with disabilities do not know how to access justice or do not even realize that their rights have been violated.⁹⁵

33. WDVV also face information accessibility barriers to justice.⁹⁶ Knowledge of the law and of rights under the law is essential to accessing justice. Unfortunately, however, women with disabilities often lack information and knowledge of the law and of their rights under the law.⁹⁷

⁸⁵ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁸⁶ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁸⁷ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁸⁸ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁸⁹ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁹⁰ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁹¹ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁹² Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

⁹³ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

⁹⁴ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

⁹⁵ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

⁹⁶ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

⁹⁷ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017



As a result of this gap in knowledge, women with disabilities do not know how to access justice or do not even realize that their rights have been violated.⁹⁸

34. Very similar barriers exist with respect to prosecutor and court responses to cases of violence against women with disabilities. There are no specialized services for WDVV.⁹⁹ There are also problems pertaining to accessibility of buildings (e.g. courthouses, etc.) as well as obstacles pertaining to communication.¹⁰⁰ Minimum conditions such as sign language interpreters, psychiatrists, and private hearings are not available.¹⁰¹ The absence of accommodations for women with disabilities is a significant barrier to accessing justice and may prevent them from seeking justice.

35. Additionally, no specific procedures or services for WDVV exist—prosecutors treat cases of WDVV like all other VAW cases.¹⁰² Moreover, the judicial procedures currently in place are too complicated and lengthy and the laws that do exist are not applied against violent offenders.¹⁰³ As a result of these significant barriers and severe shortcomings, most women with disabilities victims of violence lose trust and confidence in the justice system.¹⁰⁴ Additionally, no procedures exist for interviewing persons with disabilities for investigations or trials, or assessing capacity to testify or anything else that could be relevant for evidentiary purposes related to the issue of a PWD’s capacity.¹⁰⁵

36. In one notable example provided by an NGO, a woman with intellectual, psychosocial, and motor disabilities who had been raped was brought to a court hearing by her legal guardian in her wheelchair, only to find that the building was not accessible for wheelchairs.¹⁰⁶ When the judge called her, she saw the offender and became upset and attempted to communicate the violence she endured to the judge.¹⁰⁷ However, the judge did not pay attention and continued to summon witnesses who were not present, resulting in the postponement of the hearing.¹⁰⁸ The women’s

⁹⁸ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

⁹⁹ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

¹⁰⁰ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

¹⁰¹ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

¹⁰² Communications from local Moroccan NGOs to MRA and the Advocates, May- June 2017

¹⁰³ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

¹⁰⁴ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

¹⁰⁵ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

¹⁰⁶ Communications from local Moroccan NGOs to MRA and the Advocates, May- June 2017

¹⁰⁷ Communications from local Moroccan NGOs to MRA and the Advocates, May- June 2017

¹⁰⁸ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

guardian protested, citing the difficulties in attending the hearing and the expenses they had incurred to follow through the case.¹⁰⁹

C. List of Issues para. 17(b) Forced sterilization (Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment)

37. In List of Issues para. 17, the Committee asks the government of Morocco to describe efforts to adopt legislation to protect women with disabilities from forced sterilization.¹¹⁰ While Morocco affirms the right for reproductive health for women with disabilities and the need for preventive measures and access to specialized care,¹¹¹ no advancements have been made to date in Morocco to enforce these rights.

D. List of Issues para. 18 Freedom from exploitation, violence and abuse (Article 16)

38. In List of Issues para. 18 the Committee asks the government of Morocco to provide statistics regarding violence against persons with disabilities committed in hospitals, disaggregated by sex and age, and provide information on the services in place to assist with recovery and social reintegration of victims of violence with a focus on women and girls.¹¹² In para. 19, it also asks for Morocco to provide information on trainings on violence and abuse identification given to family members of PWDs and to healthcare and law enforcement officials.¹¹³

39. Morocco cites the Government Plan for Equality 2012/2016 measures for fighting discrimination and violence against women which include the creation of “multifunctional spaces,” that “offer guidance and provide legal and social services and psychological support for women with disabilities who are victims of violence”.¹¹⁴

¹⁰⁹ Communications from local Moroccan NGOs to MRA and the Advocates, May-June 2017

¹¹⁰ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report*, (April 20 2017), U.N. Doc. CRPD/C/MAR/Q/1, ¶ 17

¹¹¹ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report*, (April 20 2017), U.N. Doc. CRPD/C/MAR/Q/1, ¶ 18

¹¹² Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report*, (April 20 2017), U.N. Doc. CRPD/C/MAR/Q/1, ¶ 18

¹¹³ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report*, (April 20 2017), U.N. Doc. CRPD/C/MAR/Q/1, ¶ 19

¹¹⁴ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report of Morocco – Replies of Morocco to the list of issues* (June 7 2017), U.N. Doc. CRPD/C/MAR/Q/1/Add.1, ¶ 20 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/157/09/PDF/G1715709.pdf?OpenElement>

40. In reality, NGOs report that while three such centers were created in Meknes, El Hajeb, and Essaouira., they are suffering from a lack of budget resources and are not functional, and the 40 more centers announced remain to be established. The supervision of these has recently been delegated to the Entraide nationale, under the authority of the MSFFDS, and several NGOs interviewed questioned the technical capacity and resources of the Entraide to run such centers. The EMF are intended to provide training, orientation and assistance, and lodging for all women victims of violence, and it is not clear whether the specifications notes for these include women with disabilities.¹¹⁵

41. In terms of trainings, Morocco describes these to be more focused on disability prevention and treatment rather than prevention of violence and abuse.¹¹⁶

42. No specialized healthcare or other services exist for WDVV.¹¹⁷ There is a lack of psychiatrists and in the case of intellectual and psychosocial disabilities, victims are directed to mental health hospitals.¹¹⁸ Similar barriers apply to healthcare accessibility as to justice accessibility such as lack of knowledge to their right to health, lack of accessibility to hospitals, illiteracy, difficulty communicating their needs, and mistreatment by hospital staff who denigrate them and harm their dignity.¹¹⁹ Pregnancies resulting from rape are also often perceived as a family affair and thus WDVV do not seek special health services.¹²⁰ Additionally, WDVV may face financial difficulties due to the higher vulnerability to poverty of PWD.

43. Women with disabilities who have become pregnant as a result of rape cannot seek legal abortions due to the restrictions of the penal code. The State report notes that “the sixth annex to the guidelines on the prevention of pregnancy resulting from an act of violence contains a technical note recommending the urgent prescription of contraceptive pills to be taken within 72 hours from the time of occurrence of the act with a view to protecting the victims from abortion

¹¹⁵ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

¹¹⁶ Committee on the Rights of Persons with Disabilities, *List of issues in relation to the initial report of Morocco – Replies of Morocco to the list of issues* (June 7 2017), U.N. Doc. CRPD/C/MAR/Q/1/Add.1, ¶ 20 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/157/09/PDF/G1715709.pdf?OpenElement>

¹¹⁷ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

¹¹⁸ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

¹¹⁹ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017

¹²⁰ Communications from local Moroccan NGOs to MRA and the Advocates, June 2017



and its consequences.”¹²¹ In Morocco, however, abortion remains illegal unless it is deemed necessary to protect the mother’s health.¹²² In addition, the husband’s authorization is required, except in cases where the mother’s life is in danger. In the absence of spousal authorization, the doctor must seek written permission from the Chief Medical Doctor in the district before performing the abortion.¹²³ Abortion is not legally permitted in cases of rape or incest, foetal impairment, for economic or social reasons, for women suffering from any type of impairment, or simply upon request. Moroccan laws also punish a woman who has an abortion (or attempts to)¹²⁴ as well as anyone who is deemed to have incited an abortion through public statements or distribution of written or visual materials.¹²⁵

IV. Recommendations

44. The Advocates for Human Rights and Mobilising for Rights Associates recommend that the Government of Morocco:

- Conduct in-depth specific research to collect and publish statistics on the forms, prevalence, cost and consequences violence against women with disabilities by ensuring the disaggregation of current data collection efforts on generalized people with disabilities and on violence against women;
- Revise the draft VAW bill 103-13 currently in front of Parliament to include specific sections for the protection and services for WDVV, included but not limited to:
 - Forms of violence against WDVV;
 - Provisions for specific units, procedures, services and accessibility to State services, including law enforcement, justice system and health sectors;

¹²¹ Government of Morocco, Report Submitted by State Party Under Article 35 of the Convention to the United Nations Committee on the Rights of Persons with Disabilities (Morocco Report), (September 9, 2015), U.N. Doc. CRPD/C/MAR/1, ¶ 110.

¹²² PENAL CODE art. (449-452) (Morocco) (Articles 449-452 of the Moroccan Penal Code punish performing an abortion with 1 – 5 years imprisonment (doubled if the person performing the abortion habitually does so), and medical professionals may also be barred from exercising their profession temporarily or permanently. In 2008, 12 doctors were imprisoned under these provisions of the Penal Code. « Réformer l’Interruption Médicale de Grossesse... pour en finir avec l’avortement clandestine, » *Femmes du Maroc*, No. 160, April 2009).

¹²³ PENAL CODE art. 453 (Morocco).

¹²⁴ PENAL CODE art. 454 (Morocco) (Article 454 of the Moroccan Penal Code provides for a prison term of 6 months to 2 years a woman who has or attempts to have an abortion).

¹²⁵ PENAL CODE art. 455 (Morocco) (Article 455 of the Moroccan Penal Code punishes a host of such acts with a 2 month to 2 year prison sentence).



- Provide specialized training to these State actors on the VAW with disabilities and incorporate accountability mechanisms for to prevent and punish discriminatory practices.
 - Revise the current Penal Code and Penal Procedure Codes on evidentiary requirements in criminal cases to allow WDVV to better report and prove violence;
 - Revise the current laws on informed consent to treatment and to launch legal proceedings;
 - Include preventive and protective measures;
 - Ensure recovery and rehabilitation services for WDVV.
- Strengthen the police response to violence against women with disabilities by:
 - establishing specialized police units that can be mobilized to properly investigate cases of WDVV at the scenes of the crime.
 - providing specialists in dealing with women with disabilities in all institutions;
 - providing private spaces to receive women and guarantee accessibility of all spaces;
 - accelerating procedures and manage the files with privacy;
 - requiring police to search and gather evidence rather than asking the women to bring it;
 - reevaluating the procedures such as the number of times a victim has to go to the police stations or other institutions, the number of hearings in courts, etc;
 - provide adequate funding so that women do not have to pay for the costs of the justice system.
 - Improve the justice system response to cases of VAW with disabilities by:
 - Creating a specialized public prosecutor to investigate these specific cases;
 - Providing in-court specialists to deal with women with disabilities;
 - Guaranteeing court accessibility;
 - Providing private spaces to receive women; and
 - Simplifying the process to reduce the number of times a victim has to go to police stations, hearings in the courts, places of interviews and hearings, and the length of time to investigate and prosecute a case.
 - Health services should guarantee priority treatment for WDVV, exonerate them from all costs, provide specialized services in the hospital adapted for each form of disability,



develop comprehensive health coverage, strengthen communication within and between hospitals, and simplify information to make it accessible for all disabled peoples.

- Collaborate with civil society organizations to conduct a comprehensive public awareness-raising campaign to educate the public about the violence against women, with a focus on women with disabilities, and combat stereotypes, negative societal representations, and other forms of discrimination.