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The Legal and Legislative Frameworks for Persons with Disabilities in Morocco: A Critical Analysis of International Commitments and National Implementation

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ABSTRACT: This paper discusses the current development of law and legislation on the rights of persons with disabilities in Morocco, focusing on how these rights are aligned with international requirements and the performance of the country. Since its ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2009, Morocco has undertaken large-scale constitutional, legal, and policy reforms. In 2011, the supremacy of ratified international treaties over national legislation was provided in the Constitution, which created a normative precedence in favor of disability rights. The present paper critically analyzes Morocco's multi-level normative framework in terms of constitutional provisions (especially Article 34), sectoral laws (Law 05.81, Law 07.92, Law 10.03), the 2016 cross-sectoral framework law (Loi-cadre n° 97-13), ministerial decisions, and the Strategic Action Plan, drawing on the national disability survey of 2014. The discussion demonstrates that there has been advancement in legislative acknowledgment of the legal status of disability rights and that persistent implementation gaps remain, especially in inclusive education, reasonable accommodation, and accessibility. With reference to the CRPD framework and SDG 4, this paper argues that Morocco's legal framework needs reinforced enforcement mechanisms, data collection, and inter-agency coordination for monitoring, as required under Article 33 of the CRPD.

KEYWORDS: Disability rights, Moroccan constitutional law, CRPD implementation, inclusive education, reasonable accommodation, accessibility legislation

1. INTRODUCTION

Since the early 2000s, the disability rights paradigm inside the United Nations system has experienced a significant shift from a medical-social model to a human rights-based approach (Nations Unies, 2006). Morocco has been proactive in engaging with this international human rights infrastructure, ratifying the core agreements and embedding this commitment in its constitutional requirements. The 2011 Constitution represented a turning point, stipulating that international conventions approved by Morocco take precedence over national legislation (Royaume du Maroc, 2011). This hierarchical norm generates obligatory responsibilities to reconcile domestic legislation with international standards.

Institutional measures for the promotion of social and economic integration have a specific target group: persons with disabilities. Morocco has built a multi-level normative framework which includes: (a) constitutional texts calling on governments to improve school inclusion; (b) regulatory legal requirements; and (c) directive memoranda which define conditions for the reception and education of persons with disabilities. This article offers a thorough study of this paradigm, considering the consistency between international commitments and national implementation.

This legal analysis is one of three related studies examining Morocco's national inclusive-education architecture from complementary angles. Two companion papers analyze the operational guides through which the Ministry of National Education translates this legal framework into school-level practice: one focused on the 2019 guide for school directors, and one on the 2019 guide for classroom teachers (Boukhari & Lahmiyed, 2026-a, 2026-b). Where those companion studies examine how the legal and human-rights commitments discussed below are operationalized into leadership competencies and classroom pedagogy, the present paper concentrates on the underlying constitutional, legislative, and regulatory architecture itself.

2. THE INTERNATIONAL LEGAL FRAMEWORK

2.1 The Convention on the Rights of Persons with Disabilities

The CRPD was adopted by the UN General Assembly on December 13, 2006 and opened for signature on March 30, 2007 (Nations Unies, 2006). On 14 April 2009, Morocco ratified the Convention and its Optional Protocol, which were published in the Official Bulletin, Dahir No. 1-08-143, on 2 August 2011 (Royaume du Maroc, 2011). The Optional Protocol establishes an individual petition procedure allowing individuals to file direct petitions to the Committee on the Rights of Persons with Disabilities.

The obligations of States Parties are set out in Article 4 of the CRPD, which requires the adoption of legislative measures in conformity with the Convention. This provision serves as the legal basis for combatting disability-based discrimination and operationalizing political, economic, social, and cultural rights (Nations Unies, 2006). The Convention innovatively establishes three foundational ideas: discrimination on the basis of disability, reasonable accommodation, and universal design (Articles 1 and 2). Article 3 sets out general principles such as respect for inherent dignity, non-discrimination, full participation, accessibility, equality of opportunity, and respect for evolving capacities.

Articles 5 through 10 describe particular obligations of States Parties, and Articles 11 to 30 describe substantive enforceable rights. Article 31 specifically requires the collection of data and statistics for the formulation and implementation of policies. Article 32 addresses international cooperation, and Article 33 sets out national structures for implementation and monitoring. The Convention establishes a Committee on the Rights of Persons with Disabilities (Article 34) and periodic reporting requirements (Articles 35-40).

2.2 The Convention on the Rights of the Child (1989)

Article 23 of the Convention on the Rights of the Child specifically addresses children with disabilities, requiring States Parties to recognize the right of mentally or physically disabled children to enjoy a full and decent life in conditions ensuring dignity, promoting self-reliance, and facilitating active community participation (Nations Unies, 1989). The provision mandates that assistance be provided free of charge whenever possible, considering parents' financial resources, and aims to ensure effective access to education, training, health care services, rehabilitation services, employment preparation, and recreational opportunities.

2.3 Sustainable Development Goal 4 (2030 Agenda)

The 2030 Agenda for Sustainable Development includes explicit disability-inclusive targets under SDG 4, which aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all (Nations Unies, 2015). Specific targets relevant to disability include: ensuring access to quality early childhood development and pre-primary education (Target 4.2); substantially increasing the number of youth and adults with relevant skills for employment (Target 4.4); eliminating disparities and ensuring equal access to all levels of education for vulnerable persons including persons with disabilities (Target 4.5); and building disability-sensitive educational facilities that provide safe, non-violent, inclusive learning environments (Target 4.a).

3. THE NATIONAL LEGAL FRAMEWORK

3.1 Constitutional Provisions

The Preamble of Morocco's 2011 Constitution prohibits and combats all forms of discrimination based on disability (Royaume du Maroc, 2011). This prohibition is reinforced by Articles 19, 31, and 34. Article 19 guarantees that all citizens are equal before the law. Article 31 secures the right to quality, accessible education. Article 34 is particularly important in that it requires public bodies to formulate and implement policies concerning persons with disabilities. This provision specifically provides for:

Addressing and preventing precarious situations affecting women, mothers, children, and the elderly;

Rehabilitating persons with physical, sensory-motor, or mental disabilities and integrating them into social and civic life;

Facilitating their enjoyment of rights and freedoms recognized for all citizens (Royaume du Maroc, 2011).

3.2 Sectoral Legislation

Several provisions that predate the 2011 Constitution remain in force addressing disability rights. Law No. 05.81 concerning social protection for blind and visually impaired persons (July 7, 1982) stipulates in Article 11 the integration of children with mild or moderate disabilities of school age into general education institutions and vocational training establishments, either in regular classes or specialized integrated classes (Royaume du Maroc, 1982).

Law No. 07.92 concerning social protection for persons with disabilities (October 10, 1993) provides that persons with disabilities shall receive education and vocational training in regular educational and training institutions whenever possible (Royaume du Maroc, 1993).

Law No. 10.03 on accessibility (May 12, 2003) requires, in Article 12, the allocation of a percentage of educational institution seats for persons with disabilities (Royaume du Maroc, 2003).

3.3 The 2016 Framework Law (Loi-cadre n° 97-13)

The most significant instrument in Morocco's disability rights architecture is Loi-cadre n° 97-13 relative à la protection et à la promotion des droits des personnes en situation de handicap, adopted by Parliament on April 27, 2016 and published in the Bulletin Officiel on May 19, 2016 (Royaume du Maroc, 2016). Unlike Laws 05.81, 07.92, and 10.03, which predate the 2011 Constitution and address specific populations or domains, this framework law is explicitly grounded in Articles 34 and 71 of the 2011 Constitution and in Morocco's CRPD ratification, and it consolidates the state's disability rights obligations into a single cross-sectoral instrument. It establishes a general definition of disability, articulates state objectives across social protection, health coverage, education, employment, and accessibility, and, under Article 25, creates a national oversight commission for monitoring implementation.

The framework law is the central piece of domestic legislation that the constitutional supremacy clause discussed in Section 3.1 was designed to produce: it translates the CRPD's cross-sectoral logic into a single coordinating instrument rather than leaving disability rights distributed across the sector-specific laws of 1982, 1993, and 2003. Its adoption five years after the 2011 constitutional reform, and nearly seven years after ratification of the CRPD, is itself indicative of the implementation lag documented further in Section 5.2, and it now provides the overarching statutory umbrella under which the sectoral education provisions discussed below, and the ministerial memoranda discussed in Section 4, operate.

3.4 The Strategic Action Plan (2014)

Following the 2014 national disability survey, Morocco adopted a strategic action plan for the social inclusion of persons with disabilities based on several components: establishing a comprehensive, integrated legislative framework to promote disability rights; addressing precarious situations affecting vulnerable groups; rehabilitating and integrating persons with disabilities into social and economic life; and strengthening civil society's role in advancing disability rights (Royaume du Maroc, 2014).

3.5 The Strategic Vision for Education Reform (2015-2030)

The fourth lever of the Strategic Vision addresses securing the right to education and training for persons with disabilities and those in special situations (Royaume du Maroc, 2015). The Vision calls for state action to guarantee quality education and training through: integrating children with disabilities into schools to end exclusion and discrimination, considering disability type and ensuring necessary resources; developing a national plan for implementing inclusive education covering teachers, curricula, pedagogical approaches, assessment systems, and didactic supports; training competent teachers in inclusive education and incorporating it into continuing education programs; adapting examinations and testing conditions; strengthening partnerships with health authorities and civil society to establish multidisciplinary health units; and combating negative representations and stereotypes about disability through values and human rights education.

4. REGULATORY MEMORANDA AND IMPLEMENTING DIRECTIVES

Morocco's Ministry of National Education has issued numerous ministerial memoranda to operationalize inclusive education. Key instruments include:

Memorandum No. 10 (February 16, 1998) concerning implementation procedures for the third section of Decree No. 2.97.218 regarding Laws 05.81 and 07.92 (Ministère de l'Éducation Nationale, 1998).

Memorandum No. 104 (September 28, 1998) on integrating children with disabilities into the first cycle of basic education, granting all children with mild and moderate disabilities the right to enroll in public schools in regular or integrated classes (Ministère de l'Éducation Nationale, 1998).

Memorandum No. 008 (April 7, 2000) requiring all central service directors to consider students with disabilities and respond to their specific needs when developing sectoral programs concerning accessibility, equipment, educational supervision, curricula, and other areas (Ministère de l'Éducation Nationale, 2000).

Joint Circular No. 130 (October 12, 2004) between the Ministry of National Education and the Secretariat of State for Family, Childhood, and Disability Integration addressed school entry procedures for children with special needs, establishing provincial committees to examine enrollment files, conducting awareness campaigns, establishing criteria for selecting teachers for integrated classes, and specifying integrated classroom specifications (Ministère de l'Éducation Nationale & Secrétariat d'État chargé de la Famille, de l'Enfance et de l'Intégration des Personnes Handicapées, 2004).

Memorandum No. 89 (August 19, 2005) on the 2005/2006 school entry, prioritizing children with special needs through positive discrimination by opening additional integrated classes based on expressed needs and international technical standards (approximately 10 students per integrated class) (Ministère de l'Éducation Nationale, 2005).

Memorandum No. 143 (October 13, 2009) on educating persons with special needs, aiming to achieve equal opportunities for school-aged children, particularly improving appropriate educational, social, and health services to enable children and youth with disabilities to exercise their right to education at all levels (Ministère de l'Éducation Nationale, 2009).

Memorandum No. 3-2274 (April 30, 2013) concerning organizational procedures for adapting continuous assessment and certification examinations for students with disabilities facing writing and speech difficulties, ensuring this population's right to continue in educational institutions by accommodating examination conditions appropriate to their needs (Ministère de l'Éducation Nationale, 2013).

Joint Circular No. 14.721 (June 25, 2014) between the Ministry of National Education and the Ministry of Health activating and supporting the role of regional medical committees and provincial committees responsible for reception, guidance, and follow-up in special needs education, facilitating timely study of enrollment files and establishing coordination mechanisms for diagnosis, guidance, and monitoring (Ministère de l'Éducation Nationale & Ministère de la Santé, 2014).

Memorandum No. 18/88 (March 29, 2018) encouraging education of children with disabilities in private school institutions (Ministère de l'Éducation Nationale, 2018).

Memorandum No. 18/79 (May 23, 2018) concerning procedures for adapting the baccalaureate examination for candidates with disabilities (Ministère de l'Éducation Nationale, 2018).

5. ANALYSIS AND DISCUSSION

5.1 Normative Coherence and Gaps

Morocco's legal framework demonstrates substantial formal alignment with international standards. The constitutional supremacy of ratified treaties (Royaume du Maroc, 2011) offers a legal basis for the direct invocation of CRPD provisions before national courts. But implementation remains inconsistent. The CRPD's requirement of reasonable accommodation (Nations Unies, 2006, Article 2) demands personalized changes that do not impose a disproportionate or undue burden, a norm that requires case-by-case evaluation that Morocco's regulatory system has not yet fully operationalized.

5.2 The Implementation Deficit

Persistent problems with inclusive pedagogies, inadequate accessible infrastructure, limited access to assistive technologies, weak coordination across the education, health, and social sectors, and incomplete data collection systems continue despite the many ministerial memoranda issued between 1998 and 2018, notwithstanding the data-collection obligation of CRPD Article 31 (Nations Unies, 2006). The fact that memoranda addressing similar issues have been reissued repeatedly suggests entrenched structural obstacles rather than a simple shortage of regulation. A 2019 national evaluation of Morocco's model for educating children with disabilities reached a comparable conclusion, finding that ministerial and legislative guidance had outpaced ground-level capacity, particularly around teacher preparation and inter-sectoral coordination between education and health services (Instance Nationale d'Évaluation, 2019).

This pattern is consistent with companion analyses of the 2019 operational guides for school directors and classroom teachers, which similarly find that infrastructure, resourcing, and teacher training, rather than the guides' conceptual or pedagogical frameworks, constitute the primary barriers to implementation at the school level (Boukhari & Lahmiyed, 2026-a, 2026-b). Read together, the three studies suggest that Morocco's

implementation deficit is best understood as a single, multi-level gap that runs from statute through ministerial guidance down to classroom practice, rather than as a set of unrelated shortfalls at each level.

5.3 Monitoring Mechanisms

Article 33 of the CRPD requires States Parties to designate one or more focal points within government for matters relating to implementation and to establish an independent monitoring mechanism (Nations Unies, 2006). Morocco has designated the Ministry of Solidarity, Social Integration and Family as its focal point, with the National Human Rights Council (CNDH) serving as the independent monitoring mechanism. Nevertheless, coordination among sectoral ministries and the effective involvement of persons with disabilities through their representative organizations still need to be strengthened.

6. CONCLUSION

Morocco has developed an elaborate legal and policy framework on the rights of persons with disabilities, supported by constitutional provisions that accord precedence to international treaty obligations over domestic law. Ratification of the CRPD in 2009 and the supremacy clause in the 2011 Constitution provide substantial legal grounds for advancing disability rights. The national legal framework combines sector-specific laws with the 2016 cross-sectoral framework law, and the Strategic Vision for Education Reform (2015-2030) articulates a clear commitment to inclusive education.

Nevertheless, the proliferation of ministerial memoranda—more than fifteen significant instruments between 1998 and 2018—points to a pattern of recurring directives issued to address ongoing implementation difficulties. Going forward, Morocco should focus on: (1) operationalizing reasonable accommodation through clear guidelines and dedicated funding mechanisms; (2) strengthening the national data collection system as required under CRPD Article 31; (3) improving coordination among the monitoring bodies established under Article 33; (4) investing in pre-service and in-service teacher training for inclusive education; and (5) ensuring the meaningful participation of persons with disabilities and their representative organizations in the development and evaluation of policy.

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