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Disability and inclusion of persons with autism spectrum disability –example of Tetouan–

DISCAPACIDAD E INCLUSIÓN DE LAS PERSONAS CON TRASTORNO DEL ESPECTRO AUTISTA –EJEMPLO DE TETUÁN–

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ABSTRACT

The condition of Persons in the Situation of Disability (PSD) due to mental, physical or visual deficiency, whether permanent or temporary, is pertinent. For this reason, the article studies this topic to highlight its dimensions and the suffering of these persons. It also discusses the social situation of these persons and their capacity for inclusion based on Functional Capacity. The theme of "Autism" has been chosen to be able to narrow down the scope of this inquiry. To conduct this research, the historical method has been adopted to study the development of the term "Disability", as well as the analytical and critical method to study the social behavior of this group and the legal texts related to it. The study stresses the need for paying attention to the words used to describe PSD. Also, as their right to social inclusion and their enjoyment of the Functional Capacity in the presence of a supportive decision.

PALABRAS CLAVE

Disability
People with PSD
Legal capacity
Functional capacity
Inclusion in society

RESUMEN

La condición de las personas en estado de discapacidad por deficiencia mental, física o visual, que sea permanente o temporal, representa un problema para las sociedades. Por eso, este artículo estudia este tema con el objetivo de resaltar sus dimensiones, discutir la situación social de estas personas y su capacidad de inclusión a partir de la capacidad de obrar. Se ha elegido el término "autismo" para poder controlarlo. Para elaborar esta investigación, se ha adoptado la metodología histórica para estudiar el desarrollo del término "discapacidad", la metodología analítica y crítica al estudiar el comportamiento social en frente de las personas con discapacidades, así como al estudiar los textos legales relacionados con ellos. Hay una necesidad de prestar atención a las palabras utilizadas hablando de ellos o con ellos, sus derechos a la inclusión social y disfrutar de la elegibilidad para actuar con la presencia de una decisión de apoyo.

KEYWORDS

Discapacidad
Personas con TEA
Capacidad jurídica
Capacidad de obrar
Inclusión en la sociedad

SUMMARY

I. INTRODUCTION

Disability is a part of the human condition; sometimes it is temporary, and other times it is permanent. Thus, the issue of Persons in the Situation of Disability (PSD) is critical. Statistics, although not accurate, show that many people are suffering from this disability. UNICEF (2021), in its report, indicates that there are almost 240 million children with disability in the world[1]. Therefore, the whole world should contribute to finding solutions for the well-being of Persons in State of Disability (PSD).

There are conventions on the welfare of the PSD so that they can enjoy life without being exposed to any kind of discrimination. The topic deserves to be studied from psychological, legal, and social perspectives in order to develop an integrated vision to ensure the rights of the PSD people through the awareness of society. On the one hand, defending their rights will improve their psychological, economic, and social conditions. On the other hand, it will allow them to express themselves and raise the flags of their legitimate right to defend their rights.

Persons with Autism Spectrum Disability (ASD) are suffering too much because the autism spectrum is a new topic that needs a lot of research to better understand it, indicate its real causes, and even find solutions to it. Associations and organizations dealing with the autism spectrum provide people who suffer from this disability with help and support for their families. Together, we hope that we make their lives better.

Previously, PSD and ASD were considered a weakness with a low level of rights, but this has already been improved thanks to the awareness of families, whose children suffer from this condition, and the efforts of several associations dealing with ASD. For instance, the Center for persons with ASD in Tetouan and other centers dealing with disability in general.

This article presents the issue of the term "Disability" criticizing the way society thinks of and acts toward persons with PSD, intending to defend their rights to inclusion as human beings. To achieve this objective, this article is focused on the following:

— Inform about Disability and the vision of society to PSD people throughout history.
— Analyze the data that are related to the PSD and ASD people to finally show the serious consequences of using the words that give birth to discrimination.

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[1] https://www.unicef.org/es/comunicados-prensa/casi-240-millones-ninos-con-discapacidad-mundo-segun-analisis-estadistico.

— Indicate that Persons with ASD have Functional Capacity with the help of supportive decisions. In some cases, persons with ASD need extra support.

Therefore, we have to ask ourselves about:

> To what extent is it possible to talk about the dignity, the right to Legal Capacity, and the inclusion of people with ASD?

In this article, we will focus on the terms "Disability" and "Autism Spectrum", in their historical evolution and society's behavior toward Persons with Autism Spectrum Disability. In addition, the issue of persons with disability's total inclusion represents the goal of the efforts of national and international associations and organizations.

II. THE ISSUE OF THE TERM "PERSONS WITH SPECIAL NEEDS"

An important topic that floats in the dialogue scene: What term do we use to talk about handicap? In addition, what is the influence of that term on the handicapped?

The nomenclature of people in the State of Disability has evolved, and the nature of human thinking and its judgments are the fruit of attitudes towards others. The nomenclature changes over time, which means that it may change in the future. As a result, this pushes us to take a look at the evolution of the term.

In Greek thought, disability was considered a pious punishment for perversion and the moral deviation of society[2] and weakness that must be eliminated. According to Platon (374 A.J): "As for those, whose body is poorly built, they will be left to die and those whose soul is undesirable will be punished with death"[3]. This is also mentioned by Aristotle (322 A.J) who said: "As for the education and the upbringing of children, there must be a law prohibiting the upbringing of any defective"[4]. The first text explicitly states that persons with disabilities should be eliminated, while the second warns them to avoid being taken care of by the law, which requires their total abandonment from an early age, which will result in inevitable death.

This inferiority of the persons with disability in the eighteenth-century Western society is evident in the writings of some writers, such as the French writer Victor Hugo (1802) who shows the persons with disability as bad or pathetic. Society also regarded them as an undesirable group of people.

However, this view has been changed thanks to the new trend in the Age of Light. Its pioneers deduced that human beings are equal and that people with disabilities possess abilities that those who are not disabled do not, which is evident in the writings

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[2] Striker, H.: *Aspects socio-historiques du handicap moteur*, Source: «Deficiences motrices et situations de handicaps», 2002, p. 39.

[3] Platón**:** *Diálogos*, UNAM, edición 1, 1921, México, reimpresión 1, 1988, p. 489.

[4] Aristóteles: *Política* (Introducción, traducción y notas de Manuela García Valdés), Gredos, Madrid. España, 1988, pp. 447-448.

of Denis Diderot (1784), in his letters on the blind[5], the deaf and dumb[6], showed that they were capable of creating and innovating, and those disabilities did not stand on their way.

On this basis, there was a trend in caring for and providing persons with disability with the necessary supplies to help them rehabilitate. Thus, the alternative organ industry has been taken care of for the benefit of these people and the establishment of Rehabilitation Centers, especially after the world war.

Therefore, disability is considered as a personal issue in need of support; it is a physical issue that needs treatment and rehabilitation.

Due to the criticism of this trend, the concept of "People with Disabilities" evolved. Therefore, society is considered responsible for the issue of disability and is obliged to modify its system to make it easy for such people to rehabilitate. For that reason, calling them People with Disabilities began. In fact, they are people like anyone else, but this does not mean denying the existence of the disability; it is rather focusing on his humanity from the legal point[7].

Thus, the definition of disability changed and included Persons in a Situation of Disability (PSD) either permanent or temporary with the loss of an organ, a psychological, mental, or visual condition. This definition has been adopted by countries, reflected in the established laws, as it is applied in the international laws on the rights of people with disabilities. The Kingdom of Jordan established in Law No. 20 of 2017, the Law on the rights of persons with disabilities[8]:

> "A person with a disability is defined as a person who has a long-term physical, sensory, intellectual, mental, psychological or neurological impairment, which, as a result of interaction with other physical and behavioral barriers, may hinder performance by such person of one of the major life activities or hinder the exercise by such person of any right or basic freedom independently".

While article 2 of title I of Law No. 92-07 on the social welfare of persons in State of Disability of Morocco states that:

> "Any person who finds himself in a situation of permanent or accidental disability or obstruction resulting from the failure or inability to perform his vital functions shall be considered a person with a disability within the meaning of this Law; it does not matter if this person is a child or a person who becomes disabled afterward".

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[5] Diderot, D.: *Lettre sur les aveugles a l'usage de ceux qui voient* (œuvres complets de Diderot, Paris, 1875), Londres, 1749, pp. 279-342.

[6] *Ibid.*, pp.347-428.

[7] Grant, C.: «The Social Model of Disability», *Scottish Accessible Information Forum (SAIF)*, 2009, pp: 6-29, Ennuyer, B.: «Définir le handicap: une question sociale et politique?», *Ethics, Medicine and Public Health*, 2015, 1/ 306-311. The principles of human rights, the International Convention signed by Morocco on 30 march 2007 and ratified by Morocco, its Optional Protocol on April 8, 2009, and the Constitution of the Kingdom of Morocco for the year 2011 in articles 31 and 34.

[8] https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/108108/133442/F1646503428/20-2017%20eng%20.pdf.

It was subsequently amended by Law No. 97-13:

> "The meaning of this Law is the framework for a person in a situation of disability: any person who has limitations, temporary or permanent in their physical, mental, psychological, or sensory, stable or sophisticated; it can deal with various barriers preclude you from participating fully and effectively in society on an equal basis with others".

When we take a look at the title included in the Moroccan legislation on PSD, we find for the first time that they are mentioned by their name: "Social Welfare for Persons with Disabilities". While after the amendment, we find it speaking of them as "A person in a Situation of Disability", which is an evolution of the perception that it took into account the legal approach that does not accept the medical approach; with which they are treated based on a disability that needs to be qualified for their full inclusion in society; so that no distinction is made between them and anyone else who is not in a situation of disability, according to their qualifications as provided in Dahir No 1.16.52[9].

However, other trends that do not accept the designation of PSD may appear and suggest another designation to achieve a set of rights depending on the evolution of social and legal situations to achieve equality in treatment and opportunities and modify the behavior of the society to accept the other.

III. THE CAPACITY OF PERSONS WITH ASD

The discussion of Autism Spectrum Disorder (ASD) topic began in the 1940s with Léo Kaner (1894-1981), which has been published in 1943 an article "*Autistic Disturbance of Affective Contact*", which continued to publish about this topic until 1956. Moreover, Hans Asperger (1906-1980), has published in 1944 "*Die Autistiche Psychopathen in Kindersalter*"[10]. It is an updated topic that has attracted the interest of researchers thanks to its importance. Thus, it is noted that it is necessary to study this issue further to understand the causes of ASD since only assumptions that need evidence are given at the current time.

In the United States, the proportion of children and young persons with ASD is about 1% in 2021, while it was less in 2002. In 2000[11], a study in 15 states revealed that 1 out of 150 children is diagnosed with ASD, which has jumped to 1 of 54 in 2016[12]. In other words, it has increased by nearly 300%.

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[9] Issued in the Official Gazette, Morocco, article 14 of title IV of the Framework Law 97-13 on April 27, 2016.

[10] Jean Garrabé, L.: *El autismo. Historia y clasificaciones,* Salud Mental, México, 2012, p. 59, Andrée-Anne, S.: *Performance perceptive dans l'autisme: du facteur «g» au facteur «p»*, Université de Montréal, Phd, 2014, p. 25.

[11] See Jean-François, M.: https://www.scienceshumaines.com/autisme-chiffres-en-hausse-aux-usa_fr_24416.html.

[12] See Richard, F.: https://tacanowblog.com/2020/04/13/how-the-cdc-arrived-at-its-1-in-54-estimate-and-what-it-means-for-autisms-present-and-future.

In Quebec, according to a report by the MARIAM Foundation, about 76000 children with ASD were counted in 2014. According to the report of the National Health Institution entitled "Autism Spectrum Disorder Surveillance" in 2017, 16940 patients were counted between 1 and 17 years old and had a diagnosis presented to schools. Moreover, 1 in 66 children was diagnosed with ASD[13] in 2018.

In 2018, in Canada, the proportion of persons with ASD in males is 1 out of 42, and in females is 1 out of 165, which means that the number of people with ASD is very large, and the male population with ASD is about 4 times larger than the female population. According to the general report on ASD in 2018, 1 person with ASD was noticed in every 66 persons[14].

In France, it is difficult to precisely determine the number of persons with ASD due to the limited information available, according to a report published on March 10th, 2020. In another publication entitled "Autism in France: Increasing Numbers," published on march 12th, 2020[15], in which it was noted that there have been two studies, one in the Haute-Garonne and another in the Haute-Savoieu, which compare the number of children born between 1995-1997 and those born between 2007-2009. They have concluded that the estimates tripled in 10 years, jumping from 2.3 to 7.7 per 1000 children diagnosed with ASD. In Haute-Garonne there were 12.3 per 1000 children with ASD in 2007-2009. For children born in 2010, the estimate is between 8 and 10 children with ASD for every 1000 children[16], the number of persons with ASD is estimated at 700000 persons[17].

As for Morocco, we consider that information on this issue is scarce due to the lack of accurate statistics showing the number of people with ASD. According to the United Nations, it is estimated that about 1% of the world's population has ASD. That is why it is necessary to make such statistics through regional partnerships and coordination of results in order to achieve an estimation that is close to reality. It could be said that the scarcity of this information is since several associations are not part of the regional alliances. In addition, the lack of awareness in society about children with ASD, as well as a part of the city population does not recognize ASD because of the distorted image that some people have about it. Therefore, they do not communicate with those who can help them. In addition, poverty prevents families from paying for the treatment of their children with disability.

From the aforementioned, we can find that the number of people living with ASD in Morocco is as high as in other countries. This requires actions concerning persons

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[13] https://www.canada.ca/fr/sante-publique/services/publications/maladies-et-affections/trouble-spectre-autisme-enfants-adolescents-canada-2018.html.

[14] https://www.autisme.qc.ca/tsa/lautisme-en-chiffres.html.

[15] Claire, C.: «Mieux connaître la prévalence des troubles du spectre de l'autisme (TSA), mais aussi les conditions de vie des personnes présentant un TSA, un défi pour notre politique publique », *BEH*, (Bulletin Epidémiologique Hebdomadaire), Santé Public, France, No: 6-7, 10 Mars 2020.

[16] https://www.alliancevita.org/2020/03/autisme-en-france-des-chiffres-en-hausse/.

[17] https://sante.journaldesfemmes.fr/fiches-sante-du-quotidien/2710336-strategie-nationale-autisme-tnd-france-education-intervention-consultation-bilan-2021/.

with ASD as human beings and citizens who should enjoy all the rights that others benefit from.

Faced with this problem, it is worth asking about the legal capacity of persons with ASD. Are they capable of it? Or should they be in the custody of those who can make decisions on their behalf? Or do they not deserve to benefit from citizenship rights?

When we talk about equality and non-discrimination based on disability or otherwise, we ask ourselves: Are they really people who cannot enjoy this Legal Capacity? Various laws deal with this subject, as is the case of the Moroccan Family Code[18], and The Moroccan Commercial Code in book I, section III: Of Commercial Capacity, through articles 12 to 17.

To talk about this, a distinction between three types of acts of the minor endowed with discernment should be made:

1. Acts fully beneficial to them.
2. Acts harmful to them.
3. Acts of both beneficial and harmful character.

There is no doubt that the provisions refer to different situations and people, which has led researchers and jurists to talk about the ability of people in two sections:

1. The Legal Capacity.
2. The Functional Capacity.

What Legal Capacity means is the ability of a Person to Enjoy Rights and Assume Obligations[19]. As for article 207 of the Family Code, it stipulates that: "Legal capacity entails the acquisition of rights and the assumption of liabilities, as defined by the law, that is indivisible from a person during his lifetime and of which he cannot be deprived". This means that his rights and duties are recognized.

We can observe two parts in the Legal Capacity:

1. Restricted Legal Capacity. In this case, the fetus enjoys legitimate rights, such as ancestry and testimony if he is born alive, this does not require him to pay the price for something that has been bought by someone on his behalf.
2. Full legal Capacity. In other words, it is the ability to be the holder of subjective rights and legal duties, an ability that is possessed by the fact of birth.

As for Functional Capacity, article 208 of the Code establishes:

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[18] In Book IV, "Of the ability and legal representation" through the articles 206 to 228, the Code of Obligations and Contracts which have as a pillar of the contract through chapter 3 to chapter 13.

[19] Altiftazani, M., O., A.: *Al-talwih alaa al-tawdih,* impresa alkhayriah, ed. 1, 1322 ha, 3/152 (in arabic).

> "Functional capacity entails the exercise of personal and financial rights and the power of disposal, with the law defining the conditions governing their acquisition and causes of their limitation or deprivation".

Some jurists define it as "the aptitude that each person has for the exercise of rights through legal acts"[20].

This means that you have the power to exercise all your rights and bear their consequences.

That Capacity is divided into two parts:

1. Partial Functional Capacity.
2. Full Functional Capacity.

In article 213 of the Family Code:

> "Those considered as not fully capable of legally exercising their rights:
> 1. A young person who has attained the age of discernment but has not yet reached the age of legal majority.
> 2. A prodigal person.
> 3. A demented person".

As for Functional Capacity, it is defined in article 214 by saying: "A discerning young person is one who has completed twelve full Gregorian years", which means that the minor before reaching the age of 12 is not allowed to perform legal acts. If the age of discrimination is less than the age of majority, article 225 of the Family Code stipulates that:

> "The acts of a discerning young person are governed by the following provisions:
> 1. They are valid if they are fully beneficial for him or her.
> 2. They are null if they are harmful to him or her.
> 3. Their effects shall be subject to the permission of his or her legal representative, if the acts are neither clearly beneficial nor harmful, and the legal representative shall, within the limits of the authority vested in him, safeguard the interests of the ward".

This shows the extent of the behavior of anyone, whether with a disability or not. Therefore, talking about capacity in the context of the debate is not about the Legal Capacity because everyone has it fully, it is possessed by the fact of being born alive. Therefore, the issue is about the Functional Capacity that is restricted. When the minor is 12 years old, his legal acts are restricted whether with ASD or not. However, when he is at the age of majority, his Functional Capacity is full unless there are restrictions on his Capacity by law. In this case, is a person with ASD who has reached the age of majority fully competent to perform all the legal acts?

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[20] Al-sanhuri, A., A.: *Al-wasit fi Sharh Al-qanun Al-Madani*, Dar Ihya' Al-Tturath Al-arabi, Dar Al-Nashr liljamieat Al-masriah, Bayrût, Libano, Ed. 1, 1952, 1/95 (in arabic).

According to the current laws in force in Morocco, article 215 of the Family Code says about the prodigal: "A prodigal person is the one who squanders his money on trifles or on things reasonable people consider futile, in a way which inflicts harm on himself or on his family" and according to article 217:

> "Those considered as incapable of exercising their rights:
> First, a young person who has not attained the age of discernment;
> Second, an insane person and a person who has lost his mind.
> A person who loses his mind in an intermittent way shall be considered as being fully capable during his intervals of lucidity. Voluntary loss of mind shall not dispense one from responsibility".

Based on these two articles cited above, there is no explicit legal provision for persons with ASD, neither in the Family Code nor in the Moroccan Code of Obligations and Contracts, except when reference is made to mental disability. However, the person who has ASD and reached the age of majority is considered ineligible. This is contrary to the equality referred to in Framework Law 97-13, as well as the international conventions that require it. Paragraph 3 of the preamble of the Convention on the Rights of Persons with Disabilities emphasizes the internationalization of human rights, fundamental freedom, their indivisibility, interdependence and the need to ensure that persons with disabilities fully enjoy these rights without discrimination. Some articles addressed autism as a lack of legal capacity and treated people with ASD as deficient in Capacity, which is something that needs more consideration to distinguish between autism levels, especially since autism does not mean mental retardation, but is a behavioral disorder and that the person with ASD needs support to be included in social life.

It should be noted that persons with ASD are not of the same level; there are usually three categories: light autism, medium autism and extreme autism. Therefore, these are spectra of autism. Each person with ASD has his own spectrum. There are persons with ASD who find themselves with another disability in addition to ASD. If this disability affects mental ability, there is no doubt that it will affect your understanding of some behaviors.

Therefore, it is necessary to attend to each person with autism according to his condition (referring to DSM-5: the new classification of ASD):

- Mild autism: At this degree, substantial support is required.
- Moderate autism: At his degree, substantial support is required.
- Severe autism: At this degree, strong substantial support is required.

The person with ASD and a mental disability could not understand the legal acts because of that disability he has. As a result, he would need the presence of a companion to help him make decisions, but the companions do not act out of their own free will as if the person with ASD do not exist. It is known that there are persons with ASD who are smarter than those who do not suffer from any disabilities.

According to statistics made by Yahya Association for Children with autism and its Center in Tetouan; Morocco, it can be noted that children who were diagnosed and received support through occupational therapy, psychomotor education, speech therapy and early intervention, etc., have obtained good grades in exams. One of the persons with ASD already has a bachelor's degree in physics and is enrolled at university.

Table 1.

Inclusive students for the year 2020-2021

	Female	Male	Total
Preschool	21	56	77
Primary	44	133	177
School	1	10	11
Lyceum	1	4	05
Total	67	203	270

Source: Bulletin de l''Association Yahya pour Enfants autistes, 2018-2020

This means that persons with ASD are not mentally retarded; they are able to continue their studies and self-advocates achieving their own rights. For example: "Defending the rights of children with ASD" on April 21, 2019, some are members of the Children's Parliament, as well as the Children's Collective Council; others created social media pages and YouTube channels and have defended in 2020-2021 the right to a companion at exams. They also made presentations to teachers and administrative officials as in the case of the meeting with the Minister of Education Mr. Saaïd Amzazi, as well as with the Head of the Moroccan Government Saâd Eddine El Othmani and with several ministers such as the Minister of Family and Solidarity and the Minister of Health, who attended the launch of the *Rafiq* program in Rabat on February 05, 2019. A group of youth with ASD also participated in a round table about "The rights of youth with ASD" which was organized by the Alliance of Associations Working in the Field of Autism Disability in Morocco at the headquarters of the National Council of Doctors of Morocco on September 28, 2019[21]. We were also pioneers in forming a team of youth with ASD in coordination with the administrative office of Yahya Association to participate in decision-making, hoping to take their own defense of their rights and lead the Association in the future, for which they need training. All this indicates that people with ASD have the ability to take decisions without the need for a Supportive Decision except for those with the severe type of autism.

The problem is the lack of early diagnosis. If it had been done to all the children at the right time, it would have been possible to intervene on time through ABA, thus facilitating their better inclusion in society. However, they need support with Supportive Decisions rather than Alternative Decisions depending on their degree of ASD. Thus, they would have the right to make decisions by themselves when they come to the age of legal majority with Supportive Decisions to understand the consequences of

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[21] Bulletin de l'Association Yahya pour Enfants Autistes, Tetouan, Maroc, 2018-2020, pp. 15-19.

their actions. In this way, the Alliance of Associations Working in the Field of Autism Disability in Morocco will become real, as agreed upon by Morocco concerning the Principles of the Convention on the Rights of Persons with Disabilities which mentions that they have the Legal Capacity in all spheres on an equal footing with others and the adoption of appropriate measures that give them the right of accompaniment in the exercise of their legal capacities.

The person with ASD loses his independence when the companion acts on his behalf due to a lack of Full Capacity and imposes on him things that he doesn't like, which is against the provisions of the same Convention in Preamble: "(n) Recognizing the importance of individual autonomy and independence of persons with disabilities, including the freedom to make their own decisions".

This does not mean that the person with ASD does not need a Supporting Decision that will help him absorb the legal decision and facilitate administrative procedures so that he can achieve what he wants. Not In Dahir. 1.16.52 of the 19th of Rajab 1437. (April 27, 2016) in connection with the implementation of Framework Law No. 97.13 on the protection and promotion of the rights of Persons with Disabilities, in the conclusion of article 2:

> "The necessary and appropriate modifications and adjustments that do not impose a disproportionate or undue burden that is made, according to the needs of a given situation to ensure the enjoyment or exercise of persons with disabilities, on equal terms with others of all human rights and all fundamental freedoms".

Therefore, it is up to the State to afford the early diagnosis of children in hospitals by specialists to be able to intervene at the right time, to help them immediately to obtain good results in treating autism and improve their living conditions.

IV. THE INCLUSION ISSUE OF PERSONS WITH ASD

Is inclusion a reality or fantasy? The rights of persons with ASD have changed over time according to the evolution of human rights. We all have to enjoy these rights in the context of equality, equal opportunities and the right to respect human dignity as cited in the International Conventions on the Rights of Persons with Disabilities.

The problem is: What do we demand: integration or inclusion?

When we talk about integration, we focus on disability; we try to facilitate the environment for the person with ASD in which he is isolated from others who do not have ASD. The concept of integration refers to the assimilation of the Person in a Situation of Disability into an environment that is not always willing to welcome him. In this case, changes in the environment and adaptation efforts are directed almost exclusively at people with disabilities[22]. In other words, when we apply the school integration of a student in a situation of disability, we ask him to adapt to the regular class.

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[22] Corneau, F.; Dion, J.; Juneau, J.; Bouchard, J.; Hains, J.: «Stratégies pour favoriser l'inclusion scolaire des enfants ayant un trouble envahissant du développement: Recension des écrits», *Revue de psychoéducation,* vol. 43, no. 1, 2014, 1-36, p. 2.

When we talk about inclusion, we want the person with ASD to be part of the environment, taking into account their situation in the development of the system, educational programs, and regulations. A child with ASD has to find the appropriate situation, including his seat at school and his place in society which should be valued like any person benefiting from all his rights. It is about respecting the difference and privacy… It is not considered as an obstacle but as an enrichment of society. Nevertheless, there are still two obstacles that persons with ASD face:

1. Persistent impairments in social communication and social interaction in a variety of contexts.
2. Patterns of restrictive and repetitive behavior.

Thus, inclusion has several levels: the educational, health and social level. At the educational level, until now, the child with ASD suffered from both exclusion and non-acceptance in schools, especially if he suffered from epileptic seizures or hyperactivity that could provoke the teacher and students because they do not understand his situation, and teachers do not have training on how to interact with him. On the other hand, the students in the classroom are numerous. However, thanks to the efforts of the associations, the situation has improved.

Yahya Association for Children with Autism has played a prominent role in promoting autism awareness through several activities outside the Center and in educational institutions.

Initially, educational institutions did not accept the presence of any companions with the student with ASD, but then they understood their role in facilitating the educational process of teachers and began to ask for their assistance. The Center for Persons with Autism provides advice and participates in solving issues that arise in educational institutions concerning a student with ASD. Therefore, we should not talk about the integration of the student with ASD but about their inclusion. The school must be inclusive including the teachers, the education programs, the administration, the nature of the construction of the school, and the use of school time. All these must respond to the needs of all students who are with a disability or not since it is a natural right.

In order to achieve broad inclusion, all appropriate measures should be taken into account at the levels of health, education, social, political and economic activities. In other words, the person with ASD should be included in society in all ways without being devalued.

Accordingly, the Ministry of National Education of Morocco, Higher Education and Scientific Research, the Directors of the Academies, Regional Education and Training and Regional Directors, issued a decision on June 03, 2019 with a view to the implementation of the Ministerial Decree No. 047.19 of June 24, 2019 on education for students with disabilities in order to improve the educational system, make it an inclusive system, and intensify efforts to achieve equality in school attendance and education.

This education inclusion aims to enable them to study in the educational institutions where students who do not have disabilities study, providing them with the same conditions for a successful adaptation in terms of teaching, working methods and techniques, and continuous control tests according to the capabilities of each student, as well as providing the necessary training to support persons with ASD.

The ministerial decree called for the strengthening of communication and awareness-raising mechanisms on the issue of disability, focusing on educational, administrative and technical bodies, partners of educational institutions and all participants in the councils, especially parents, guardians of pupils and students, as well as openness to the media of all kinds for the welfare of children with disabilities.

This shows that the Ministry of Education tries to promote a comprehensive inclusion of students in a situation of disability, people with TSA are part of them, in addition to creating additional space for them as support that is called the Department of Resources for rehabilitation and support. However, this space has remained very limited; it has started in 2020-2021 in a single educational institution in Tetouan. Associations that carry out the tasks of habilitation and rehabilitation; They presented Yahya Association as an example of persons with autism through the Center for persons with autism indicating the services offered to them with statistics for the year 2020-2021.

Numbers in the table 2 illustrate those services, where 1-14 are representing: (1) Therapeutic Sessions (2) Precarious Intervention. (3) Educational Integration. (4) Special Education (5) Department of Resources. (6) Workshops (7) Total. (8) Beneficiaries of the Educational Support Project. (9) Beneficiaries outside the Project. (10) Beneficiaries by Distance (due to COVID-19). (11) Beneficiaries of complementary services and inclusion. (12) Daily beneficiaries at the Center. (13) The percentage of inclusive students. (14) The Percentage according to Sex. (15) Male. (16) Female.

Table 2.

Beneficiaries of the Center's services for the year 2020-2021

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Total	270	13	13	15	16	20	**350**	214	136	3	270	80	100%	100%
Mas(15)	203	7	11	13	12	17	**256**	158	104	3	203	59	77.14%	76.85%
Fem (16)	67	6	2	2	4	3	**85**	56	29	0	67	18	22.86%	23.15%

Source: Data from Yahya Association Yahya pour Enfants Autistes

As for the adaptation in education, no adapted educational programs have been developed. They were only limited to exams in 2020-2021 while the continuous control remains non-adapted. However, there was the emergence of Ministerial Memorandum No. 42.21, on May 3, 2021 on the adaptation of continuous monitoring for students with disabilities in primary education in the light of the National Education Program, Ministerial Memorandum No. 46.21, May 24, 2021 concerning the adjustment of the situation of students with disabilities in college and secondary school and Ministerial Memorandum No. 81.21, of September 16, 2021.

This confirms that the introduction of the adaptation of continuous checks was only introduced in the 2021-2022 school year.

In addition, there is a legal gap concerning the adaptation of teaching and exams in universities, especially in the case of students with disabilities, as well as the authorization to have a companion in the classroom.

At the health level, an early diagnosis for children must be made in order to improve the behavior of the child with ASD. It is no secret that the financial expenses to adapt the behavior and the companion are expensive, in addition to the high price of medicines. We have found families who are suffering from poverty with two children with ASD, which means that the costs are expensive for them... The Kingdom of Morocco has done well in providing support to poor families through RAMED PROGRAM, but it is not enough.

At a social level, we still believe that there is a lack of understanding of the conditions of people with ASD and a lack of respect, especially for young people who do not understand the suffering of those with ASD. Hence, people should be careful with the language used while talking about them so as not to make them feel inferior. Sometimes the lack of understanding comes from the parents; some divorces have occurred for that reason. To that end, Yahya Association for Children with Autism has organized a series of workshops in this area by participating in solving social problems[23]:

- Spreading awareness on the importance of managing family disputes among families on 12/22/2018.
- Parenting education on 11/10/2018 and Family Mediation on 12/23/2018.
- Communication techniques between parents and children with ASD on the 28-29/12/2018.
- Rehabilitation workshops.

The Center offers the following:

- Social diagnosis to families.
- The support and advice of the social advisor.
- The organization of medical examinations between children and their doctors.
- The inclusion of children in society by organizing activities on religious and national events in which everyone participates.
- Special education.
- Occupational therapy.
- Multisensory room.
- Psychomotor room.
- Speech therapy.
- Participation in local, national, and international competitions.
- Services for children and adolescents for their well-being.

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[23] Bulletin de l'Association Yahya pour Enfants Autistes, 2018-2020, pp. 4-5.

Young stars have achieved awards at international competitions such as the case of Amin El Mrimar in the "Little Stars" program on the MBC2 channel. Returning to the Yahya Association Newsletter 18-2020, it can be noted the efforts made for the inclusion of children with ASD at the local, national and international levels, in addition to professional awareness[24].

For employment, Morocco has identified 7 percent of persons with disabilities to work according to their abilities, but that was not enough.

The question remains: Will the government encourage the private sector, along with its commitment, to properly employ youth persons with ASD? Especially that persons with ASD have raised the question about the right to marry and start a family, so how can they start a family when they cannot provide for themselves?!

V. CONCLUSION

In this research, a series of problems are presented, starting with the nomenclature of persons with disabilities due to the nature of the vision of the society according to the epochs, which evolves, and may change in the future. The current legal trend is to describe them as Persons with Disabilities and their eligibility for performance may be missing due to not reaching the age of discernment, so it is not valid for persons with ASD or any other person to perform actions that are harmful to him or of a character both beneficial and harmful.

They are also deficient for not reaching the age of majority. If he reaches it, the question is: Does the person with ASD have Full Capacity to Act in Moroccan law? It turned out that the person with ASD does not have the Full Functional Capacity if he is prodigal or demented by law because autism is seen as a single category, but the reality is not like that. Each category has its degree: mild, moderate, or severe. In addition, the person with ASD may have another disability that affects his abilities.

At last, we have concluded that, in the mild and medium cases, the person with ASD needs a supportive decision, but the one suffering from severe autism, needs special treatment to preserve his rights so that he is not exploited.

There is a lack of Resources in Departments for Rehabilitation and Support in most educational institutions, in addition to their absence in high education.

The question remains: Has the Government prepared an inclusive policy to achieve full inclusion? This issue will remain open despite the efforts made to alleviate the situation of persons with disabilities through the RAMED PROGRAM, the acceptance of applications for the right to a companion in educational institutions, and the adaptation of examinations.

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[24] *Ibid.,* pp. 14-20.

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