



Health Care for People with Disabilities

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ABSTRACT

Societies are interested in providing legal protection for people with special needs, considering that this group can contribute effectively to the development of society. The interest was in this category of countries and organizations of an international nature, and even regional and non-governmental organizations that allocated the third (03) date of December of each year for people with special needs as a reminder to the countries and peoples of the world that there is a category that needs special care and to solve its social problems, legal and economic, and working to integrate and rehabilitate them, by enacting national legislation and international agreements that guarantee care of all kinds (social, health and psychological...etc.), and also preserves her dignity and constitutionally guaranteed rights, such as the right to education, the right to treatment, Right to insurance, right to own property...Etc.

Keywords: care, health, people with disabilities, rehabilitation.

Introduction:

Countries seek to develop their societies by providing them with stability and reassurance, as the individual is considered the focus of their interests and they work to invest in him because he is considered the permanent wealth that contributes to the development and growth of countries.

Therefore, attention was paid to all segments of society, including a special segment, namely the segment of people with special needs, which became the subject of great attention at the internal and international levels, by strengthening legal protection for them, as well as providing them with health, psychological and social care, and providing them with basic rights, the most important of which is the right to education and equality with the rest of the members of society.

The segment of people with special needs is characterized by very sensitive feelings, in addition to the presence of geniuses among them who have high abilities, so it was the subject of internal and international obligations, the most important of which are the International Convention on the Rights of Persons with Disabilities issued in 2006 and which entered into force in 2008 and the Optional Protocol of the United Nations. Health care is considered one of the most important priorities given by domestic legislation and international conventions to



people with special needs or disabilities in order to rehabilitate them, integrate them into normal life, and make them productive and effective individuals.

Algeria is striving to provide this care by activating its legislation, most notably the Constitution, as well as special legislation and institutions that guarantee this care.

Based on the above, we pose the following problem:

Is the health care approved by the Algerian legislator and international conventions sufficient to rehabilitate and integrate people with disabilities?

To address this problem, we will divide our study into two sections:

Section One: Defining the basic concepts (people with disabilities, health care, rehabilitation and integration).

Section Two: The legal framework for health care for people with disabilities in Algerian legislation and international conventions.

Section One: Defining some basic concepts: people with disabilities, rehabilitation, health care, and integration.

1-People with disabilities: Previously, this category was called (the disabled), and there are those who are called "vulnerable groups." To avoid hurting them and not touching their feelings, the term "people with special needs" was replaced.

People with special **needs are individuals who need special care appropriate to diseases that limit their physical, psychological and mental abilities** by providing means and ways to deal with them in an appropriate and correct manner. They can also be defined as "individuals who suffer as a result of genetic or acquired environmental factors from a lack of ability to learn, acquire experiences or skills, and perform tasks performed by the average healthy individual."

2-Definition of Disability:

The World Health Organization defines disability as: "The harm that befalls an individual as a result of a state of deficiency or disability, which limits or prevents the individual from performing a normal function in relation to his age and gender within the framework of social and cultural factors that the individual experiences".

The Algerian legislator defined the disabled person through the Health and Promotion Law 85/05 of 02/16/1985 and Law 02/09 of 08 May 2002 relating to the protection and promotion of disabled persons. Article 89 of the aforementioned Health Law defined the disabled person as: "Any child, adolescent, adult or elderly person who is afflicted with the following shall be considered a disabled person: either a psychological or physiological deficiency, or a disability resulting from performing an activity whose limits are normal for the human being, or a disability that prevents social life...etc

Article 2 of the aforementioned Law 02/09 defined a disabled person as: "Any person, regardless of his age or gender, who suffers from one or more genetic, congenital or acquired



disabilities that limit his ability to practice one or more primary activities in his daily personal and social life as a result of an injury to his mental, motor or sensory-organic functions." It should be noted that the Algerian legislator, pursuant to Article 88 of the new Health Law of 2018, was somewhat flexible in using the term "disabled," placing them within the category of persons in a difficult situation.

Disability takes several types:

***Physical disability:** These are crippled people, dwarves, amputees, and those with cerebral palsy and polio.

***Sensory disability:** They are hearing and visual disabilities.

***Intellectual disability:** those who have a lack of intelligence are mentally retarded and slow learners.

*** Academic disability:** An academically disabled person with learning difficulties and academic delay.

*** Communicative disability:** Communicatively disabled people have speech, communication, and speech defects.

*** Behavioral disability:** Behaviorally disabled people are those who have distraction and excessive activity and unity.

*** Multiple disabilities:** Multiple disabilities are those who have more than one of the aforementioned disabilities.

The causes of disability include congenital and environmental causes.

3-Health care: It is a large group of medical activities that include diagnosing the condition, providing the performance and functional level of the body's organs and systems, describing treatment steps, rehabilitation activities, and preventing complications ¹.

It can also be defined as providing people with special needs with effective medical care, early detection and treatment of disabilities, ensuring that they, especially children, receive special medical care, ensuring treatment, and obtaining medicines and social assistance.

4- Rehabilitation:

It generally means that a person works to regain all or some of his lost abilities in a way that enables him to exploit his human elements to be completely or partially independent in his life ². Rehabilitation takes several forms: medical rehabilitation, psychological and social rehabilitation, and vocational and professional training rehabilitation.

A-Medical rehabilitation: There are preventive measures that must be taken by the competent authorities against Pregnant women, such as immunization against known diseases in children such as paralysis and measles, in accordance with Articles 69 and 72 of Law No. 18/11³ dated July 2, 2018, related to health, in addition to conducting awareness campaigns for these women



to follow healthy nutrition relying on breastfeeding, paying attention to vaccination programs, as well as continuous medical follow-up for children with disabilities by specialized doctors.

B- Psychological and social rehabilitation: It is the work to contain people with special needs psychologically and socially, by specialists in psychology and sociology and even the medical aspect, which can ensure that both together plant confidence in this segment and reassurance and provide them with protection, respect and acceptance as they are, and work to make them an effective element in society in coordination with their families

C-Craft and vocational training qualification: This qualification is considered one of the most important stages that an individual with special needs can reach. Thanks to it, he can be integrated into practical life and become like other healthy people. He can have scientific, physical, mental and psychological abilities that qualify him even to hold senior positions.

5- Merge: Integration means the social and educational integration of people with special needs and ordinary people and providing all services and care to them in an environment far from isolation ⁴It also provides opportunities for people with special needs to engage in the life system (educational, practical and cultural system,...) It is an expression of the principle of equal opportunities, and this is what was stipulated in Article 72 of the 2020 Constitutional Amendment, which states: "The state shall work to ensure the integration of disadvantaged groups with special needs into social life."

Integration takes several forms, which we summarize as follows:

A-Spatial integration: This is placing people with special needs with ordinary people in one place, such as placing extraordinary children with ordinary children in the same school or other educational institutions.

B- Academic integration: This means that the segment of people with special needs meets with other people while receiving joint educational programs in regular stages and even higher education, as well as vocational training centers, but it is required to provide specialized professors who work alongside regular professors.

C- Social integration: It aims to integrate people with special needs into housing while providing the necessary means such as special corridors and escalators, as well as in the field of work This is what is called job integration, and this is what Article 24 of the aforementioned Law No. 02/09 stipulates, stating that "no candidate may be excluded due to his disability from a competition that allows him to join a public or other job if his disability is not incompatible with this job." The law also requires every employee to allocate at least 1% of job positions to people with disabilities.

The **importance of integration** appears in several points, the most important of which are:

-Ordinary people are encouraged to accept people with special needs without making them aware of the differences between them.



- Integration helps people with special needs learn different skills in several fields (social, cultural, sports,...)
- The merger develops personal relationships between the two segments, which instills hope and reassurance and security in the hearts of people with disabilities.

Section Two: The legal framework for health care for people with disabilities in Algerian legislation and international conventions

Health care is considered one of the most important rights that must be provided to persons with disabilities, due to their need for very special follow-up by specialized doctors as well as specialized medical centers. Therefore, Algeria has worked to frame this right legally in addition to international conventions that sanctify this right.

First: The legal framework for health care for people with special needs in Algerian legislation

The Algerian legislator has enshrined the right to health care for people with special needs through several legal texts that they call the Constitution.

1- The Constitution enshrines the right to health care for people with special needs:

The Algerian state guarantees to all citizens, without discrimination, according to the text of Article 59 of the 1996 Constitution, living conditions for those who have not reached working age or are unable to do so, and who are completely unable to do so due to a disability that befalls them

As stipulated in Article 63 of the Constitutional Amendment of 2020⁵

However: "Health care is a right for citizens. The state is responsible for preventing and combating epidemic and infectious diseases."The state ensures that treatment conditions are provided to needy people. Article 64 of the latest constitutional amendment of 2020 also stipulates that: "Citizens have the right to a healthy environment. The state shall work to preserve the environment."

2-Health care in other laws: Ordinary legal texts and regulatory decrees guarantee the right to care for people with special needs, which we summarize as follows:

*Law No. 85/05 on the Protection and Promotion of Health: The Health Law devotes 89 articles to the right of persons with special needs to health, and Article 90 explicitly stipulates the necessary health and medical care for them. This law also enshrined respect for the human dignity of people with special needs and the preservation of their medical secrets related to their disability. The Algerian legislator also recognized in Article 92 et seq. the right of the aforementioned segment to benefit from appropriate treatment, training, and devices prepared for them, and their right to prevent all causes of disability and impairment, and to re-adapt, rehabilitates, and integrates into society.



***New Health Law 18/11 of 02/07/2018:** Almost the same privileges and health care are enshrined for people with special needs in Health Law No. 85/05, by granting them the right to health through the text of Article 12 thereof: "The State shall work to ensure that the right to health is embodied as a basic human right at all levels." Also Article 13, which states: "The State guarantees free treatment and guarantees access to it for all citizens throughout the national territory."

It also enshrined the right of a patient with special needs to maintain the confidentiality of medical information related to him according to the text of Article 24, and to obtain specialized medical services according to the text of Article 22 of the same law. We find that Article 21 of the same law enshrined a constitutional right and a constitutional principle at the same time, namely the right to health and the principle of non-discrimination between citizens in the first and second paragraphs, which stipulate that: "Every person has the right to the protection, prevention, treatment and accompaniment required by his health condition, at all stages of his life and in every place." No discrimination may be made between persons in obtaining prevention or treatment, especially because of their origin, religion, age, gender, social and family status, health condition or disability"⁶

It is worth noting that there is a new term used in the new health law, which is "**persons in a difficult situation**," including those with special needs, according to Article 88, which states: "They are considered persons in a difficult situation, especially: persons with weak income, especially persons with disabilities or those living in fragile material, social and/or psychological conditions that threaten their mental and physical health." We also find that the Algerian legislator, through the new health law, has specifically addressed mental health and promoted it with a full section from Article 103 to Article 122.

***In Law 02/09 on the Protection and Promotion of Persons with Disabilities:**

This law also recognized the right of persons with special needs or disabilities to health care, according to the text of Article Three (03), which states that: "The protection and promotion of persons with disabilities aims to:

- Early detection and prevention of disability, and its complications.
- Ensuring specialized treatments, job retraining and re-conditioning.
- Guaranteeing artificial devices, their accessories, and the necessary technical assistance for the benefit of disabled persons, and means adapted to disability, and ensuring their replacement.

This article concludes the positive care given by the Algerian legislator to this category from a health perspective and the provision of the necessary means, while enabling them to obtain medicines and their compensation from the National Social Security Fund, whose interests, according to the model agreements concluded between it and private sector treatment providers,



cover all treatment expenses by exempting the patient from advance payment of treatment expenses, especially for blood purification treatments, heart surgery and artificial organs.

The Algerian legislator also established the possibility of early detection of disability, which is known as preventive measures, by conducting medical tests and analyses in order to diagnose disability and take care of it according to the text of Article 12 of this law, which, in our opinion, means the correct and real care of the pregnant mother And obtaining medical supervision until giving birth to her child, according to what was also stated in the new Health Law 2018 in Article 69 thereof, which stipulates that: " Ensures the protection of maternal and child health by medical measures...Which aims in particular to the following:

- Protecting maternal health before, during and after pregnancy.
- Ensuring the child's health and development conditions.

Article 72 of the aforementioned Health Law also stipulates the obligation of premarital medical examination, in addition to Articles 73, 74 and Article 76, which stipulate that: "Prenatal diagnosis by medical order is possible in order to detect a very serious disease of the embryo or fetus inside the womb." Article 79, which encourages breastfeeding, and Article 80, which stipulates that vaccination is mandatory for children, and it is necessary to ensure that all vaccinations approved by the High Health Organization and the Ministry of Health are obtained to avoid sudden disabilities.

Second: The legal framework for health care in international conventions

International agreements have paid attention to people with special needs by recognizing their right to health and health care. We will highlight this right in the Convention on the Rights of the Child, the International Covenant on Social, Economic and Cultural Rights, the Universal Declaration of Human Rights, and the International Convention on the Rights of Persons with Disabilities.

1-In the Convention on the Rights of the Child ⁷:

Article 24 of the International Convention on the Rights of the Child issued in 1989 stipulates guaranteeing the right to health and medical care for the child in general, but Article 23, paragraph 2, is devoted to the right of the child with a disability to health, care, and providing the required assistance to him in line with the child's health condition and the financial circumstances of his parents. In the third paragraph of the same article, the agreement emphasized free medical and psychological services provided to children with special needs, with them actually receiving them, medical rehabilitation, and work to integrate them into society.

This agreement also stipulated in the same article in its fourth paragraph that the member states of the agreement is able, within the framework of international cooperation, to expand their expertise in the field of medical and preventive care Medical, functional and psychological



treatment provided to children with disabilities, and access to information related to rehabilitation curricula and professional services.

B- In the International Covenant on Social, Economic and Cultural Rights ⁸ of 1966

Article 12 of this Covenant stipulates the right to enjoy the necessary physical and mental health and health care for every person. This article places obligations on the member states of the Covenant, which are the provision of health services, such as ensuring the cultural appropriateness of health services, providing health information, and training health care personnel, whether doctors or nurses.

C-In the International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities of 2006 ⁹:

Article 25 of this agreement explicitly recognizes the right of people with special needs to health care and protects this right. It also recognized the right of this group to enjoy the highest levels of health and periodic medical care and specialized without discrimination on the basis of disability or gender.

D-In the Universal Declaration of Human Rights:

Issued by the United Nations General Assembly on December 10, 1948, one of its principles is "the principle of equality among people," which is considered one of the most important fundamental human rights. Article 1 of it states that: "All people are born free and equal in dignity and rights, endowed with reason and conscience and should treat one another in a spirit of brotherhood." Article 2 of it added that: Every human being has the right to enjoy all rights and freedoms without discrimination."

It can be concluded from these two articles that it is not possible to distinguish between a healthy person and a person with a disability. As for health and medical care, this declaration stipulated it in Article 25, Paragraph 1, by approving the "**principle of the right to a standard of living**" by giving every person the right to a standard of living to maintain the health and well-being of himself and his family, and this includes nutrition, clothing, housing, medical care, as well as social services.

Conclusion:

From the above, it can be said that health care for people with special needs has received great attention from the Algerian legislator and international agreements, especially the new Health Law of 2018, which established preventive measures for pregnant women before giving birth to their child to avoid disabilities And chronic diseases, although most disabilities now, which represent a third according to the latest report of the Ministry of National Solidarity and Family, are caused by marriage between relatives.

Although the Algerian state has established specialized medical centers for people with special needs, providing them with special insurance and training specialized doctors, all these measures



remain far from the aspirations of this group Especially since some disabilities require very special attention, in addition to the shortage and scarcity of some medicines and the lack of a very specialized medical hand, especially with the presence of disabilities resulting from nuclear tests, which modern medicine has failed to treat.

Accordingly, the Algerian state, as well as international agreements, must establish laws that guarantee the right to continuous health care for people with special needs, while activating the institutional framework at the national level and activating international cooperation to exchange expertise in this field.

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4-Randa Mustafa El-Deeb, Problems Facing the Integration Process of Children with Special Needs, First Scientific Conference, Department of Mental Health, Benha University (Egypt), p. 495.

5-Presidential Decree No. 20-251 dated September 15, 2020 containing the constitutional amendment, Official Gazette No. 82.

6-This paragraph is the same content as Article 32 of the new constitutional amendment: "All citizens are equal before the law, and no discrimination can be used as an excuse...etc

7-Issued on 11/20/1989 and entered into force on September 2, 1990, signed by Algeria on 01/26/0990, ratified on 04/16/1993, and entered into force on 05/16/1993.

8-Dated 12/16/1966, ratified by Algeria on September 12, 1989 and entered into force on 12/12/1989

9-Dated 12/13/2006 and which entered into force in 2008, Algeria signed it on 03/30/2007 and ratified it pursuant to Presidential Decree No. 09/188 dated 05/12/2009, Official Gazette No. 33, dated 05/30/2009.

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*** International conventions**

1-Scientific Declaration of Human Rights issued by the United Nations General Assembly dated 10/12/148.

2- The International Covenant on Social, Economic and Cultural Rights of 12/16/1966 was ratified by Algeria on 12 September 1989 and entered into force on 12/12/1989.

3-The Convention on the Rights of the Child, issued on 11/20/1989 and entered into force on September 2, 1990. Algeria signed it on 01/26/1990, ratified it on 04/16/1993, and entered into force on 05/16/1993.

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