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From International Commitment to National Implementation: Protecting Children with Special Needs under Algerian Law No. 25-01 of 20 February 2025

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Abstract:

Children with special needs require enhanced legal protection because they experience overlapping vulnerabilities arising from both childhood and disability. International instruments have therefore recognized their fundamental rights and called for comprehensive systems of protection, care, inclusion, and support. Algeria has ratified several international conventions addressing these concerns and has adopted national legislation regulating the status and rights of persons with special needs, both directly and indirectly. The latest development is Law No. 25-01 of 20 February 2025, which establishes a specific legal framework for the protection and promotion of persons with special needs. This law recognizes a broad range of rights for children with special needs, including access to care, education, rehabilitation, social integration, and protection from abuse, neglect, discrimination, and exploitation. It also strengthens their legal safeguards through administrative mechanisms and criminal provisions, thereby reflecting Algeria's commitment to translating international obligations into effective national protection for this vulnerable group.

Keywords: Child; Persons with Special Needs; Care; Protection; Integration.

Introduction:

The international community began to pay increasing attention to children's rights at the beginning of the twentieth century. This concern was reflected in the adoption of several international declarations, culminating in the adoption of the Convention on the Rights of the Child by the United Nations General Assembly on 20 November 1989.¹ This Convention is regarded as the first comprehensive international treaty dedicated specifically to the rights of the child, as it recognizes a broad range of rights that every child is entitled to enjoy. Attention to children's rights has not been confined to the international level but has also extended to regional systems, including the European, American, African, and Arab frameworks. Likewise, national legislations around the world have increasingly incorporated legal provisions to protect and promote the rights of children.

While all children require protection and care, children with special needs require enhanced protection because they experience a dual vulnerability arising from both childhood and disability. Their physical, mental, or intellectual impairments place them in a more vulnerable position, making it essential to provide them with special legal protection and appropriate care. Consequently, efforts to safeguard the rights of children with special needs have expanded beyond the international level,² with many states adopting legislative and institutional measures to ensure their protection and inclusion.

¹-Convention on the Rights of the Child. (1989). Adopted by United Nations General Assembly Resolution No. 44/25 of 20 November 1989. Entered into force on 2 September 1990, in accordance with Article 49.

²-Convention on the Rights of Persons with Disabilities. (2006). Adopted by United Nations General Assembly Resolution No. 61/106 of 13 December 2006. Entered into force on 3 May 2008.

Algeria has been among the countries committed to protecting this category through its accession to numerous international conventions³ and the enactment of legislative texts addressing the rights of children with special needs, either directly or indirectly. The most recent legislative development is Law No. 25-01,⁴ which provides a comprehensive legal framework for the protection and promotion of persons with special needs, with particular attention to children. The law aims to safeguard their rights, promote their dignity and social inclusion, and ensure that they enjoy a decent and dignified life.

Law No. 25-01 serves as a bridge between the international legal framework and its implementation at the national level. It reflects Algeria's commitment to fulfilling its international obligations regarding the protection of persons with special needs. The law also refers in several of its provisions to implementing regulations that are necessary for the application of certain articles, making the adoption of executive decrees essential to ensure its effective enforcement.

In light of the above, the following question arises:

To what extent does the law provide protection for children with special needs?

We will answer this problem by addressing the international protection of the child with special needs, then the protection of the child with special needs in light of Law No. 25-01.

Study Methodology

This study primarily adopts the analytical approach by examining the international legal instruments that provide protection for children with special needs and analyzing the legal developments introduced by each of them in this field. It also examines Algerian Law No. 25-01, with particular emphasis on the provisions relating to children with special needs and their legal implications. In addition, the study draws upon the opinions of legal scholars to interpret and evaluate the legal rules governing this subject.

1. International Protection of Children with Special Needs:

The rights of the child are fundamentally human rights exercised during childhood, as every child is first and foremost a human being. Accordingly, the international community has sought not only to protect children's rights within the broader framework of human rights but also to establish specific legal safeguards that recognize the unique needs and vulnerabilities of children.⁵

Examining the international protection of children with special needs requires an analysis of the principal international declarations that either specifically address this category or contain provisions applicable to children with disabilities. It also requires a review of the most significant international conventions concerning children's rights and the rights of persons with disabilities, as children with special needs constitute an integral part of both groups and therefore benefit from the protections established under these international legal instruments.

1.1 Protection of the Child with Special Needs at the Level of International Declarations

We will shed light on the Universal Declaration of Human Rights, the Declaration on the Rights of Mentally Retarded Persons, and the Declaration on the Rights of Disabled Persons of 1975.⁶

1.1.1 The Universal Declaration of Human Rights

The Universal Declaration of Human Rights is an important international document concerned with establishing human rights and fundamental freedoms based on the principle of equality and without discrimination. This is affirmed by its preamble and many of its articles, including Article 1, which states that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should treat one another in a spirit of brotherhood. Article 2 also states: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction..."

³-Presidential Decree No. 09-188 of 12 May 2009. Official Gazette of the People's Democratic Republic of Algeria, No. 33. Ratifying the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on 13 December 2006.

⁴-Law No. 25-01 of 20 February 2025. Relating to the protection and promotion of persons with special needs. Official Gazette of the People's Democratic Republic of Algeria, No. 12.

⁵-Shehata Ahmed Zidan, Fatima. (2007). Childhood Legislation. Egypt: New University House, p. 9.

⁶-In addition to these international declarations, there are the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care. These principles were adopted by United Nations General Assembly Resolution 46/119 of 17 December 1991. They apply without discrimination on any ground, including disability, race, colour, sex, language, religion, political opinion, national or social origin, legal or social status, age, property, or birth. It should be noted that these principles comprise a total of twenty-five (25) principles, all of which are directed toward ensuring the provision of appropriate health care for persons with mental illness.

It appears from the phrase "or other status" contained in Article 2 of this Declaration that it applies to discrimination on the basis of disability if disability is used as a basis for discrimination against persons with disabilities.⁷

Article 25 provides that everyone has the right to a standard of living adequate for the health and well-being of themselves and their family, including food, clothing, housing, medical care, and the necessary social services. It also provides the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood resulting from circumstances beyond one's control. The second paragraph of the same article adds that motherhood and childhood are entitled to special assistance and care, and that all children enjoy the same social protection, whether they are born within or outside marriage.

The Universal Declaration of Human Rights also recognizes the right to education, affirming that everyone has the right to education, that education shall be free, at least in its elementary and fundamental stages, that elementary education shall be compulsory, that technical and vocational education should be made generally available, and that higher education should be equally accessible to all on the basis of merit.

It is clear from the above that the Universal Declaration of Human Rights does not explicitly refer to children with special needs. This may seem logical, as it is concerned with the rights and fundamental freedoms of every individual by virtue of being human, regardless of any particular characteristics.

1.1.2 The Declaration on the Rights of Mentally Retarded Persons of 1971⁸

This is considered the first international declaration specifically addressing the human rights of persons with mental retardation.⁹ The declaration emphasized that mentally retarded persons should, to the greatest extent possible, enjoy the same rights as all other human beings. It also recognized their right to receive medical care and treatment and to be provided with adequate education, training, rehabilitation, and guidance to enable them to develop their abilities.

In view of the importance of the family in a person's life, the declaration urged that mentally retarded persons should live with their family or with a substitute family, provided that appropriate assistance is given to that family. If this is not possible and placement in an institution is necessary, the declaration requires that the environment and living conditions in that institution should be as close as possible to ordinary life.

Among the protections granted to mentally retarded persons under this declaration are the right to a qualified guardian, protection from exploitation and abuse, and the right to be treated with dignity.

1.1.3 The Declaration on the Rights of Disabled Persons of 1975

This declaration is considered¹⁰ the foundation upon which the rights of disabled persons were recognized in the legislation of different countries around the world.¹¹ It defines a disabled person, without distinction as to age, as "any person unable to ensure by himself, wholly or partly, the necessities of his individual and/or normal social life because of a congenital or non-congenital deficiency in his physical or mental capacities."

The declaration emphasized that disabled persons should enjoy all the rights set forth in it without any distinction, exclusion, or discrimination based on race, colour, sex, language, religion, or political opinion.¹²

⁷-Rehal, S. (2020). The Rights of Persons with Special Needs in International Humanitarian Law (Doctoral dissertation). Algeria, p. 61.

⁸-Declaration on the Rights of Mentally Retarded Persons. Adopted and proclaimed by United Nations General Assembly Resolution No. 2856 (XXVI) of 20 December 1971.

⁹-Ben Aissa, Ahmed. (2018). The Legal Protection of Persons with Disabilities in Light of the Rules of International Law and Algerian Legislation. Algeria: New University Publishing, p. 137.

¹⁰-Declaration on the Rights of Disabled Persons. Adopted and proclaimed by United Nations General Assembly Resolution No. 3447 (XXX) of 9 December 1975.

¹¹-Gharib Shalqami, Shehata. (2008). Compensation for the Birth of a Child with Special Needs: An Analytical Study of the Development of French Case Law and the Position in Egyptian Law and Islamic Jurisprudence. Egypt: Dar Al-Nahda Al-Arabiya, p. 23.

¹²-The rights of persons with disabilities recognized by this Declaration primarily include:

- The right to respect for their human dignity.
- The right to enjoy the same civil and political rights as all other persons.
- The right to measures aimed at enabling them to achieve the greatest possible degree of self-reliance.
- The right to medical, psychological, and functional treatment, as well as medical and social rehabilitation, education, vocational training, and vocational rehabilitation.

It should be noted that although this declaration was primarily concerned with the rights of disabled persons, it did not include an explicit provision in any of its articles concerning disabled children. However, this does not mean that it does not apply to this category, as they fall within the definition of a disabled person provided by the declaration.

1.2 Protection of the Child with Special Needs at the Level of International Conventions

This will be discussed through the two International Covenants, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities of 2006.

1.2.1 The Two International Covenants

The International Covenant on Civil and Political Rights refers to the child in Article 24,¹³ which provides that every child shall have the right to such measures of protection as are required by their status as a minor, on the part of their family, society, and the State. This right shall be enjoyed without any discrimination based on race, colour, sex, language, religion, national or social origin, property, or birth. Every child shall also be registered immediately after birth, be given a name, and have the right to acquire a nationality.

Article 10 of the International Covenant on Economic, Social and Cultural Rights also addresses the family and the need to grant it the greatest possible protection to assist it in the responsibility of raising children.¹⁴ It further requires that special protection be provided to mothers both before and after childbirth.

In addition, Article 12 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of every person to the enjoyment of the highest attainable standard of physical and mental health. It also obliges States to take a number of measures to ensure the provision of health care for children.

1.2.2 Convention on the Rights of the Child of 1989¹⁵

It should be noted that the Committee on the Rights of the Child gave attention to the equal enjoyment of children's rights by children with disabilities.¹⁶ The Convention on the Rights of the Child includes several provisions relating to children with disabilities. This is clearly reflected in Article 19, which provides for the adoption of various legislative, administrative, social, and educational measures to protect children from all forms of violence, harm, physical or mental abuse, neglect, and maltreatment.

It should also be noted that the Convention on the Rights of the Child explicitly provides for the protection of children with disabilities in Article 23. This article emphasizes the need for a child with a mental or physical disability to enjoy a full and decent life under conditions that ensure their dignity while promoting their self-reliance, thereby facilitating their effective participation in society. The same article also affirms the right of children with disabilities to receive special care, with assistance appropriate to their condition and the circumstances of their parents or those responsible for their care. Such assistance shall be provided free of charge whenever necessary to ensure access to education, training, health care services, and rehabilitation. This contributes positively to the child's development and integration into society.

In order to give due attention to children with special needs in relation to health care and medical, psychological, and functional treatment, the Convention on the Rights of the Child recommends, in a spirit of cooperation among the

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- The right to economic and social security and to an adequate standard of living.
 - The right to have their special needs taken into account at all stages of economic and social planning.
 - The right to reside with their family or with a foster family.
 - The right to legal assistance for the protection of their person or property.

¹³-International Covenant on Civil and Political Rights. Adopted and opened for signature, ratification and accession by United Nations General Assembly Resolution 2200 A (XXI) of 16 December 1966.

¹⁴-International Covenant on Economic, Social and Cultural Rights. Adopted and opened for signature, ratification and accession by United Nations General Assembly Resolution 2200 A (XXI) of 16 December 1966.

¹⁵-Convention on the Rights of the Child. Adopted by United Nations General Assembly Resolution No. 44/25 of 20 November 1989. Entered into force on 2 September 1990.

¹⁶-Al-Arabi, Bakhti. (2013). Children's Rights in Islamic Sharia and International Conventions. Algeria: University Publications Office, p. 175.

States Parties, the exchange of information with the aim of improving their capacities and expanding their expertise, while taking into account the needs of developing countries.¹⁷

1.2.3 Convention on the Rights of Persons with Disabilities of 2006

The Convention affirms in its preamble that children with disabilities should fully enjoy all human rights and fundamental freedoms on an equal basis with other children, while referring to the obligations undertaken by the States Parties to the Convention on the Rights of the Child to achieve that purpose.

The 2006 Convention explicitly addresses children with disabilities. This is clearly reflected in Article 7, entitled "**Children with Disabilities**," which states:

- States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
- In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
- States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and that they are provided with disability- and age-appropriate assistance to realize that right.

Among the matters addressed by the 2006 Convention is Article 23, entitled "Respect for Home and the Family," which affirms the duty of the States Parties to take measures aimed at eliminating discrimination against persons with disabilities. It also emphasizes that the best interests of the child should be a primary consideration. To strengthen the elimination of all forms of discrimination, the Convention requires States Parties to ensure that children with disabilities enjoy equal rights, with the aim of preventing their concealment, abandonment, neglect, and isolation. This is achieved by providing information and assistance to them and to their families. The Convention also emphasizes that no child shall be separated from their parents on the basis of disability, except where such separation is necessary in the child's best interests and is based on a decision made by the competent authorities.

It should also be noted that this Convention is accompanied by an Optional Protocol, which recognizes the competence of the Committee on the Rights of Persons with Disabilities to receive communications from individuals or groups of individuals alleging violations of their rights, provided that certain conditions are met.

2. Protection of the Child with Special Needs under Law No. 25-01

The Algerian Constitution provides for the protection of the family and the rights of the child, and mandates the punishment of all forms of violence against children.¹⁸ Article 72 also stipulates that the State shall guarantee the integration of disadvantaged groups with special needs into social life and provides that the conditions and modalities for implementing this provision shall be determined by law.

Several Algerian laws address the protection of children with special needs, most notably Law No. 15-12 on child protection and Law No. 18-11 on health. However, with the enactment of Law No. 25-01, a set of rights was established for persons with special needs in general and for children in particular.¹⁹ This is clearly reflected in several of

¹⁷-Article 23(4) of the Convention on the Rights of the Child.

¹⁸-Article 71 of Presidential Decree No. 20-442 of 30 December 2020. Relating to the promulgation of the constitutional amendment approved by the referendum of 1 November 2020. Official Gazette of the People's Democratic Republic of Algeria, No. 82, provides:

- "The family shall enjoy the protection of the State.
- The rights of the child shall be protected by the State and the family, with due regard to the best interests of the child.
- The State shall protect and provide care for abandoned children and children of unknown parentage.
- Parents shall be legally obliged, under penalty of criminal prosecution, to ensure the upbringing of their children.
- Children shall be legally obliged, under penalty of criminal prosecution, to show kindness to and assist their parents.
- The law shall punish all forms of violence against children, their exploitation, and their abandonment.
- The State shall endeavor to ensure assistance and protection for older persons."

¹⁹-Article 2 of Law No. 25-01 defines a person with special needs as: "Any natural person, regardless of age or sex, who has a permanent disability or impairment of a hereditary, congenital, or acquired nature that limits their ability to carry out one or more essential activities of daily personal and social life as a result of impairment affecting their intellectual, mental, motor, physical, or sensory functions, and which, when interacting with various barriers, may prevent them from participating fully in society on an equal basis with others."

its articles. Moreover, the law established guarantees for the protection of these rights through administrative and criminal protection mechanisms.

2.1 Rights of the Child with Special Needs

A reading of the provisions of this law makes it clear that it grants children with special needs a set of rights appropriate to their age. However, it should be noted that a child's enjoyment of these rights is linked to obtaining a card known as the "**Special Needs Card.**"

According to Article 7, paragraph 2, of Law No. 25-01, this card is issued by the provincial services responsible for social affairs. To ensure effective protection for its holder, the law sets a maximum period of thirty days from the date of submission of the application for the card to be issued, based on a decision of the specialized provincial medical committee.

2.1.1 Rights Related to Care

These rights are related to the child's daily needs and mainly concern the right to health care and transportation.

A. The Right to Health Care

Health care begins at an early stage with what is known as disability prevention. This is achieved through early detection activities, medical prevention programs, and awareness campaigns to identify the factors that cause disability or contribute to its worsening.²⁰ This makes the promotion of scientific research in this field an urgent necessity.

The law gives considerable attention to the health of children. As soon as a disability appears or is detected, it requires that the disability be reported to the local or provincial services responsible for social affairs. This declaration must be made by the child's guardians or their legal representative. Article 10 of the law also obliges staff of public health institutions and facilities to make this declaration. There is no doubt that this declaration serves a dual purpose: ensuring the child's condition is addressed promptly without delay and contributing to the collection of statistical data.

To ensure better health protection for children with special needs and to enable them to achieve the highest possible level of independence in the future, Law No. 25-01 provides a number of services, including treatment, rehabilitation, psychological care according to the child's condition, and access to prosthetic devices and their accessories.

B. The Right to Benefit from Free Transportation or Reduced Fares

Article 15 of Law No. 25-01 grants persons with special needs the right to benefit from free transportation or reduced fares. This benefit also extends to one companion for each eligible person. It should be noted that the Algerian legislator devoted only this article to this right and left the procedures for its implementation to the regulations.

Indeed, within less than one year, an executive decree was issued clarifying the procedures for implementing this article,²¹ reflecting the genuine commitment of the Algerian State to supporting persons with special needs in general. The decree explains that, upon presentation of the Special Needs Card to the carrier, the following benefits apply:

- Every person recognized as a person with special needs is entitled to free urban and semi-urban public transportation.
- If the disability rate ranges from 80% to 100%, the person is entitled to free inland public land transportation by road and rail, as well as inland public maritime transportation.
- If the disability rate is 50% or more but less than 80%, the person is entitled to an 80% reduction in the fare for inland public road transportation, second-class railway travel, and inland public maritime transportation.
- If the disability rate is 100%, the person is entitled to an 80% reduction in the economy-class fare for inland public air transportation.

The executive decree also clarifies that these benefits extend to one companion of a person with special needs who holds a card bearing the indication "Needs a Companion."

It is clear from the above that the Algerian legislator attaches great importance to the mobility of persons with special needs, providing facilities not only for them but also for their companions. However, it is hoped that, in the future, special ambulances will be made available for persons whose disability rate is 100% and whose condition makes movement difficult. It is also hoped that the Algerian legislator will provide financial assistance for international travel expenses for persons with severe conditions who are required to travel abroad to undergo complex surgical procedures.

2.1.2 Rights Related to Inclusion

The concept of inclusion is one of the fundamental principles embodied in the Convention on the Rights of Persons with Disabilities of 2006. The Algerian legislator adopted the same approach by recognizing rights aimed at integrating children with special needs into society in a manner that ensures equality with other children. These rights include the right to upbringing and education, as well as the right to participate in cultural life.

²⁰-Executive Decree No. 24-366 of 7 November 2024. Relating to the medical certificate and medical examinations and tests prior to marriage. Official Gazette of the People's Democratic Republic of Algeria, No. 76.

²¹-Executive Decree No. 26-80 of 14 January 2026. Determining the procedures for persons with special needs to benefit from free transportation or reduced transportation fares. Official Gazette of the People's Democratic Republic of Algeria, No. 08.

A. The Right of the Child with Special Needs to Upbringing and Education

The right to upbringing and education is one of the fundamental rights guaranteed by various international and national instruments. Given its importance, these instruments have sought to guarantee this right for children with special needs.

Out of concern for this category, the Algerian legislator requires the provision of early care for children with special needs through the use of adapted methods and techniques, particularly during early upbringing and preparatory education. It also guarantees their right to upbringing and education without discrimination, on the basis of equal opportunities, through appropriate educational support. In addition, it ensures the continuation of educational support regardless of the duration of schooling or the person's age, as long as the condition of the person with special needs continues to justify it.²²

The importance the Algerian legislator attaches to this category in the field of education is further demonstrated by Article 20 of Law No. 25-01, which expressly establishes the principle of compulsory schooling for children in upbringing and education institutions. It also permits, where necessary, the establishment of special classes within the school environment for their benefit.

It should also be noted that Algerian law does not limit the State's responsibility for ensuring this right to the education sector under the Ministry of National Education. It also entrusts this responsibility to specialized institutions under the Ministry of National Solidarity whenever the nature and degree of the disability so require. According to Article 23, paragraph 2, of Law No. 25-01, these institutions provide, in addition to upbringing and education, accommodation for persons with special needs, as well as psychological and social services in coordination with their parents.

To regulate these specialized institutions, an Executive Decree was issued on 25 May 2026 establishing their basic statute.²³ Under this decree, they are classified into four categories:

- Schools for children with special needs with visual disabilities.
- Schools for children with special needs with hearing disabilities.
- Psycho-pedagogical centers for children with special needs with physical disabilities.
- Psycho-pedagogical centers for children with special needs with intellectual disabilities.

These institutions are equipped to support upbringing and education by virtue of their specialization, and they receive children from the age of three until they complete their educational path.

B. The Right of the Child with Special Needs to Participate in Cultural, Recreational, and Sports Life

It should be noted that this right was not included in previous laws concerning persons with special needs. It was introduced by Law No. 25-01. Although this right naturally applies to all age groups of persons with special needs,²⁴ the Algerian legislator was keen to ensure that children also benefit from it. Accordingly, Article 36 of Law No. 25-01 provides that the State shall guarantee children with special needs the right to participate, on an equal basis, in various cultural, artistic, recreational, and sports activities, to have access to entertainment and recreational spaces, and to take all necessary measures to identify, develop, and promote young talents in these activities.

There is no doubt that recognizing such rights, which are consistent with the provisions of Article 30 of the Convention on the Rights of Persons with Disabilities of 2006, contributes to the empowerment of this category in accordance with the principle of equality with other children.

2.2 Protection of the Rights of the Child with Special Needs

A reading of the provisions of Algerian law makes it clear that it establishes dual protection for children with special needs, consisting of two forms: administrative protection and criminal protection.

2.2.1 Administrative Protection

Administrative protection is provided through various bodies and committees at both the national and local levels that are entrusted with the protection of persons with special needs. The Algerian legislator has thus adopted an institutional approach, recognizing the effectiveness of such institutions in achieving comprehensive protection in all its aspects.

A. At the National Level

• The National Council for Persons with Special Needs

This Council is a national advisory body responsible for studying and evaluating proposals, opinions, and recommendations related to the protection and promotion of persons with special needs. Its role includes contributing to

²²-Article 19 of Law No. 25-01. Relating to the protection and promotion of persons with special needs.

²³-Executive Decree No. 26-207 of 25 May 2026. Containing the Model Statute of Specialized Education and Training Institutions for Children with Special Needs. Official Gazette of the People's Democratic Republic of Algeria, No. 43.

²⁴-It should be noted that the wording of Article 35 is general, as it provides that the State shall take the necessary measures to develop the talents and creative abilities of persons with special needs in the intellectual, cultural, artistic, and sporting fields. This suggests that the provision is not limited exclusively to children.

the preparation of public policy plans, proposing measures and recommendations aimed at improving their daily lives, and making proposals to enhance their participation and facilitate their independence and social integration.²⁵

It should be noted that when the law was enacted in 2025, it did not specify the composition of the Council or its operating procedures, leaving these matters to be regulated by executive legislation. Less than one year later, an executive decree was issued to clarify these matters.²⁶

The Council consists of 89 members representing ministerial sectors and public institutions, in addition to experts, trade union organizations, and associations. This gives it the character of a broadly representative council.

The Council meets in two ordinary sessions each year upon the proposal of its President. It may also meet in extraordinary sessions at the request of its President or two-thirds of its members.

According to Article 11 of this executive decree, the Council prepares an annual report on its activities, including an evaluation of the policy for the protection and promotion of the rights of persons with special needs. The report is submitted to the Minister responsible for National Solidarity, who then forwards it to the Prime Minister or the Head of Government.

Accordingly, it can be said that these reports reflect the commitment of the Algerian State to ensuring the protection of this vulnerable category, addressing the difficulties they face, and improving their living conditions. They serve as a tool for monitoring and evaluation, as well as a basis upon which the State develops its strategy in this field. However, more important is the continued implementation of the recommendations contained in these reports and their translation into practical action, which would enhance their effectiveness.

On the other hand, one criticism of this executive decree is that it does not clarify the status of these reports and studies because they are not legally binding. This may reduce their significance or diminish their practical impact.²⁷

• The National Appeals Committee

The National Appeals Committee is affiliated with the Ministry of National Solidarity and is responsible for deciding appeals against the decisions of the two committees provided for in Articles 39 and 40 of Law No. 25-01. Appeals are submitted by the person with special needs or their legal representative. Executive Decree No. 26-147 clarified the provisions governing the operation of this committee.

B. At the Local Level

There are two committees at the local level:

- **The Specialized Provincial Medical Committee:** This committee is affiliated with the Provincial Directorate responsible for social affairs. It is responsible for determining the nature and degree of the disability and examining the medical and administrative files of persons with special needs. If a person is unable to travel, the committee conducts home visits.
- **The Provincial Committee for Special Education and Vocational Guidance:** This committee is affiliated with the provincial services of the ministry responsible for national solidarity. It is responsible for admitting persons with special needs to educational and specialized educational institutions. It also designates the institutions responsible for their education, ensures appropriate supervision and the suitability of educational programs, and promotes their psychological and social integration.

It should be noted that the Algerian legislator issued Executive Decree No. 26-147,²⁸ which sets out the operating procedures of this committee, once again reflecting its concern for this category.

2.2.2 Criminal Protection

The concern of the Algerian legislator for persons with special needs led to the inclusion of criminal provisions in this law.²⁹

These provisions can be summarized as follows:

²⁵-Article 38 of Law No. 25-01. Relating to the protection and promotion of persons with special needs.

²⁶-Executive Decree No. 26-83 of 14 January 2026. Determining the composition, functions, organization and operation of the National Council for Persons with Special Needs. Official Gazette of the People's Democratic Republic of Algeria, No. 11.

²⁷-Loukal, M. (2025). A reading of Law No. 25-01 relating to the protection and promotion of persons with special needs. Journal of Rights and Freedoms, 13(2).

²⁸-Executive Decree No. 26-147 of 5 April 2026. Relating to the Wilaya Committee for Special Education and Vocational Guidance. Official Gazette of the People's Democratic Republic of Algeria, No. 33.

²⁹-Chapter VIII of Law No. 25-01. Relating to the protection and promotion of persons with special needs.

- Anyone who intentionally injures or assaults a person with special needs, or intentionally deprives them of food, care, or assistance, thereby causing harm to their health, shall be punished with imprisonment for two to five years and a fine ranging from 200,000 to 500,000 dinars.
- Anyone who unlawfully detains or kidnaps a person with special needs shall be punished in accordance with Algerian legislation.
- Anyone who exploits a person with special needs for begging in any form shall be punished with imprisonment for one to three years and a fine ranging from 100,000 to 300,000 dinars. The penalty shall be increased if the offender is an ascendant or descendant of the person with special needs, in which case the punishment shall be imprisonment for two to five years and a fine ranging from 200,000 to 500,000 dinars. The same increased penalty shall also apply if the offender uses media or communication platforms.

It is clear from the above that the Algerian legislator has provided persons with special needs with criminal protection by imposing dual penalties of imprisonment and fines on anyone who commits the above-mentioned acts against them.

Conclusion:

International legal instruments have established a comprehensive framework for the protection of children with special needs, with the aim of ensuring their dignity, promoting their well-being, and facilitating their full integration into society. This commitment is reflected in numerous international declarations and conventions that recognize the rights of this vulnerable group. In this respect, children with special needs benefit from several categories of rights: those enjoyed by all human beings, those specifically accorded to children, and those arising from their status as persons with special needs.

At the national level, Algeria has demonstrated its commitment to protecting children with special needs by ratifying numerous international conventions and enacting a range of legislative measures. The most significant recent development is Law No. 25-01 on the protection and promotion of persons with special needs. This law recognizes a comprehensive set of rights for children with special needs and provides them with both institutional and criminal protection. Furthermore, the law has been supplemented by several implementing regulations intended to ensure its effective application.

The combination of international and national legal protection provides a strong foundation for safeguarding the rights of children with special needs, promoting their social integration, and enabling them to enjoy their rights on an equal basis with other members of society, in accordance with the principles of equality and non-discrimination. Nevertheless, legal protection alone is not sufficient. Its effectiveness ultimately depends on its practical implementation in the daily lives of children with special needs. Continued efforts are therefore required to bridge the gap between legal guarantees and actual practice in order to achieve full and effective protection.

Study Findings

- Legislative attention has been devoted to the protection of children with special needs at both the international and national levels, including in Algeria.
- Law No. 25-01 establishes a comprehensive legislative framework dedicated to the protection and promotion of persons with special needs. The law reflects the principles of the Convention on the Rights of Persons with Disabilities and demonstrates a high degree of consistency between Algeria's national legislation and its international obligations.
- The adoption of the implementing regulations for Law No. 25-01 within one year of its promulgation demonstrates the Algerian State's commitment to strengthening the protection of persons with special needs and ensuring the effective implementation of the law.

Study Recommendations

- International and national efforts should continue to strengthen the effective protection of children with special needs, with greater attention given to improving their daily living conditions and ensuring the practical realization of their rights.
- The international community should provide greater support to developing countries and states affected by armed conflict, as these circumstances may hinder the implementation of international obligations relating to the protection of children with special needs. Appropriate mechanisms should be developed to assist these states in fulfilling their responsibilities.
- International cooperation should be strengthened through the exchange of expertise and best practices, particularly by drawing on the experiences of countries that have achieved significant progress in protecting the rights of children with special needs.
- Greater investment should be made in developing qualified human resources by expanding specialized education and professional training programs for individuals working with children with special needs.
- Additional financial resources should be allocated to support children with special needs and their families through comprehensive financial, social, and psychological assistance.

National legislation should be reviewed and updated periodically to ensure its continued alignment with developments in international human rights law and evolving international standards concerning the protection of persons with special needs.

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