

***In the use of the term "persons with disabilities"
and alternative terms: What impact on legal status?***

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Abstract:

The fluctuation in the use of terminology related to persons with disabilities reflects a deeper oscillation in the understanding of disability issues between the traditional protectionist approach and the modern rights-based approach. While the term "persons with special needs" represents the need for additional support for some groups, the term "people of determination" reflects a positive development at the psychological

and social levels. While the term "persons with disabilities" refers to the actual reality of this group.

Accordingly, this article seeks to examine the implications associated with the use of such terminology and to explore the reasons underlying this inconsistency, with the aim of identifying the most appropriate term for legal usage in order to safeguard the legal status of the concerned group. The analysis will be illustrated through reference to the prevailing approach within the Algerian legal system.

Keywords: *persons with disabilities; persons special needs; persons of determination.*

Introduction:

Recent decades have witnessed a remarkable change in the way disability issues are addressed, whether in terms of concepts, legislation, or social attitudes. Various terms have emerged in academic, media, and legal circles to describe this group, including "people with disabilities," "people with special needs," and "people of determination." Each term carries a specific meaning depending on the perspective from which this group is viewed, suggesting that this fluctuation is not merely a linguistic disagreement, but rather reflects a difference in legal and social perceptions of disability and the rights of persons with disabilities.

Those who follow these terms will notice a shift in discourse from terms of a pastoral or medical nature to terms based on a human rights approach. While the term "people with special needs" has remained present in many social and educational contexts, international legal

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texts, foremost among them the Convention on the Rights of Persons with Disabilities (2006), have adopted the term "persons with disabilities" to establish the principle of equality and non-discrimination.

Hence the importance of this research in determining the legally appropriate term for persons with disabilities, as it is not merely a linguistic choice, but a key element that affects rights, policies, and societal perceptions.

In light of this, this paper aims to examine the conceptual framework and liberalization of the term "persons with disabilities-persons with special needs-people with special needs), to identify the specific meanings of each, and to attempt to compare the three terms in terms of their legal and social meanings, by examining the variations in the use of these terms and tracing their legal and social implications, with a particular focus on the Algerian experience in light of its international commitments and national legislative developments. This is in order to determine the appropriate term for legal use.

Since there is agreement on the need to protect the groups concerned, regardless of the name given to them, the question we raise here is: What is the meaning and reference of the term used for this group? What is the appropriate term for legal use?

To address this issue, we will follow a systematic analytical approach to the texts and their legal and social implications, because the subject of the study is not limited to describing a linguistic phenomenon, but requires deconstructing the legal, social, and political dimensions of the term. We will therefore divide the subject into three sections as follows:

Chapter I: The conceptual framework of terminological plurality

Chapter I: Areas of use of terminological plurality.

Chapter I: Study of the Algerian case

Chapter I: Conceptual Framework for Terminological Diversity

In this section, we will define the meaning of each term, explain the reasons for the variation in terminology, and then compare these terms in terms of their legal and social significance and their usage.

1- The Meaning of Each Term:

The first step in determining the appropriate term for legal use is to identify the meaning of each term individually and define its limits according to its intended use.

A- Persons with disabilities:

The World Health Organization (WHO) defines disability as “the disadvantages that an individual experiences as a result of an impairment or injury that limits and prevents him from performing his normal role.”⁽¹⁾

Disability is also defined as “a condition that limits an individual's ability to perform one or more functions that are considered essential in daily life, such as self-care, social interaction, and economic activities, within the limits considered normal”⁽²⁾.

A disabled person is someone who has a permanent (total or partial) impairment in any of their senses or abilities (physical, psychological, or mental), such that this impairment limits their ability to learn, be trained, or work in any job, and is unable to meet the requirements of normal life as their non-disabled peers do.

The term “persons with disabilities” is the internationally recognized term under the Convention on the Rights of Persons with Disabilities (2006) and is understood to refer to persons who have long-term physical, mental, or sensory impairments that may hinder their full and effective participation in society on an equal basis with others. The second paragraph of Article 1 of this Convention states that the term “persons with disabilities” includes all those who suffer from long-term physical, mental, intellectual or sensory impairments that may prevent them, when faced with various barriers, from participating fully and effectively in society on an equal basis with others.

B- Persons with special needs:

Persons with special needs are defined as individuals who deviate from the normal or average level in one or more characteristics or aspects of their personality to such an extent that they require services that differ from those provided to their normal peers in order to help them achieve their maximum potential for growth and adaptation⁽³⁾.

The term “people with special needs” is usually applied to a group of individuals in society, regardless of any differences in age, gender, or other factors, who are characterized by certain characteristics or traits that either: either hinder their sensory, physical, psychological, mental, or social development and their adaptation to the environment in which they live, or serve as unique abilities that can be harnessed and directed to benefit them in all aspects of their development⁽⁴⁾.

Although, for reasons imposed by recent psychological and social

research, there have been calls from some modern educational trends to use the term "people with special needs" instead of "disability," as it expresses the stigma of disability and its negative psychological effects on the disabled person, neither Law 09-02, despite its aforementioned advantages, nor the Convention on the Rights of Persons with Disabilities has used it. Rather, there is a modern trend calling for the use of a new alternative term, "people with educational needs"⁽⁵⁾.

The term "people with special needs" first appeared in the field of special education and includes all individuals who need additional support, whether due to disability or other circumstances (such as chronic illnesses or learning difficulties), children, the elderly, or those in similar circumstances, making its meaning broader and less specific from a legal standpoint. It is therefore a flexible and vague term, and there is a school of thought that tends to use the term "people with special needs" as opposed to the law in general⁽⁶⁾.

C- People "with determination":

The designation "People of Determination" was adopted by the United Arab Emirates in 2016 as an initiative aimed at reframing the conventional terminology used to describe individuals who had previously been officially referred to as "persons with special needs" pursuant to Federal Law No. 29 of 2006 concerning the Rights of Persons with Disabilities⁽⁷⁾. This terminology functions as a motivational and positive concept, intended to highlight the capacities and achievements of individuals rather than the impairment itself. Nevertheless, despite its affirmative connotations, the term does not possess binding force nor recognition within international legal instruments.

The use of the term is based on a humanitarian and civilized approach, within a specific vision that disability does not negate determination and ambition. Therefore, people with disabilities are described in a positive way that focuses on their abilities, willpower, and strength in overcoming challenges, rather than focusing on what they lack or their disability.

The goal of adopting this term is also to:

- Highlight the strengths and positive aspects of these individuals.
- Promote society's respect for them and encourage their effective integration.



- *Move away from the traditional negative view that often accompanied terms such as “disabled” or even “people with special needs.”*

Referring to an individual as a “person with special needs” leaves no ambiguity or hesitation on the part of others with respect to the duty of providing assistance. Conversely, the expression “People of Determination”, notwithstanding its more favorable psychological connotation, may nonetheless create the impression that the individual in question is not necessarily in need of such support.

As a result of the above, although the term “people with special needs” expresses the need of this group for additional support, and the term “people of determination” refers to advancement and positivity, the official legal term in international conventions remains “persons with disabilities,” as it is more specific in terms of rights.

2- Reasons for the fluctuation in terminological usage

This fluctuation in terminological usage is due to several influential reasons, the most important of which are:

A- The evolution of social and legal concepts

In the past, terms such as “disabled” or even ‘incapacitated’ were widely used without awareness of the impact of the words, but with the evolution of the rights-based approach, more respectful and equitable terms began to emerge, such as “persons with disabilities”⁽⁸⁾.

B- Diversity among schools of thought

Some parties focus on the social aspect and use the term “people with special needs” to indicate that a person may only have additional needs, regardless of whether they have a permanent disability. International law, especially the Convention on the Rights of Persons with Disabilities (CRPD), uses the term “persons with disabilities” because it focuses on disability as a result of societal barriers, not just a medical condition.

C- Translation discrepancies

There are also discrepancies resulting from translations from foreign languages into Arabic, where translations vary between “people with disabilities,” “people with special needs,” “people in a situation of disability,” and others.

D- Local cultural dimension

In some societies, certain terms may be preferred to avoid social stigma or to take into account cultural and religious sensitivities.

Therefore, we observe this fluctuation between terms, even though the global trend today, especially from a human rights perspective, calls for the use of the term "persons with disabilities" because it is the most accurate and precise from a legal standpoint.

Third requirement: Compare these terms in terms of their legal and social significance and reference of use

A detailed and organized comparison between the three terms (persons with disabilities, persons with special needs, and persons with determination) in terms of their legal and social significance can be summarized in the following table⁽⁹⁾:

Criterion	Persons with disabilities	Persons with special needs	Persons of determination
Legal significance	The term adopted in international agreements (such as the Convention on the Rights of Persons with Disabilities, CRPD). It focuses on removing barriers and achieving equality and non-discrimination	A term that is not legally accurate; it is used in some public policies but is not internationally recognised as a legal reference	More of a motivational term than a legal one; does not appear in international conventions or official legislation
Social significance	Emphasises that a person's problem is not their disability but social and environmental barriers; aims to change society's perception towards inclusion and integration	It emphasises that these individuals require additional support without specifying the reason for the need (it could be a temporary illness, learning difficulties, etc.) It sometimes has a pastoral dimension	Focuses on highlighting abilities and achievements rather than shortcomings, to build a positive mental image in society
Society's perception of the term	Some communities are still sensitive to the word 'disability,' but it is necessary to enforce rights and acknowledge reality	Society often finds it easier to use because it is more flexible, but it may overlook the	It promotes a very positive outlook and fosters pride and empowerment among individuals and their families.

		<i>essence of justice and equality</i>	
<i>The ultimate goal</i>	<i>Achieving full integration, protecting rights, and removing social, economic, and legal barriers</i>	<i>Provides support and services as needed, but may not explicitly discuss human rights</i>	<i>Boosting morale and motivating individuals and communities to recognise their abilities and talents</i>
<i>Reference for use</i>	<i>Laws, international agreements, human rights policies</i>	<i>Social policies, special education, certain educational and health institutions</i>	<i>Community initiatives, media campaigns, incentive policies such as the 'People of Determination' policy in the UAE</i>
<i>Practical examples</i>	<i>Convention on the Rights of Persons with Disabilities (CRPD), Law No. 02-09 in Algeria, Egyptian Constitution 2014</i>	<i>Special education literature, school support documents, some social programmes</i>	<i>The 'People of Determination' initiative in the United Arab Emirates 2017), celebrations honouring achievements</i>

We conclude from the comparison that:

-Persons with disabilities: a precise legal term that is internationally recognized and takes into account dignity and inclusion.

-People with special needs: a broader and sometimes less specific term, leaning more towards the social/service aspect than the rights aspect.

-People of determination: a motivating and encouraging term.

Chapter II: Areas of use for multiple terms

The problem does not arise from the existence of multiple terms used to refer to a single category, as this may be due to reasons some of which we have discussed above. However, when it comes to legal matters, particular care must be taken in choosing the appropriate term so that rights are not lost under the pretext of multiple interpretations. Therefore, in this section, we will discuss the legal and social implications of these terms.

1- Legal usage

International conventions, particularly the Convention on the Rights of Persons with Disabilities, exclusively use the term “persons with disabilities,” as stated in its preamble:⁽¹⁰⁾

-Point E: *Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.*

-Point F: *Recognizing the importance of the principles, and guidelines on policies contained in the World Programme of Action concerning Disabled Persons and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in promoting, formulating and evaluating policies, plans, programs and actions at the national, regional and international levels to increase equalization of opportunities for persons with disabilities.*

-Point (g): *Emphasizing the importance of integrating issues relating to persons with disabilities as an integral part of sustainable development strategies.*

-Point (h): *Recognizing also that discrimination against any person on the basis of disability constitutes a violation of the inherent dignity and value of the individual.*

-Point (i): *Recognizing further the diversity of persons with disabilities.*

-Point (j): *Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more focused support.*

The legal importance of this convention is highlighted by its provisions on equality before the law and the judiciary, non-discrimination against persons with disabilities, recognition of their legal capacity and right to life, accessibility, and protection in situations of risk and humanitarian emergencies. Approximately twenty articles (Articles 10 to 30) are devoted to defining the rights of this group and attempting to institutionalize them by the States Parties through the establishment of a committee concerned with the rights of persons with disabilities.

Other terms, such as “people with special needs” and “people with determination,” do not have a binding legal character, which may lead

to conflicts in national policies and legislation.

2- In terms of social usage

The use of terms such as “people with special needs” and “people with determination” reflects a social trend towards softening the description and encouraging society to accept these individuals. However, omitting the term “disability” may lead to the denial of certain rights or the neglect of the need for necessary adjustments to ensure full participation.

There is no doubt that motivational terms promote psychological and social inclusion, but precise legal terms are necessary to ensure the effective enjoyment of rights.

Comparing the use of terminology in the media versus legislation in Algeria, we note that the media tends to use the term “people with special needs” more often to create motivation and positivity, especially in media coverage and community initiatives, but this term does not carry precise legal meaning. Algerian legislation, on the other hand, uses the term “persons with disabilities” in laws and legislation to protect rights and achieve equality, seeking legal precision, especially after Algeria's commitment to international standards, although the term “people with special needs” is used in the new Law 25-01.

Chapter III: Study of the Algerian case

We will briefly examine this experience from the perspective of legal usage, as well as social and media discourse.

1- National legal framework

Algeria ratified the United Nations Convention on the Rights of Persons with Disabilities in 2009, which necessitated the amendment of national terminology and future legal projects in line with international standards. This was approved in the 2020 constitutional amendment⁽¹⁾, Article 40 of which states: “The State shall guarantee the protection of persons with disabilities from any form of discrimination. It shall work to integrate them socially and economically.” This reflects the constitutional commitment to establishing justice and equal opportunities. It should be noted that more recent texts related to international conventions tend to use the term “persons with disabilities” in line with international agreements.

Law No. 02-09 of May 8, Dated 8 May 2002, relating to the protection and advancement of persons with disabilities⁽¹²⁾, used the

term "persons with disabilities." Law No. 18-11 of July⁽¹³⁾, 2018, relating to the health, did not define disability in its content, despite mentioning the terms "disability" and "disabled persons" in several of its articles.

Executive Decree No. 14-204 on the classification of disabilities according to their nature and degree states⁽¹⁴⁾ in Article 2 that, in accordance with the legislation in force, a disability is considered to be: Any limitation in the performance of one or more basic activities of daily personal and social life, resulting from an impairment of mental, motor, and/or sensory functions, affecting any person in their environment, regardless of age or gender. Disability results from an injury of genetic or congenital origin 10 or acquired.

However, this term has been replaced in the new law⁽¹⁵⁾ 25-01 with the term "persons with special needs and their advancement, where a person with special needs is defined in the first paragraph of Article 2 as: any natural person, regardless of age or gender, who suffers from a permanent disability or impairment of a genetic, congenital, or acquired nature that limits their ability to perform one or more basic activities in their personal and social daily life, as a result of an impairment of their mental, intellectual, motor, organic, or sensory functions, which may prevent them from fully participating in society on an equal basis with other persons when faced with various barriers.

Ms. Moulouji, Minister of National Solidarity and Family, explained in her statement to members of parliament that this new text aims to "consolidate the achievements of persons with special needs and strengthen the necessary measures and mechanisms for the care and support of this group"⁽¹⁶⁾.

In our opinion, the Algerian legislator's decision to abandon the term "persons with disabilities" and adopt the term "persons with special needs" in Law 25-01 of 2025, even though it is not consistent with the term used in international law, can be analyzed on the basis of several possibilities, the most important of which are:

-The desire to use a more socially inclusive term: the term "people with special needs" may seem, in the eyes of the legislator, more inclusive, because it is not limited to physical or mental disabilities, but also includes other categories (such as people with chronic diseases or learning disabilities).

-An attempt to adopt less harsh social discourse: The aim may be to

soften terms associated with disability or impairment and use language that appears more positive and kinder towards the groups benefiting from protection.

-The influence of media and community discourse: Since the Algerian media and civil society organizations often prefer the term "people with special needs," it is possible that legislators have been influenced by this general trend.

-Lack of strict compliance with international obligations: Although Algeria has ratified the Convention on the Rights of Persons with Disabilities, legislative updates are not always consistent with international law, which opens the door to the use of different terms.

-Political or administrative motives: Sometimes there may be a political or administrative desire to highlight a comprehensive effort to support all vulnerable groups without limiting oneself to a legal term that may be understood as referring only to disability in the narrow sense.

2- In social and media discourse

Media and community discourse clearly confuses the three terms. Some associations prefer the term "people with special needs" for emotional and social reasons, and there are timid attempts to adopt motivational terms such as "heroes," "exceptional individuals," and sometimes "people of determination."

All of this indicates a lack of social awareness of the meaning of these terms, which calls for awareness campaigns and training for legal and social actors within the framework of a unified national strategy for the use of terminology.

The choice of terminology may vary from one field to another, although we believe that there is mutual influence between these fields. However, when it comes to the legal field, it is necessary to use appropriate terminology with a clear meaning, and it is acceptable to agree on a single term if it is in line with the prevailing legal system in the country.

It should be noted that some Arab countries use the term "persons with disabilities," such as Egypt in its 2014 constitution and Law No. 10 of 2018 on the rights of persons with disabilities, which use the term in accordance with international standards. Saudi Arabia: The term "persons with disabilities" appears in many texts, and there is a tendency to use this term instead of "special needs" in modern

legislation. The United Arab Emirates uses the term “people of determination” as a local translation to support the positive empowerment of persons with disabilities.

Conclusion:

In this article, we have attempted to understand the term “persons with disabilities” and the alternative terms that have been used in an effort to keep pace with social developments and achieve more effective integration of this group into society, thereby reducing the differences that make these individuals feel that they are a burden on society. However, this has created inconsistency in the use of terms related to disability, resulting from a profound disparity between legal and social perceptions.

After addressing the issues raised in this paper, we have reached the following **conclusions**:

- Defining the term in this context is not a formal matter, but rather a question of rights, recognition, and the determination of responsibilities. It is the first step toward the effective empowerment of persons with disabilities, ensuring that they are not discriminated against, and fully recognizing their human dignity. This requires that the adoption of the term from a legal standpoint achieve the following:

1- Legal reference and protection of rights: The term defines who is covered by legal protection. For example, “persons with disabilities” is a precise and internationally recognized term, making it the basis for any legal claim or grievance. Meanwhile, using a vague term such as “people with special needs” may lead to ambiguity in the target group, and thus to weak legal coverage or access to rights.

2-Consistency with international conventions: The Convention on the Rights of Persons with Disabilities (CRPD) adopts a specific term that reflects an advanced rights-based view of disability. The use of alternative terms that are not in line with the convention creates legislative inconsistency and affects the state's commitment to implementing its international obligations.

3-Impact on public policy: Policies related to inclusion, education, employment, and other areas are based on the definition of the term. If the term is inaccurate, policies may fail to effectively target the intended group, thereby weakening their social impact.

4-Shaping social perceptions: Terms are not neutral: “disability” focuses on challenges and rights, while “special needs” focuses on

achievement, and "special needs" focuses on temporary disability or support. Thus, terminology contributes to building a mental image in society that is either positive and encouraging, negative and stigmatizing, or superficial and motivational without any depth in terms of rights.

5-Empowering the target group: The term defines individuals' identity and their place in society. Using the correct term gives individuals the legitimacy to claim their rights and contributes to their recognition as full citizens, rather than as "needy" or "excluded."

In light of these findings, we can make the following recommendations:

1. Algerian legislation must be harmonized to formally adopt the term "persons with disabilities" and not contradict international texts, as was the case with Law 25-01.

2. Incorporate motivational terminology into media campaigns while maintaining accurate legal terminology in official texts.

3. Prepare training courses for judges, lawyers, and media professionals on modern concepts of disability.

Finally, while the term "people of determination" represents a positive development on a moral level, there is still an urgent need to adopt the term "persons with disabilities" in the legal framework to ensure the effective and consistent protection of the rights of this group.

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