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Free Treatment in Algeria

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Introduction

Free treatment is a major and difficult problem, not only in Algeria, but in the entire health world. The problem lies in the fact that the health of individuals belongs to individuals, and in return the deterioration of the health of the individual may lead to the deterioration of the health of the group through infection, and for this reason it is necessary for the state to intervene to regulate the healthy lives of individuals through vaccinations and through prevention, but to what extent can public authorities intervene in health? On the other hand, can individuals consider that the role of public authorities is necessary and that every individual has the right to health?

The right to health means prevention and treatment without compensation because the law protects rights, the rights of individuals and groups.

Public service is primarily the responsibility of the state and is not suspended for a specific time, but rather is a permanent, continuous and evolving process. Despite the role that public facilities play in achieving public services, this does not mean that they are free of charge or without economic return.

The right to health care does not mean the right to compensation for treatment costs, and the right to health does not mean free. So what is free?

To answer the problem, we adopted the following plan:

- The concept of free.

Part One: Principles of free treatment in Algeria.

Chapter One: The principle of protection.

The first topic: the right to health.

Section Two: The right to compensation.

Chapter Two: Free and its characteristics.

The first topic: direct free.

The second topic: comprehensive free.

Part Two: Abandoning the principle of free treatment in Algeria.

Chapter One: Private clinics and pharmacies.

The first section: Accreditation of private clinics and pharmacies.

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The second section: the activity of private clinics and pharmacies.
Chapter Two: Stages of applying free treatment.
The first topic: financing health institutions.
The second section: Reviewing the absolutely free health services and the recovery card.
Conclusion .
The right to health is one of the fundamental rights mentioned in the Universal Declaration of Human Rights (Article 25), and the Algerian state also guarantees the right to health as a fundamental right, as Article 13 of Health Law No. 18-11 stipulates that the state "guarantees free treatment and ensures access to it for all citizens, and harnesses all means of diagnosis, treatment and hospitalization in all public health structures, as well as every work aimed at protecting and promoting the health of citizens."
From the above, we can conclude that the concept of free is the state's full responsibility for health problems for all citizens and across the entire national territory.
But this simple concept has several complications in reality because the state has set conditions and standards within a legal framework based on a fixed foundation, which is the principle of free treatment. This legal framework has developed through stages according to economic, social and political circumstances.
The principles of free treatment are justice and equality. Justice is in providing health services to all citizens and equality before the public health facility in terms of benefit, priority and urgency.
The right to health and free treatment in principle was established by the issuance of Order No. 73-65 establishing free medicine in the health sectors [1].
Free treatment is a response to the principle of the right to treatment, which is considered a social demand. This demand came after a period of control by the private sector in terms of the volume of health services provided, directly after independence until 1974 when the principle of free treatment began to be implemented in the health sector in Algeria.
The principle of free treatment was enshrined in the Algerian Constitution of 1976 (Article 59), which stipulates the role of the state in health protection through the right to health and health services and through the right to compensation for some of the expenses paid by the patient for x-rays and the purchase of medicines.
'Every citizen has the right to health care.'
The socialist and social nature of the state allowed the continued application of the principle of free treatment even after the constitutional amendment in 1979 (Law No. 79-06 of July 7, 1979 amending Order No. 76-79 of November 22, 1976).
The health law issued on October 23, 1976, which lasted until 1985, was amended by Law 85-05 of February 16, 1985. The latter came in response to the difficult economic conditions that Algeria experienced. The year 1985 was the beginning of the decline in the principle of free treatment because the state could no longer implement direct, absolute and comprehensive free treatment,

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and for this reason it introduced amendments. The citizen was no longer able to pay for health services, nor was the state able to meet all requirements. Patients' needs, except for basic treatments.

Law 85-05 is the beginning of the decline in state intervention in the field of investment in the health sector, which allowed the emergence of private investment through private clinics and then private hospitals, which allowed for the duplication of the health system after the control of the unilateral public system.

Direct free means that the patient benefits directly from free services without payment or compensation. However, since 1985, the patient has been purchasing medicine from private pharmacies, and 80% of the total expenses are compensated if he is socially insured.

Universal free means that compensation includes all diseases and all medications. After the ideological transition, chronic diseases appeared and replaced mobile and infectious diseases. These chronic diseases are costly to the state budget, and therefore the state abandoned this category in the field of compensation because medicines for diabetes, heart disease, and cancer were imported.

The introduction of generic medicine is what allowed chronic diseases to be taken care of, but that is limited to some diseases and some patients, and this violates the principle of "absolute" freeness, which is one of the characteristics of freeness, in addition to the "direct" and "comprehensive" characteristics.

The year 1985 was the beginning of the change in the principle of free treatment in Algeria, with the issuance of Law (85-05). Because the health system was dependent on the public health sector, and after duplication, it allowed the existence of a private sector alongside the health sector, and this is after the new trend towards abandoning the socialist approach and adopting a market economy, a free economy, and democracy, after the failure of socialism in the rest of the world[2] .

Law 85-05 is what allowed the establishment of distribution units for pharmaceutical materials, as Article 188 of it stipulates the following:

'The pharmaceutical materials distribution unit shall be placed under the responsibility of a pharmacist, and with regard to private pharmacies, the pharmacist must be the sole owner and sole manager of the commercial store of the pharmacy for which he is responsible.' The patient, after obtaining the medicine directly from the pharmacy at the hospital level and without paying money, now pays money to the private pharmacist and may be compensated if he is insured within the limits of 80%, and this is considered a departure from the principle of direct free of charge.

Executive Decree No. 88-204, dated 07 Rabi' al-Awwal 109, corresponding to October 18, 1988, is considered the legal basis for establishing and implementing private clinics, as it specified the conditions that must be met to open a private clinic and allow it to operate and be active. This is considered the second type of abandonment of the principle of free treatment, so that the patient was directed to private clinics by public health doctors due to the lack of some health services at

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the level of public hospitals due to overcrowding and also due to the increase in the population. All of this increased the The burden of the patient who no longer believes in free care is placed on public hospitals that do not have some medical supplies and some necessary medicines.
Abandoning the principle of free treatment is not a deviation as much as it is a new trend for the state. This trend was confirmed by the issuance of Health Law 11/18, which stipulated in Article 308:
- Private hospital institutions.
- Private institutions for treatment.
- Private pharmacies.
This trend was also reinforced by the issuance of Executive Decree No. 21-136 of April 7, 2021, which specifies the conditions and methods for private institutions to exploit health and regulate their activities.
The abandonment of the principle of free treatment in Algeria came in stages. The health system changed approximately every ten years. After ten years of independence (62-72), the principle of free treatment was established in 1973, and then it was implemented for a period of no less than ten years (74-84). In the year 1985, Law 85-05 was issued, which established a dual health system, which is a health policy whose goal is to relatively reverse free treatment.
Over the years, the application of free treatment has become a hostage to the financial and economic situation of Algeria, which necessitated a review not only of the laws and texts that govern the work and management of hospitals, but also the principle of free treatment, which witnessed a decline during the application of decrees and decisions related to the introduction of pricing on general medicine, specialized medicine, and hospitalization services. Ten years later, i.e. from 1985 to 1995, the year was issued by the joint ministerial decision between the Ministry of Health and the Ministry of Finance dated 01/07/1995 related to With private sources to finance the budget of health institutions. Before that year, i.e. 1995, the sources of public health institutions were:
- The state's contribution is 85%.
- The Social Security contribution is 10%, then an addition of 5% is a source of funding for health institutions, which is the contribution of the family, that is, the patients, by paying a cash fee before any medical consultation or medical examination, whether it is with a general practitioner or a specialist doctor.
At the level of private clinics, the patient may pay all costs of treatment and all fees unless he is socially insured, in which case he may receive compensation for some expenses provided that the private clinic has a contract with the CNAS social security funds. CASNOS.
The same applies to contracted pharmacies, but unfortunately the Al-Shifa card does not cover all the costs of medicines. There are unapproved and imported medicines that cannot be replaced.

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Also, the Al-Shifa card has a financial limit and a specific number of times a month, so it cannot be used every time.
The recovery card held by insured patients was created pursuant to Law No. 08-01 of January 23, 2008, which supplements Law No. 83-11 related to social insurance. Law No. 08-01 added Article 06 bis, which established the legal basis for the use of the electronic card for the socially insured (the recovery card).
The trend towards abandoning the principle of free treatment appears clearly in the recovery card because the socially insured patient pays in advance wage deductions allocated for the recovery card, and he may pay those deductions without obtaining health services.
Despite repeated attempts by officials, sometimes at the level of the Ministry of Health, sometimes at the level of the Ministry of Solidarity, and sometimes at the level of the Ministry of Labor, in order to find appropriate solutions for socially uninsured patients, these attempts failed. Despite the issuance of Executive Decree No. 24-287 dated August 22, 2024, which specifies medical care for the needy, uninsured, as well as the joint ministerial decision dated November 13, 2025, this did not benefit the uninsured patients. Believers and those who still aspire to obtain a healing card for the needy.
In conclusion, it can be said that free treatment in Algeria was not implemented except in the first decade after the issuance of Order 73-65 establishing free medicine, and it cannot be implemented except by reviewing the laws that govern the health system in Algeria, especially those related to the sources of funding for the health system and those related to social security and insurance for sickness, maternity, disability, death, accidents, and occupational diseases, as well as texts related to the national card for the indigent and the recovery card.

References

[1] *Order No. 73-65 of December 28, 1973 Official Gazette No. 17 of January 1, 1974 .*
[2] *Health Law No. 85-05 of February 16, 1986, relating to the protection and promotion of health, Official Gazette No. 08 of February 17, 1985, p. 122 .*

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