



Covid-19 Pandemic and Mental Health of Persons with Disabilities: In a Legal Perspective

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Abstract- COVID-19 has a significant threat to global health, which has peculiar implications for people suffering from mental health and disabilities. Considering this issue, this research paper examines laws on persons with mental disabilities in Pakistan protecting their rights especially mental health. It addresses the main question whether the legal framework on persons with mental disabilities is sufficient to deal with present challenges. The current findings show that the current legal framework and policies are inadequate and insufficient in nature and based on the archaic and outmoded laws that do not meet the needs of modern health crises like Covid-19 pandemic. It concludes that Pakistan needs to amend laws on the subject to overcome the present challenges. The qualitative and analytical method of research has been followed.

Key Words: COVID-19 Pandemic, Persons with mental disabilities, International laws, Pakistani law.

I. INTRODUCTION

COVID-19 has caused a worldwide health crisis, and Pakistan is no exception to that. The responding measures like movement restrictions, quarantine, and lockdowns are effecting psycho-social life of general public creating a sense of fear and anxiety and alike problems. Even developed States with resources to tackle economic and social challenges are still finding it hard to handle these challenges. Developing States like Pakistan are facing severe kind of issues with lock down in the country leading to frustration, depression, anger and other psychological disorders. Though, the health system in Pakistan is inadequate and most persons with disabilities remain vulnerable in it. This study especially discusses the issues related to health of persons with mental disabilities during Covid-19 who are not only discriminated against normal persons but also against persons with physical disabilities.

1. Covid-19 Pandemic and its Impact on Mental Health

There is a great link between Covid-19 pandemic and mental health. It has been pointed out by the researches that there is difference between chronic diseases for instance “human immunodeficiency virus” (HIV), and “tuberculosis with mental chaos” such as depression, in general people. It was also observed in similar researches done on SARS, 2003 and Ebola in 2014 that infectious disease caused reactive attitude amongst the people in addition to other psychiatric problems.

In Pakistan, a systematic research has not been conducted yet showing the impact of Covid-19 pandemic on mental health. It is apprehended that Covid-19 has bad impact on the basis of current reaction of the people. However, a study limited to Karachi city has been conducted by Balkhi et al in March 2020, who studied data from 400 respondents living in Karachi. It was found in said study the spread of the Covid-19 had increased of fears in people, most of them experienced anxiety on a daily basis (62.5%).

Although Covid-19 has great impact on the general public, victims of Covid-19 and healthcare workers but the present study focuses on persons with mental disabilities. The conditions of mental health are “chronic health co-morbidities” that are repeatedly unnoticed and deemed insignificant in contrast to “medical co-morbidities”. It is important to mention here that COVID-19 is likely to affect this segment of the society more severely as compared to the other normal people. The major concern of persons with mental disabilities is the deterioration of symptoms. Stress is basis for development, beginning and harshness of mental health disabilities. In the general people, anxiety and depression are increasing with the ratio of 1/3 persons and 1/5 persons with respect to sleep interruption and depressive symptoms. Victims of anxiety in general and health anxiety may find rise in their symptoms amid Covid-19 pandemic.

To control the spread of Covid-19 pandemic, federal and provincial governments have imposed strict lockdowns in the country. For this purpose, new emergency laws have been enforced to restrict freedom of movement and gatherings. Although certain directives on lockdown have been issued but neither the federal nor provincial governments have drafted guiding principles about the impact of such lockdown on mental health. Though the stress of the current situation impacts everyone, but it creates more difficulties for unemployed and vulnerable people especially already victims of mental health problems. Furthermore, the major safety measure to the virus recommended by the experts and the government is “self-isolation” which may lead to “distress, anxiety, self-harm, and suicidal thoughts”.

2. Deaths and Suicides during Covid-19

It is important to mention here the incidents of unfortunate deaths and suicides to understand the severity of the present situation. A number of incidents, from time to time, have been reported by media which provide a glimpse of the situation. In Pakistan, there is no suicide database at national level, which could help to identify the suicides and deaths attributed to mental health issues during Covid-19. This study uses the suicide data from media reports. For example, 29 suicide cases have been reported in press since Jan 2020 till April 2020, of out these 16 suicidalities, such as 12 deaths and four attempts, were linked to Covid-19. Among the suiciding, 12 were males. Most of these persons were caught by economic recession and just four were reportedly afraid of being infected by Covid-19.

These referred unfortunate cases reveal that most of the suicide cases took place because of the economic recession during lockdown and its impact on mental health in Pakistan. There is a positive connection between economic recession and increased suicide rates under thirty-one international researches. The instant research also endorses the results of these studies. It is noted that imposition of lockdown to control the spread of Covid-19 is a hard decision for any developing country like Pakistan. In the present situation and with economic effects, it is not possible to predict accurately the number of people to be affected by the Covid-19 and its impact on mental health.

3. Mental Health Laws: Legal and Implementation Challenges

There are certain, general and specific, international and national laws on persons with mental disabilities which are being discussed as following:

i. International Law and Persons with Mental Disabilities

Law/Covenant/Declaration	Nature of the Law	Does it cover mental health?	Does it provide mental health programs for COVID-19 infected persons with mental disabilities?
Declaration on the Rights of Mentally Retarded Persons, 1971	Specific	yes	No
Declaration on the Rights of Disabled Persons, 1975	General	yes	No

Principles on Mental Illness 1991, the Convention No. 159 and the Rules	Specific	yes	No
Convention on the Rights of Persons with Disabilities, 2006	General	yes	No
UDHR 1948, IBHR 1948, ICCPR 1966, ICESCR 1966	General	yes	No

ii. National Legislation and Persons with Mental Disabilities

Law	Nature of the Law	Does it cover mental health?	Does it provide mental health programs for COVID-19 infected persons with mental disabilities?
Lunacy Act, 1912	Specific	yes	No
Disabled persons (Employment and Rehabilitation) Ordinance 1981	General	yes	No
Mental Health Ordinance, 2001	Specific	yes	No
The Sindh Mental Health Act, 2013	Specific	yes	No
The Punjab Mental Health Act, 2014	Specific	yes	No
The KPK Mental Health Act, 2017	Specific	yes	No
The West Pakistan Epidemic Diseases Act, 1958	General with reference to PWMD but specific with infectious diseases	yes	No
The Punjab Infectious Diseases (Prevention and Control) Act, 2020	General with reference to PWMD but specific with infectious diseases	yes	No
The Sindh Epidemic Diseases Act, 2014	General with reference to PWMD but specific with infectious diseases	yes	No
The Khyber Pakhtunkhwa Public Health (Surveillance and Response) Act, 2017	General with reference to PWMD but specific with infectious diseases	yes	No

Above table shows that there is lack of mental health programs for COVID-19 infected persons, the normal and especially for persons with mental disabilities. Similarly, this law does not include provisions concerning persons with mental disabilities and how their treatment may vary from other infected persons. The central point which the instant research points out is that the laws discussed above are general in nature and do not address the problems of persons with mental disabilities in pandemic diseases such as Covid-19. However, WHO at international level has provided guidelines, similarly the government of Pakistan has issued SOPs to deal with the issue but the same are not clear, comprehensive and specific.

Of course, infectious persons are considered a hazard and at the same time they become anxious due to isolation process. Thus, it is a fact that the provinces of Pakistan have very short mental health funds. Probably

this is the best moment to organize and provide viable system for the welfare of the society as a general and persons with disabilities as a special. In this regard, online sessions can also be organized empowering practitioners, especially for the benefits of infectious and isolated persons. Due to the Covid-19 pandemic, there are comparatively high rates of deaths. It may cause long and short-term concerns, for example PTSD, depression, anxiety and deterioration of already psychiatric disorders. So, there is need for an inclusive response catering to special needs of the PWDs.

4. Possible Mental Health Interventions

To tackle mental health suffering and protect the PWDs, there is need to make certain psychological and emotional welfare. For this purpose, an inclusive multidisciplinary plan may be made at the level of organization comprising of skilled psychiatrists, trained nursing staff, and active medical and emergency teams who perform their duties at the frontline. Psychological first aid should also be considered among response measure for the PWDs suffering from crisis or situation like Covid-19. It provides support to the sufferers and survivors for their early rehabilitation.

In the present situation, panic, anxiety or pandemic anxiety is likely to cause mental health issues; psychological first aid can be a useful method to help public and PWDs during Covid-19.

II. CONCLUSION

This research reveals that there are certain lacunas and drawbacks in Pakistani laws on persons with mentally disabilities. It finds that current infectious disease legislation in Pakistan stands in isolation of the mental and physical disability laws. In terms of response measures, the missing link between mental health disability related legislation and infectious diseases laws is creating more difficulties in during COVID-19. So, the present legislation on disability, especially on mental health, is required to be amended on urgent basis in the light of international best practices, and their relevant provisions on protection of the rights of PWDs should be incorporated by reference to the infectious diseases laws. Probably this is a good chance to enhance their quality of life.

Conflict of Interest

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