



RESEARCH PAPER

Mental Health Law in the United Arab Emirates: An Analysis

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ABSTRACT

This research aims to study mental health law in the United Arab Emirates. The UAE enacted Federal Law No. 10 of 2023 on mental health, which is a comprehensive and well-developed legislation in the field of mental health. The doctrinal legal analysis research method was employed to study mental health law in the United Arab Emirates. Mental health law in the UAE guarantees the safeguarding of the rights and dignity of psychiatric patients, along with the provision of health care and the regulations of relations between psychiatric patients and people related to them, including employed and employee relations. To meet the objectives of mental health law in the United Arab Emirates, it is recommended that infrastructure be developed, mental health professionals be specialized trained, and awareness of mental health be spread.

Keywords: Health, Law, Mental, Psychiatric, UAE

Introduction

Mental health is as important as physical health. There are many stereotypes and misconceptions found about mental health, due to which mental health is not being given its due importance (Corrigan & Watson, 2002). However, awareness about mental health, mental disorders, and their treatment is increasing day by day, and more people are showing up to mental health professionals for the treatment of their mental disorders and conditions. Furthermore, due to the rise in the number of people suffering from mental disorders and conditions, governments across the world have started to relatively more focus on mental health (Ajmal et al., 2024).

The government of the UAE enacted its Federal Law No. 10 of 2023 on Mental Health by repealing Federal Law No. 28 (1981). It is a comprehensive statutory law on mental health which covers diverse issues related to mental health. It is a federal law, and its jurisdiction is extended to all over the United Arab Emirates, including the free zones (Article 3, The Federal Law No. 10 on Mental Health, 2023). The primary objective of this statutory law is the welfare of people with mental disorders in the UAE (Article 2, The Federal Law No. (10) On Mental Health, 2023).

Literature Review

Many people in the UAE are suffering from mental health issues. Although there is a scarcity of research on mental health in the UAE, it is estimated that there is a high presence of mental disorders in the population across the United Arab Emirates (Eapen & El-Rufai, 2008). According to one study, 57 percent of people in the UAE are found to have at least one mental health issue. Anxiety issues were found to be at the top of the list, followed by depression among the population. Moreover, women are found to have more mental health issues than men (Mahmoud & Saravanan, 2020).

Social stigma attached to mental health is one of the leading factors in not getting professional help from mental health professionals (Al-Darmaki, 2015). There are many

misconceptions about mental health found in the population of the UAE (Gerstein et al., 2009). It is believed that mental health issues are caused by sins, evil spirits, and/or magic (Chowdhury, 2015), and these misconceptions are not limited to laypersons only; rather, some other kinds of misconceptions about mental health are found among the physicians in the United Arab Emirates (Butcher, 2013).

The traditional value system and stigma about mental health in the UAE seemed to be associated. Family values in the UAE have a significant effect on attitudes towards mental health (Andrade et al., 2022). The stigma related to mental health is not limited to the UAE; rather, it is prevalent in the Arab world (Zolezzi et al., 2018). Moreover, the practice of consulting with faith healers in cases of mental illness is common in the UAE. The attitude of people towards mental health is almost the same whether it is the relatively more developed southern emirates or the less developed northern emirates (Thomas et al., 2015).

As far as mental health professionals are concerned, there is a shortage of properly trained mental health professionals in the United Arab Emirates. There are only 4.24 psychiatrists and 2.89 psychologists per 100,000 population in the UAE (WHO, 2022). Some improvements in the attitude towards mental health and seeking professional help have been observed in the population across the UAE (Andrade et al., 2022). After the COVID-19 pandemic and lockdown, the mental health of people in the United Arab Emirates deteriorated (Cheikh Ismail et al., 2021).

The COVID-19 pandemic impacted adversely global mental health. The number of people having mental health issues increased during and after this pandemic which led the government around the world to be attentive towards the issue of mental health. Many countries are upgrading their laws on mental health to make community-based mental health care accessible, reduce the stigma around mental health, and safeguard the rights of people with mental disorders (s). However, the laws on mental health in most of these are in their budding phase. Existing laws on mental health in most of the countries are not developed enough to tackle the issue of mental health and the ancillary issues revolve around mental health. These mental health laws are more focused on the diagnosis and medication for the treatment of mental disorders while neglecting the other factors which are pivotal for mental health. Moreover, existing laws on mental health in most countries are not protecting human rights rather these laws can be conveniently exploited to violate the human rights of psychiatric patients. Countries around the globe are encouraged to shift their paradigms on mental health and take a rights-based approach to mental health legislation (WHO & UN, 2023).

Material and Methods

The doctrinal legal analysis method was used to study mental health law in the United Arab Emirates.

Results and Discussion

The United Arab Emirates enacted Federal Law No. 10 on Mental Health (2023), which is comprehensive legislation on mental health. It is a statutory law which deals with matters related to mental health across the United Arab Emirates. This statutory law repealed Federal Law No. 28 (1981). The objectives of this law are the regulation of the relationship between people with mental disorder(s) and the other parties related to them, the provision of health care to them, the safeguarding of their rights and dignity, the reduction of negative impacts of mental disorders on individuals, their families, and the society, and the integration of the people with mental disorders into the society (Article 2, The Federal Law No. (10), 2023).

Article 1 of Federal Law No. 10 (2023) in the United Arab Emirates defines mental health as a state of psychological and social stability which enables a person to deal with life stresses, work, attain his or her goals, and contribute to society. Mental disorder, as defined in this article, is the disturbance in mental capabilities such as mood, thinking, behavior, memory, and perception to an extent which can lead to issues in the social and/or professional life of a person. The definition of mental health and psychiatric disorders given in this statutory law meets the criteria of definitions of mental health and psychiatric disorders adopted in the latest versions of the authorities on mental health. WHO (2022) defines mental health as a state of well-being which enables people to deal with life stresses, to work and learn as per their capacities, and to contribute constructively to their community. DSM-5-TR (2022) and ICD-11 (2024) define mental disorder as a condition which is characterized by a disturbance in the cognition, regulation of emotions, or behavior of a person which reflects a dysfunction in the psychological, biological, or developmental processes underlying mental functioning. Significant distress or disability in social, professional, and/or other important activities is central to mental disorders.

Much-needed developments in the field of mental health are made by the enactment of Federal Law No. 10 (2023). Article 4 of Federal Law No. 10 on Mental Health (2023) makes the obtaining of a license compulsory to provide mental health services in the UAE. Article 6 of this statutory law makes it necessary for each emirate to form an Oversight and Follow-up Committee for dealing with different issues related to mental health services. Along with many other functions, this committee shall be responsible for dealing with the cases of compulsory admission and treatment, ensuring and supervising the standards adopted by mental health facilities, reviewing and deciding on the reports received by the Patient Rights Care Committee, and coordinating with the health authority (Article 7, The Federal Law No. (10), 2023). The provision of such a committee as the Oversight and Follow-up Committee to deal with the matters related to mental health services in the mental health law in the UAE is indeed a progressive step and meets the standards of well-developed laws on mental health (Ajmal et al., 2024).

Article 9 of Federal Law No. 10 on Mental Health (2023) deals with the general rights of patients with mental disorders. Clause 5 of Article 9 asserts nondiscrimination of patients with mental disorders at the workplace and abstains from termination of employment of people with mental disorders due to their mental condition, except based on a report from a specialized medical committee. In many countries of the world, the insufficiency of community-based mental health support results in human rights violations, such as abuse and degrading treatment of people with mental disorders, which further infringe their civil, political, economic, and social rights (UN., Human Rights, 2024). Many of the rights of psychiatric patients which are protected by Article 9 of Federal Law No. 10 on Mental Health (2023) are also the human rights of people with mental disorders.

The Federal Law No. 10 on Mental Health (2023) acts as a bar to the infringement of the basic rights of psychiatric patients. This law guarantees many rights of psychiatric patients given in the UN Convention on the Rights of Persons with Disabilities (2008). Furthermore, it follows many of the principles specified by the United Nations for the protection and care of psychiatric patients (UN General Assembly, 2002). Article 10 of Federal Law No. 10 on Mental Health (2023) deals with the rights of psychiatric patients related to their mental health care and treatment.

Article 11 of Federal Law No. 10 on Mental Health (2023) addresses comprehensively the special health guarantees to people with minor mental health disorders and conditions. Article 12 of Federal Law No. 10 on Mental Health (2023) makes it mandatory for mental health facilities to hand over the Patient Bill of Rights to the patients or their representatives. This article further makes it mandatory for mental health facilities to place the Patient Bill of Rights in a visible place and in the medical file of each patient. Articles 13 and 14 of Federal Law No. 10 on Mental Health (2023) deal, respectively, with

the constitution and the functions of the Patient Care Rights Committee in each mental health facility. Article 15 of Federal Law No. 10 on Mental Health (2023) addresses the redressal of grievances and objectives raised by psychiatric patients.

Federal Law No. 10 on Mental Health (2023) deals with diverse matters related to mental health, psychiatric patients and mental health facilities comprehensively which were never sufficiently addressed by the law in the UAE. Chapter 3 of Federal Law No. 10 on Mental Health (2023) deals with the admission, including compulsory admission, of psychiatric patients in mental health facilities for evaluation and treatment. Chapter 4 of this statutory law discusses compulsory outpatient therapeutic care and ancillary matters to compulsory outpatient psychiatric care. Chapter 5 deals with the consent of the patient for compulsory admission and voluntary admission, emergency treatment of compulsorily admitted persons with mental disorders, withdrawal of the consent to treatment by a patient, restricting and isolating psychiatric patients, transfer of psychiatric patients, and voluntary submission to addiction treatment.

Chapter 6 of Federal Law No. 10 on Mental Health (2023) details the penalties in cases of fake medical reports, admission of a psychiatric patient to a mental health facility in bad faith, assistance to a compulsorily admitted psychiatric patient for escaping from the mental health facility, and abuse and neglect of psychiatric patients by persons who are duty-bound to take care of them. Chapter 7 of this law deals with judicial enforcement in case of any violation specified in Chapter 6 and the establishment of care homes for the accommodation and the care of psychiatric patients. Federal Law No. 10 on Mental Health (2023) is indeed a well-developed carefully crafted law on mental health. The impact of this law on the state of mental health is dependent on its effective implementation.

Conclusion

The Federal Law No. 10 of 2023 is the statutory law on mental health in the UAE. It is a federal law, and its jurisdiction is extended to all over the UAE, including the free zones. The Federal Law No. 10 of 2023 is a comprehensive law on mental health which covers diverse issues related to mental health. This law regulates the relationship between people with mental disorder(s) and the other parties related to them, provides health care to psychiatric patients, and protects their rights and dignity. To meet the objectives of this law through its proper implementation, the building of infrastructure, training of mental health professionals, and spreading awareness on mental health across the United Arab Emirates are recommended.

Recommendations

Implementation of the Law on Mental Health

Federal Law No. 10 (2023) in the UAE is comprehensive legislation on mental health. The implementation of this law can have a significant impact on the state of mental health in the United Arab Emirates. However, the real challenge is the implementation of this law. This law will also impact other areas, such as labor law. The conflict of laws can arise, which can be handled, but how far this law will impact the policies of the state on mental health and how the public and the relevant stakeholders will respond to it will determine the future of mental health in the UAE. It is recommended that effective policies be formed to implement this law to meet the desired objectives.

Specialized Training of the Mental Health Professionals

Mental health professionals are the relevant stakeholders in the implementation of the law on mental health. There is a need for properly qualified mental health professionals in the United Arab Emirates. There are only 4.24 psychiatrists and 2.89 psychologists per

100,000 population in the UAE. Moreover, even there is a further shortage of properly trained, specialty-wise mental health professionals in the United Arab Emirates. It is recommended that mental health professionals be trained properly, specialty- and subspecialty-wise (Ajmal & Rasool, 2024).

Development of Infrastructure

The infrastructure for mental health is not sufficient in the UAE. Infrastructure must be developed to meet the objectives of mental health in the UAE. Effective implementation of laws and policies on mental health needs proper infrastructure. There is a shortage of psychiatric hospitals and teaching and training institutes on mental health across the UAE which must be overcome by forming specialized psychiatric hospitals and teaching and training institutes across the county.

Spreading Awareness About Mental Health

Spreading awareness about mental health is crucial in the implementation of mental health law in the UAE. There are many misconceptions and stereotypes about mental health found among the masses in the UAE. Making the public more aware of the nature and importance of mental health through seminars, awareness campaigns, lectures, workshops, etc. will not only result in increased awareness but will also be helpful in achieving the desired objectives of mental health law in the UAE.

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