



## The legal status of suicide: A global review☆

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### ABSTRACT

Copies were obtained of the criminal codes from 192 countries and states; in 25 suicide is currently illegal, and an additional 20 countries follow Islamic or Sharia law where suicide attempters may be punished with jail sentences. The vast majority of countries have laws making it illegal to abet, aid or encourage suicide, but the nature and punishment of the actions that are illegal varies. Laws in places with Civil, Common Law, Islamic Law and Traditional Law systems are compared. Great variances in application were noted, sometimes within countries. It is impossible to estimate the number of persons currently in jail for having attempted suicide, but jail sentences are still given to suicide attempters. Some countries do not prosecute suicide attempters despite the laws, while others consistently jail suicide attempters. In countries where suicide attempts have been decriminalized, attempters may still face prosecution when another person is injured or dies as a result of their suicide attempt or where the attempter is a member of the military. We discuss the roots of laws making suicide, aiding, and encouraging suicide illegal and examine prospects for future changes. The recent Supreme Court Decision in Canada, invalidating the law making it illegal to assist in the suicide of physically ill people who are suffering (abate with restrictive conditions) illustrates current trends towards "liberalization" of assisted suicide.

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At the beginning of the nineteenth century, most countries had laws that provided for punishment, including jail sentences for persons who attempted suicide. However, in the last 50 years the situation has changed significantly. Not all countries have decriminalized suicide, but most have laws making it a criminal offense to incite or assist a person to commit the act.<sup>1</sup> This article provides an overview of the legal status of suicide and suicidal behaviours worldwide and discusses explanations of why suicidal behaviours are punished.

### 1. Punishment for attempted suicide

Findings indicate that of 192 independent countries and states, 25 currently have specific laws and punishments for attempted suicide (see Table 1). An additional 20 countries follow Islamic or Sharia law;

in these countries suicide attempters may be punished without having a specific statute (see Table 2). Penalties stipulated in the laws range from a small fine or short imprisonment to a lifelong sentence. The majority of the countries, despite having laws stipulating punishments for suicide attempts, do not prosecute or punish attempters. The situation remains complex and practices and jurisprudence are sometimes inconsistent. A minority persists in putting suicide attempters in prison.

Complexities are illustrated by the following examples: In Singapore, police report that they consistently arrest attempters, but first attempters are generally not prosecuted and leave the police station with a severe warning of the dire consequences of a repeated attempt. However, after a second attempt, the attempter is prosecuted and a jail sentence is usually given. In Somaliland, the autonomous but not officially recognized state in Western Somalia, attempters are consistently jailed, and a group of volunteer lawyers work to provide suicide attempters with legal counsel and help get them released from jail to receive treatment. In Guyana, judges no longer sentence people to jail, but newspaper reports indicate that police occasionally arrest suicide attempters, only to have a judge release the attempter afterwards.

Twenty-three of the 25 countries which have laws providing for punishment of suicide have suicide rates for 2012 reported by the World Health Organization (2014). Of these, 13 countries have standardized suicide rates higher than the world average of 11.4 per 100,000 population per year, and 10 have rates lower than the world average (see Table 1). Between 2002 and 2012, rates in 11 of the 23 countries increased and they decreased in 13. Overall, one cannot conclude

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<sup>1</sup> There is no central depository of the laws of all countries. Not all penal codes have been translated into English or another common language; furthermore laws and jurisprudence are in flux. Statutory laws are summarized, copies of their laws were assembled through Departments of Justice and acting Ministers concerning the legal status of suicide, attempted suicide and related issues, and responses were solicited about jurisprudence and applications of the laws in current practice. Internet searches were done about the prosecution of people for attempting suicide and enforcement of laws or regulations in place. Copies were obtained of the criminal codes from the countries recognized by the United Nations, as well as from other territories with a justice system and criminal code, the individual states in the United States and territories in Australia. When pertinent laws were unobtainable following correspondence, internet searches were conducted and relevant Embassies in Canada or the United States consulted.

**Table 1**

Legal status of attempted suicide where penal code specifies as illegal, by country.

COUNTRY	LEGAL SYSTEM	LEGAL DOCUMENT	SENTENCE	STANDARDIZED SUICIDE RATE 2012*	CHANGE IN SUICIDE RATE 2002-2012*
Bahamas	Common Law	Penal Code	<b>Art. 294 - Attempt to commit suicide</b> Where the suicide is attempted: imprisonment for life.	2.3	– 23.6%
Bangladesh	Common law, Islamic Law	Penal Code, 1860	<b>Art. 309 - Attempt to Commit Suicide</b> Where the suicide is attempted: simple imprisonment for one or more years, or penalty of a fine, or both.	7.8	– 0.1%
Brunei Darussalam	Islamic Law, Common Law, Traditional Law	Penal Code (Cap. 22 of 1951)	<b>Art. 309 - Attempt to Commit Suicide</b> Where the suicide is attempted: simple imprisonment for one or more years, or penalty of a fine, or both.	6.4	+ 16.9%
Cyprus	Civil Law, Common Law	Criminal Code, Chapter 154	<b>Art. 219 - Attempt to Commit Suicide</b> Where the suicide is attempted: the offender is guilty of a misdemeanour.	4.7	+ 269.8%
Ghana	Common Law, Traditional Law	Criminal Code of 1960, Act 29	<b>Section 57 (2) - Attempt to Commit Suicide</b> Where the suicide is attempted: the offender is guilty of a misdemeanour	3.1	+ 18%
Guyana	Common Law, Civil Law	Criminal Law (Offences) Act Criminal Law (Offences) Act (No. 18 of 1893) (Cap. 8:01) 1894	<b>Art. 97 - Attempt to Commit Suicide</b> Where the suicide is attempted: the offender is guilty of a misdemeanour and liable to imprisonment for 2 years.	4	– 8.5%
India*	Common Law, Islamic Law, Traditional Law	Penal Code, Act N° 45 of 1860	<b>Art. 309 - Attempt to Commit Suicide</b> Where the suicide is attempted: simple imprisonment for one or more years, or penalty of a fine, or both.	21.1	– 9.2%
Kenya	Common Law, Islamic Law, Traditional Law	Penal Code, Chap. 63	<b>CH.63 S.226. Attempt to Commit Suicide</b> Where the suicide is attempted: the offender is guilty of a misdemeanour.	16.5	– 1.6%
Lebanon	Civil Law, Traditional Law	Penal Code of 1943	Imprisonment for attempted suicide	0.9	– 46.4%
Malawi	Common Law, Traditional Law	Penal Code, Ch. 7:01	<b>Art. 229 - Attempting Suicide</b> Where the suicide is attempted: the offender is guilty of a misdemeanour.	16.0	+ 22.5%
Malaysia	Islamic Law, Common Law, Traditional Law	Malaysia Penal Code, Act 574	<b>Art. 309 - Attempt to Commit Suicide</b> Where the suicide is attempted: simple imprisonment for one or more years, or penalty of a fine, or both	3.0	– 23.9%
Myanmar	Common Law, Traditional Law	Penal Code of 1861	<b>Art. 309 - Attempt to Commit Suicide</b> Where the suicide is attempted: simple imprisonment for one or more years, or penalty of a fine, or both.	13.1	+ 8.2%
COUNTRY	LEGAL SYSTEM	LEGAL DOCUMENT	SENTENCE	STANDARDIZED SUICIDE RATE 2012	CHANGE IN SUICIDE RATE 2002-2012
Nigeria	Common Law, Islamic Law, Traditional Law	Criminal Code Act - Chapter 77 - Laws of the Federation of Nigeria 1990	<b>Ch 27. Part 5. Art 327. Attempt to Commit Suicide</b> Where the suicide is attempted: the offender is guilty of a misdemeanour, and is liable to imprisonment for 1 year.	6.5	+ 2%
Pakistan	Islamic Law, Common Law	Pakistan Penal Code, Act XLV of 1860	<b>Art. 325 - Attempt to Commit Suicide</b> Where the suicide is attempted: simple imprisonment for one or more years, or penalty of a fine, or both.	9.3	– 15.9%
Papua New Guinea	Traditional Law, Common Law	Criminal Code Act 1974	<b>Art. 311 - Attempt to Commit Suicide</b> Where the suicide is attempted: the offender is guilty of a misdemeanour, and is liable to imprisonment for 1 year.	12.4	– 15.9%
Qatar	Islamic Law, Civil Law, Common Law, Traditional Law	Penal Code, Law n° 11 of 2004	<b>Art. 304 - Attempt to Commit Suicide</b> Where the suicide is committed by using, executing any actions that usually lead to death: imprisonment for up to 6 months and to penalty of a fine of up to 3000 riyals, or one of these two penalties.	4.6	12.6%
Saint Lucia	Civil Law, Common Law	Criminal Code, n° 9 of 2004	<b>Art. 94 - Suicide: Aiding and Abetting of Suicide, Attempt to Commit Suicide</b> Where the suicide is attempted: imprisonment for 2 years.		
Singapore	Common Law, Islamic Law	Penal Code, Chap. 224 (16/9/1872), revised 1998	<b>Art. 309 - Attempt to Commit Suicide</b> Where the suicide is attempted: the offender is guilty of a misdemeanour, and is liable to imprisonment for 1 year. <b>Exception 5 - Culpable Homicide not Considered as a Murder</b> Where the person who commits the suicide is above the age of 18 years old, suffers death or takes the risk of death with his own consent.	7.4	– 32.9%
Somalia	Islamic Law, Common Law	Penal Code, Decree n° 5/1962	<b>Art. 437 - Attempt to Commit Suicide</b>	12.4	+ 0.6%
South Soudan	Common Law	Penal Code Act, 2008	<b>Art. 215 - Attempt to Commit Suicide</b> Where the suicide is attempted: the offender is guilty of a misdemeanour, and is liable to imprisonment for 1 year.	19.9	– 4.8%

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