

Case Study #2:**Movement to Decriminalise Attempted Suicide**

Singapore one of only a handful countries in the world that still criminalises attempted suicide. This has broad effects upon the stigmatisation of suicide and the willingness of people with suicidal behaviour in seeking treatment. The movement to decriminalise attempted suicide is nearing success as of February 2019, with Parliament proposing its decriminalisation in the Criminal Law Reform Bill.

CATEGORY	Mental health activism
KEY ACTORS	Working Group on the Decriminalisation of Suicide AWARE (The Association of Women for Action and Research)

WHO ARE THE ACTORS?

AWARE (The Association of Women for Action and Research) was established in 1985 and aims to create a society where men and women can make “informed and responsible choices about their lives” through the myriad methods of research, advocacy, education, training, and support services.¹ It professes to “respect the individual and the choices she makes in life” and “recognise the human rights of all, regardless of gender, so that everyone can realise their aspirations.”

The Working Group on the Decriminalisation of Suicide comprised of members from **AWARE** and **Silver Ribbon Singapore**, a Singapore-based NGO focussing on mental health issues that was established by

¹ AWARE. (Accessed on 22 December 2018: <https://www.aware.org.sg/>)

former President S.R. Nathan in 2006². Prominent members of the Working Group include Corinna Lim, Executive Director of AWARE and Porsche Poh, Executive Director of Silver Ribbon Singapore.

WHAT'S WRONG?

Under Chapter 16, Section 309 of the Singaporean Penal Code, individuals who attempt “to commit suicide, and does any act towards the commission of such offence, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.”³ This makes Singapore one of only a handful countries in the world that still criminalises suicide⁴. The origins of this clause can be traced back to Section 309 of the 1860 Indian Penal Code (which, in turn, originated in British Common Law), according to the Attorney-General’s Chambers. As of November 2018, it is slated for review during as part of the Penal Code periodic review process (along with marital rape immunity).⁵

It should be noted that even though attempting suicide is illegal, the state rarely prosecutes individuals for it⁶. According to *Today*, a relatively low average of 0.6 percent of reported cases resulted in prosecution from 2013 to 2015⁷. While prosecution is rare, arrests are frequent, with 862 arrests in 2013 and 901 arrests in 2014 - numbers that were revealed through a parliamentary question by MP Louis Ng⁸.

While the “police may also encourage the individual to seek counseling or refer them to the Institute of Mental Health for treatment”, prosecuted offenders can nonetheless be jailed up to a year or fined \$10,000 or both⁹.

² Silver Ribbon Singapore. Site accessed on 22 December 2018: <https://www.silverribbonsingapore.com/>

³ Singapore Penal Code, Chapter 224, Section 309. 2008. Retrieved from:

<https://sso.agc.gov.sg/Act/PC1871?Provids=pr309-#pr309->

⁴ Kant, D.L. & Lester, D. 2013. *Efforts to Decriminalize Suicide in Ghana, India and Singapore*.

Suicidology Online 2013; 4:96-104. Retrieved from:

<http://www.suicidology-online.com/pdf/SOL-2013-4-96-104.pdf>

⁵ Channel News Asia. 2018. *Singapore aims to complete review of laws on attempted suicide, marital immunity for rape 'later this year': Shanmugam*. Retrieved from:

<https://www.channelnewsasia.com/news/singapore/singapore-aims-to-complete-review-of-laws-on-attempted-suicide-9845154>

⁶ Govin, M. 2016. *Attempting suicide is illegal, but rare for person to be charged*. Straits Times. Retrieved from:

<https://www.straitstimes.com/singapore/attempting-suicide-is-illegal-but-rare-for-person-to-be-charged>

⁷ Mohktar, F. 2018. *Penal Code review committee calls for law on attempted suicide to be scrapped*.

Today Online. Retrieved from:

<https://www.todayonline.com/singapore/abolish-law-attempted-suicide-proposes-committee-tasked-review-penal-code>

⁸ AWARE. 2016. *Parliament question on arrests for suicide attempts*. AWARE. Retrieved from:

<https://www.aware.org.sg/2016/10/parliament-question-on-arrests-for-suicide-attempts/>

⁹ Ibid.

The continued criminalisation of attempted suicide has broad effects upon social stigma towards mental health and suicide, and may contribute to the avoiding of treatment for suicidal behaviour¹⁰.

WHAT DID THEY DO?

1. World Suicide Prevention Day Report - “Distress is Not a Crime - Repeal Section 309”

World Suicide Prevention Day (WSPD) is an event that aims to raise awareness about suicidal behaviours and how to effectively prevent them. It is held on the 10th of September and is endorsed by the World Health Organisation (WHO). In Singapore, WSPD events have been organised by prominent mental health awareness groups such as the Samaritans of Singapore (SOS), a non-profit working on suicide prevention and emotional support¹¹.

In 2016, AWARE released a report entitled “Distress is Not a Crime - Repeal Section 309”¹² in conjunction with WSPD¹³. Among other recommendations, the report advocated for Section 309 to be repealed or amended. The basis for these recommendations were that the threat of police investigation and arrest is inherently intimidating, that criminalisation may deter help-seeking behaviour, and that removing the obligation to arrest would alleviate a substantial burden on already-overstretched police resources, among others. They conclude that it is the “investment in supportive approaches that encourages help-seeking behaviour that truly signals that human life is precious.”

Suggested amendments included reforming the Criminal Procedure Code so that it is not seizable and does not trigger mandatory reporting, as well as empowering other agencies such as the Singapore Civil Defense Force or a “specialist support team” to the power to intervene in preventing attempt. The report also recommends “granting police the power to intervene without creating criminal liability (analogous to Section 7 of the Mental Health (Care and Treatment) Act, but applying beyond “mentally disordered” people)” and developing an institutionalized response system for suicide attempts.

2. Working Group on the Decriminalisation of Suicide Releases Statement: “Suicide laws deter treatment, not attempts”

¹⁰ Lim, C. 2013. *Suicide laws deter treatment, not attempts*. AWARE. Retrieved from: <https://www.aware.org.sg/2013/02/suicide-law-deters-the-distressed-from-getting-help/>

¹¹ Samaritans of Singapore. 2018. *World Suicide Prevention Day*. Giving.sg. Retrieved from: https://www.giving.sg/samaritans-of-singapore/world_suicide_prevention_day_2018

¹² AWARE. 2015. *Distress is not a crime: Repeal Section 309*. AWARE. Retrieved from: <https://d2t1lspzrjif2.cloudfront.net/wp-content/uploads/Distress-is-not-a-crime-final-report.pdf>

¹³ AWARE. 2016. *World Suicide Prevention Day: AWARE calls for suicide law reform*. Retrieved from: <https://www.aware.org.sg/2016/09/world-suicide-prevention-day-aware-calls-for-suicide-law-reform/>

On February 20th 2013, the World Day of Social Justice, the Working Group on the Decriminalization Suicide published an article on Today and the AWARE website entitled “Suicide laws deter treatment, not attempts”¹⁴. Written by members of the Working Group, which included AWARE’s Research Director and its Programmes & Communications Senior Manager at the time, the article sought to spur its readers to “focus on addressing the causes of low well-being in society and alleviate conditions that cause despair”, instead of persecuting those affected by despair.

Noting the relative infrequency of prosecution for suicide attempters and citing international studies, the article construes criminalizing suicide as the “wrong tool” to tackle the problem of rising suicide rates in Singapore, suggesting that our laws might potentially deter individuals at risk from seeking appropriate help. Instead, they delivered an appeal for the state to “decriminalise suicide and develop a comprehensive suicide prevention framework modelled on the WHO’s recommendations.”

3. 2014 World Health Organisation Report

In 2016, AWARE cited a World Health Organization report entitled “Preventing Suicide, A Global Imperative”¹⁵ in its “Distress is Not a Crime - Repeal Section 309” report, noting of 192 independent countries and states WHO looked at, only 25 criminalised suicide. The report notes that “no data or case-reports indicate that decriminalization increases suicides; in fact, suicide rates tend to decline in countries after decriminalization. It is possible that decriminalization will increase the reporting of suicides once fear of legal recriminations is eliminated. This allows for more accurate estimates of the true extent of the issue. When suicide is considered a criminal act, suicide attempts are often hidden and suicide deaths are unreported, thus giving the false impression that suicidal behaviours are less prevalent.”

WHAT STRATEGIES WERE USED?

1. Collaboration between allies working in different spaces

¹⁴ Lim, C. 2013. *Suicide laws deter treatment, not attempts*. AWARE. Retrieved from: <https://www.aware.org.sg/2013/02/suicide-law-deters-the-distressed-from-getting-help/>

¹⁵ World Health Organization, ‘Preventing suicide: A global imperative’, 2014: http://apps.who.int/iris/bitstream/10665/131056/1/9789241564779_eng.pdf

Both AWARE and Silver Ribbon worked closely throughout this campaign as mentioned above. This increased the strength of advocacy with pressure exerted on dual fronts, while at the same time, this providing a strong public perception that the issue is pertinent to society at large. On the long term, such collaboration also contributes to growing solidarity¹⁶ among civil society groups thereby strengthening civil society's position in engagement with the government.

2. Close engagement with arguments against the cause

Two key arguments undergird the view against the decriminalisation of suicide. First, it is that doing so would take away the deterrent effect of making suicide a crime. This is the basis for the continued existence of Section 309¹⁷. This was countered by providing studies done by renowned organisations like the World Health Organisation as mentioned above. Second, there is the concern that decriminalising suicide might undermine society's regard towards the sanctity of life. This was countered by reinforcing that it is the provision of support mechanisms, instead of the threat of prosecution, which will encourage help-seeking behaviour and save lives. Clear recommendations as to how the support mechanisms can be built are constantly being conveyed throughout the campaigns as well¹⁸. Consistently engaging counter-arguments allowed the movement to persuade passive opponents to its cause.

3. Leveraging on International Trends

In 1961, the United Kingdom decriminalised the act of suicide with the enactment of the Suicide Act,¹⁹ on the grounds of the inefficacy of legal sanction as a deterrent.²⁰ In August 2016, India followed suite with the passing of the Mental Healthcare Bill Act.²¹ These two shifts are key in increased pressure for Singapore to do the same as both India's and Singapore's Section 309 were British colonial legacies.²²

¹⁶ Ow, Y.W.K. 2016. *The Rise of Singapore's Civil Society*. Today Online. Retrieved from: <https://www.todayonline.com/singapore/rise-spores-civil-society>

¹⁷ Mohktar, F. 2018. *Penal Code review committee calls for law on attempted suicide to be scrapped*. Today Online. Retrieved from: <https://www.todayonline.com/singapore/abolish-law-attempted-suicide-proposes-committee-tasked-review-penal-code>

¹⁸ AWARE. 2018. *AWARE and Silver Ribbon Response to the Penal Code Review Committee (PCRC)'s Recommendations on Decriminalising Suicide*. Retrieved from: <https://aware.org.sg/wp-content/uploads/AWARE-and-Silver-Ribbon-Response-to-the-Penal-Code-Review-Committee's-Recommendations-on-Decriminalising-Suicide.pdf>

¹⁹ Aggarwal, S. 2014. *REPEAL OF SECTION 309 OF INDIAN PENAL CODE: IS IT THE RIGHT TIME?* SACJ, Vol 1.1 Retrieved from: <http://sacjujs.in/files/Essay%20Section%20309%20Shivesh%20Aggarwal.pdf>

²⁰ Ibid.

²¹ Yang, D. 2016. *Suicide rates fall in countries that decriminalise act*. Today Online. Retrieved from: <https://www.todayonline.com/voices/suicide-rates-fall-countries-decriminalise-act>

²² Hakeem, D. 2018. *Penal Code review committee pushing for the repeal of legislation on attempted suicide, recommends treatment in place of criminalisation*. The Online Citizen. Retrieved from: <https://www.theonlinecitizen.com/2018/09/13/penal-code-review-committee-pushing-for-the-repeal-of-legislation-on-attempted-suicide-recommends-treatment-in-place-of-criminalisation/>

Capitalising on these trends, AWARE released its report entitled “Distress is not a crime: Repeal Section 309” in the month following India’s decriminalisation.

CONCLUSIONS

As of 2018, in a sweeping review of the penal code, the penal code review panel cited “a global shift towards the decriminalisation of suicide” as a major reason for its recommendation²³ to decriminalise suicide in Singapore according to the Straits Times. That same article²⁴ drew upon the 2014 WHO study cited by AWARE to quantify the international community’s shift towards decriminalising suicide. The Panel argued that “treatment, rather than prosecution, is the appropriate response to people who are so distressed that they are driven to take their own lives”²⁵, calling it a public health and social issue, not a criminal one.²⁶

In 2019, the Singapore government announced that it had accepted the Penal Code Review Committee’s recommendation to repeal Section 309²⁷.

However, the *People with Psychosocial Disabilities for the Full Realisation of the CRPD* (PPDFRC) noted that the repeal was accompanied by a proposal to expand the Mental Health (Care and Treatment) Act, which authorises involuntary psychiatric hospitalisation. According to PPDFRC, this “will widen the net of coercive psychiatry and render more people vulnerable to the serious and rampant human rights violations in the psychiatric system.”²⁸

²³Penal Code Review Committee. (August 2018). Penal Code Review Committee Report. Retrieved from: <https://www.mha.gov.sg/docs/default-source/default-document-library/penal-code-review-committee-report3d9709ea6f13421b92d3ef8af69a4ad0.pdf>

²⁴ Lum, S. 2018. *Penal Code review committee: Punishment not the answer for people attempting suicide*. Straits Times. Retrieved from: <https://www.straitstimes.com/singapore/penal-code-review-committee-punishment-not-the-answer-for-people-attempting-suicide>

²⁵Ibid.

²⁶Ibid.

²⁷ Kwang, Kevin, 2019. “Sweeping Changes Proposed to Singapore Penal Code; Attempted Suicide to Be Decriminalised.” Retrieved from: www.channelnewsasia.com/news/singapore/singapore-attempted-suicide-to-no-longer-be-crime-11229108.

²⁸ PPDFRC. 2019. SUBMISSION ON THE EXPANSION OF THE MENTAL HEALTH (CARE AND TREATMENT) ACT AS PART OF THE PROPOSAL TO DECRIMINALISE ATTEMPTED SUICIDE. Retrieved from: https://ppdfrc.wixsite.com/mhcta/submission?fbclid=IwAR2X_I0TiAJ2-G4cLSe481SuBAdjoUubkAJI5wxT5PZrjhgdwXgxO3XExO8

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Activism Archive is an archival project by CAPE on case studies of activism and movements of social change in Singapore. Focusing on their strategies and tactics, the archive reflects upon the diversity and dynamism of Singaporean civil society.

CAPE, or the *Community for Advocacy & Political Education*, a student organisation based in Yale-NUS College, was founded in 2017 by a group of students from Yale-NUS College and NUS Law. We are a community that examines local civic affairs relating to civil society, and provides avenues for Singaporeans to contribute constructively. We envision a Singapore where citizens are politically conscious and proactively engaged in civil society, policy making and social change. In this aim, we are focused on increasing political literacy and making civil participation accessible.

cape.common.yale-nus.edu.sg/activism-archive/