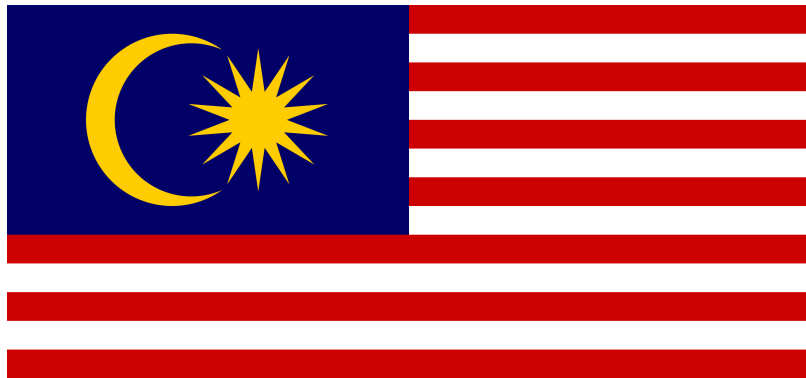


## Universal Periodical Review

*Forth Cycle*  
*45th Working Group*

# Malaysia



## Right to Life ***Decriminalization of suicides***

July 18<sup>th</sup>, 2023

*“From the politics of taking life to the politics of affirming it”*

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**We understand the right to life as being the full enjoyment of life,  
as being the right not to be killed,  
as being everyone's responsibility not to kill or not to let others die.**

The Center for Global Nonkilling has a unique mission,  
inspirational for individuals and transformative for societies:  
*"Promote change toward the measurable goal of a killing-free world,  
by means open to infinite human creativity in reverence for life".*

The Center for Global Nonkilling (CGNK) was founded by Glenn Paige (1929-2017), Professor of political science, author of the book "Nonkilling Political Science", widely translated including in French<sup>1</sup>. We are a worldwide congregation of persons, scholars and others, working at creating societies and institutions that do not kill, thus enabling all individuals to live fulfilling and nonkilling lives. Valuing and protecting life is one of the most enhancing and empowering mission of each and everyone<sup>2</sup>. As humans, we are all (or all shall be) nonkilling centres. We are all global centres on our single planet.

At the Center for Global Nonkilling, we use the Universal Periodic Review and its cycles to highlight and follow the implementation of all aspects of life: fulfillment, progress and respect of and for the right to life, individually and universally.

We make three types of UPR submissions:

- A systematic call for *the urgent and universal ratification of the Genocide Convention*.
- A systematic call for *the urgent and universal decriminalization of suicide*.
- Usually on demand, we do *country portraits* as comprehensive as possible, stating all the domains where the State and the People can progress towards fulfilling life and the right to life, and towards preventing accidents and injuries<sup>3,4</sup>. From conception till death, these domains can include inter alia the right to be given a fulfilling life, reproductive rights, abortion, prenatal and genetic engineering, infant and maternal mortality and morbidity, birth registration as it is needed to be legally recognized as a living persons, indeed entitled with rights and duties; deaths caused by road traffic, suicides, homicides or conflicts, at work or in custody, through leisure accidents or because of fires, falls, drownings and poisoning, or by any other preventable cause of death<sup>5</sup>. We also support efforts leading towards a healthy longevity and in some circumstances, we may survey the right to die<sup>6</sup>. Due to constraint capacities, we do not or rarely address other issues and rights as needed to sustain life, such as health, a safe environment and fulfilled standards of living. Yet we recall that all rights are interlinked and indivisible, mutually reinforcing and that all rights are needed to lead all lives into well-being and happiness.

To any of these submissions, we may add reflections and demands regarding the Life and Peace Constitutions. These improvements to the legal infrastructures and status of life, and towards the establishment of comprehensive and sustainable peace policies are developed and sometimes added as annexes to our submissions<sup>7</sup>.

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## **Summary**

This is our first submission for Malaysia.

This submission focuses exclusively on the decriminalization of suicides<sup>8</sup>.

The process of decriminalizing suicides in Malaysia is completed, or largely on its way<sup>9</sup>. We still care to assure it is done thoroughly and that it opens new ways, provides new means to save lives and to live them to their value.

## **Suicide decriminalization**

Life is both a gift and a responsibility, individually as in common.

Bringing life to happiness and worth, for all and thus largely preventing and eradicating suicide is a chosen and noble goal.

The present decriminalization demand can be inferred from the World Health Organization's ongoing work on the prevention of suicide<sup>10</sup>. Decriminalization is one among many means needed to attain better suicide prevention. This demand is as well based on the latest resolution of the Human Rights Council calling for non-coercive measures to address mental health issues<sup>11</sup> and serves as an efficient tool to progress and achieve Sustainable Development Goal 3.4.2: "To reduce of a third, by 2030 the number of deaths attributed to suicide"<sup>12</sup>.

Decriminalization of self-inflicted suicide highly helps prevention.

Instead of stigma, it raises awareness and care for life.

Instead of secrecy, isolation and fear, it opens new safe spaces for health care both for concerned persons and their relatives and for better training and dedication of medical and social teams.

Instead of threat and force imposed on already vulnerable and fragile persons, decriminalization adds good will and benevolence to their situation and transfers resources otherwise used for information and prevention campaigns such as hotlines, awareness raising and care centers.

Decriminalization of self-inflicted suicide helps policy making and political valuation of health and care policies. Decriminalization is proven to be a suicide rate reducing measure<sup>13</sup>.

It also helps garner accurate reporting and proper statistics<sup>14</sup>.

Generally speaking, decriminalization of suicides creates incentives for all life encompassing and protecting policies for all the population.

Concerned persons will know they can genuinely have access to counsel and healing. Medical personal, all health and social workers will deliver their services honestly, without threat or fear and without any risk of coercion upon them or the concerned persons.

People attempting or committing, having ideation, thoughts of suicide often through it express a call for help. This call must be heartfelt and answered to. These persons need to be supported rather than blamed, including by their political and medical institutions. They need to be able to freely do their resilience and healing work, their social integration and this reintegration to work without added burdens, including criminal penalties.

Ant their right to life is so better protected.

Every life counts.

## **Suicide prevention in Malaysia**

We are delighted to discover that Malaysia planned and seemingly decriminalized suicide<sup>15</sup>. We congratulate Malaysia for this transformation and expect shortly its legal confirmation.

Data related to suicides in Malaysia is available and relatively coherent<sup>16</sup>.

Using to the World Health Organization database, the rate is proportionally rather low: (5.7/100,000 – World rate = 9.8/100,000). However, it is still ~ 2000 persons (1823 in 2019) who perished at their own hands in the country. The rates are rather stable, between 4.5 and 5.7 over the last two decades, with a slight rise in recent years. Please note that none of these figures take in account the effects of the Covid-19 pandemic on suicides<sup>17</sup>.

This goes to say that much more shall and can be done to save lives. And accordingly, to fulfill the SDG target 3.4.2 of diminishing suicides by a third. Such accomplishment will see the rate (as provided by WHO) to come down from 5.7 to 3.8/100'000 or the absolute number around 1400 suicides yearly. Malaysia's SDG Voluntary National Report mentions the indicator and that the Covid pandemic has influenced the debate for decriminalization<sup>18</sup>.

## **Preventive measures.**

In 2013, the ministry of health issued “Malaysian guidelines on suicide prevention and management”, a document that could use a policy enlargement and update, especially considering its low effect at curbing the rate. However, it is still largely valid regarding direct prevention and treatment<sup>19</sup>. We are happy to note that there are in Malaysia numerous phone hotlines<sup>20</sup>.

## **Decriminalization**

Article 309 of the Malaysian penal code allowed courts to punish persons committing suicide to up to a year of imprisonment, pay a fine, or both<sup>21</sup>. It seems that sentences were handed down<sup>22</sup>.

## **Suicide decriminalization in other countries**

India decriminalized in 2017<sup>23</sup>, Nepal in 2018<sup>24</sup> and Pakistan in 2022, Ghana in 2023<sup>25</sup>. Ireland started its prevention strategy by decriminalizing in 1993.

They are to our knowledge 19 countries in the world still in need to do so<sup>26</sup>.

**We strongly recommend to the authorities of Malaysia:**

- 1) To confirm the penal code has been changed decriminalizing suicides.**
- 2) To adopt all other accurate measures to prevent suicides.**

**We greatly thank the authorities of Malaysia for further successes in the implementation of these endeavors.**

*Calling on each and all to attain a nonkilling world,  
Where life can be happily sustained for all on Earth,  
We welcome the delegation of the Malaysia to Geneva,  
A City of Peace,  
And wish to all the people of the Malaysia as to the delegation,  
A life enhancing, constructive and fulfilling  
Universal Periodic Review.*

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## Annexes:

- 1) World Health Organisation: “LIVE LIFE: An implementation guide for suicide prevention in countries”, 2021.
- 2) World Health Organisation: “National suicide prevention strategies. Progress, examples, and indicators”, 2018.

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<sup>1</sup> <http://nonkilling.org/center/publications-media/books-translations>

<sup>2</sup> <http://nonkilling.org/center/how-to-help>

<sup>3</sup> Shall you wish to see done such a scan of your country’s status of life and the right to life, or for any country please contact our CGNK-UN team.

<sup>4</sup> All our UPR submissions are here: <https://nonkilling.org/center/nonkilling-monitoring-programs/nonkilling-activity-at-the-un/>

<sup>5</sup> For most of causes of death, statistics and efficient preventive methods exist.

The Universal Periodic Review cycles and the Sustainable Development Goal’s (SDG) Voluntary National Reports (VNR) largely allow for a regular follow up of progresses made.

<sup>6</sup> Here is an WHO updated statistic overview of causes of death due to injury and violence (2019-2022):

<https://www.who.int/publications/i/item/9789240047136>

<sup>7</sup> More details are found on other aspects of the right to life in our annex.

<sup>8</sup> At the 45<sup>th</sup> session of the UPR working group, Malaysia and Nigeria are the only countries concerned by suicide attempts being considered as a criminal offence. [https://en.wikipedia.org/wiki/Suicide\\_legislation](https://en.wikipedia.org/wiki/Suicide_legislation).

<sup>9</sup> <https://time.com/6290858/malaysia-suicide-decriminalization-mental-health/> June 28<sup>th</sup> 2023.

<sup>10</sup> Noteworthy, a WHO country guide: “LIVE LIFE: An implementation guide for suicide prevention in countries”, 2021. Quoted “Who. Live life”, <https://www.who.int/publications-detail-redirect/9789240026629>. Available as annex 2° to our submission.

Various mentions of decriminalization with examples of successes and effects are found therein.

See also WHO: “National suicide prevention strategies. Progress, examples and indicators”, 2018.

<https://www.who.int/publications/i/item/national-suicide-prevention-strategies-progress-examples-and-indicators>

A WHO general overview on suicide (WHO news-room on suicide): <https://www.who.int/news-room/fact-sheets/detail/suicide>

All WHO publications on suicides: <https://www.who.int/publications/i?healthtopics=1822c912-624e-414c-aa36-7fac6c6958e9d96f810d-4734-477f-829e-3b8a4cfd2909,94489630-4c06-4ff1-91cf-3d15b824556d>

Suicide prevention day, 10<sup>th</sup> of September yearly: <https://www.who.int/campaigns/world-suicide-prevention-day/2022>

<sup>11</sup> Session 52, [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/52/L.15](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/52/L.15), operative paragraph 5.

<sup>12</sup> Text of the Goal is here summarized for direct understanding. The complete version reads:

Goal 3: Ensure healthy lives and promote well-being for all at all ages.

Target 3.4: By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being. *Emphasize added.*

Indicator 3.4.2: Number of Deaths Attributed to Suicide.

<https://sdgs.un.org/goals/goal3>

<sup>13</sup> United for Mental Health: “Decriminalising Suicide: Saving Lives, Reducing Stigma”, 2021, p.5.

<https://unitedgmh.org/knowledge-hub/its-time-to-decriminalise-suicide-reducing-stigma-and-saving-lives/>.

Wu KC-C, Cai Z, Chang Q, *et al.* “Criminalisation of suicide and suicide rates: an ecological study of 171 countries in the world”, 2022. *BMJ Open* 2022;12:e049425. doi:10.1136/bmjopen-2021-049425

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8860012>

<sup>14</sup> WHO, “Suicide prevention: a global imperative”, 2014, p. 51. Clearly shows that rates will only be accurate if suicides are decriminalized, even if they may rise in the beginning because decriminalization increases reporting.

<sup>15</sup> <https://www.reuters.com/world/asia-pacific/malaysia-seeks-decriminalise-suicide-attempts-2023-04-04/>

<https://time.com/6290858/malaysia-suicide-decriminalization-mental-health/> June 28<sup>th</sup> 2023.

<sup>16</sup> Every life counts.

Data may differ (even within UN or related bodies) and they are limitations to suicide reporting as stigma, social and legal regulations and delays may impede the quality of reporting. We do our best to find various sources of data and to cross them accurately, but do not always have the time, the will or the means needed to contact delegations or local authorities to collect firsthand information. Foremost, what is important is the preservation of life, as sound and updated the reporting may however be. Malaysia data quality rates 2 (second best) out of 4 on the WHO’s scale.

2019: <https://www.who.int/publications/i/item/9789240026643>, p. 27.

2019: [https://www.who.int/data/gho/data/indicators/indicator-details/GHO/suicide-mortality-rate-\(per-100-000-population\)](https://www.who.int/data/gho/data/indicators/indicator-details/GHO/suicide-mortality-rate-(per-100-000-population))

Others: <https://www.worldlifeexpectancy.com/cause-of-death/suicide/by-country/>

Every life counts.

<sup>17</sup> Low WL. Relate Insights 2020/03 – The Pandemic: A Greater Call for the Reformation of the Law on Attempted Suicide? Nov 2020. Available at: <https://relate.com.my/the-pandemic-a-greater-call-for-the-reformation-of-the-law-on-attempted-suicide/>

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<sup>18</sup> Malaysia's VNR, p. 58 and 67. <https://hlpf.un.org/countries/malaysia/voluntary-national-review-2021>

<sup>19</sup>

[https://www.moh.gov.my/moh/resources/Penerbitan/Garis%20Panduan/Pengurusan%20KEsihatan%20&%20kawalan%20pykit/Modul%20unit%20mental%20202017/Malaysian\\_Guidelines\\_On\\_Suicide\\_Prevention\\_And\\_management.pdf](https://www.moh.gov.my/moh/resources/Penerbitan/Garis%20Panduan/Pengurusan%20KEsihatan%20&%20kawalan%20pykit/Modul%20unit%20mental%20202017/Malaysian_Guidelines_On_Suicide_Prevention_And_management.pdf)

<sup>20</sup> <https://findahelpline.com/>

<sup>21</sup> Penal code of Malaysia: “Article 309. Attempt to commit suicide. Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both”. [https://en.wikipedia.org/wiki/Suicide\\_legislation#cite\\_ref-61](https://en.wikipedia.org/wiki/Suicide_legislation#cite_ref-61)

See also: United for mental health: “Decriminalising Suicide: Saving Lives, Reducing Stigma”, 2021, p. 42ss.

<https://unitedgmh.org/knowledge-hub/its-time-to-decriminalise-suicide-reducing-stigma-and-saving-lives/>

<sup>22</sup> Ibid. and <https://time.com/6290858/malaysia-suicide-decriminalization-mental-health/>, June 28<sup>th</sup> 2023.

<sup>23</sup> “Who. Live life”, p. 22.

<sup>24</sup> “Who. Live life”, p. 14.

<sup>25</sup> *Numerous press accounts.*

<sup>26</sup> United for Mental Health: “Decriminalising Suicide: Saving Lives, Reducing Stigma”, 2021, p. 3. lists all countries where this decriminalization was still, to our knowledge, required, to the exception of Pakistan that did so on the 23<sup>rd</sup> of December 2022 and Ghana on 28<sup>th</sup> of March 2023.

<https://unitedgmh.org/knowledge-hub/its-time-to-decriminalise-suicide-reducing-stigma-and-saving-lives/>

Though not official and not regularly updated, Wikipedia holds a list of suicide legislation:

[https://en.wikipedia.org/wiki/Suicide\\_legislation](https://en.wikipedia.org/wiki/Suicide_legislation)