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Penal Code review committee: Punishment not the answer for people attempting suicide



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SINGAPORE - A committee reviewing the Penal Code has called for attempted suicide to be decriminalised, saying the criminal justice system is not ideal for managing people who are suicidal.

Treatment, rather than prosecution, is the appropriate response to people who are so distressed that they are driven to take their own lives, the committee said in its report.

Other laws should also be changed to empower the authorities to intervene, such as giving the police the power of forced entry to prevent loss of life and the power to arrest people who attempt suicide and refer them for medical assessment.

The Mental Health (Care and Treatment) Act should also be amended to ensure that those who need help receive appropriate treatment, it said.

However, to "clearly signal society's continued opposition to suicide", the committee said the abetment of suicide should continue to be an offence, regardless of whether the attempt succeeds.

Under the current Penal Code, a person who attempts suicide faces a jail term of up to a year, or a fine, or both. It is also a crime to abet the suicide of another person.

"The act of attempting suicide is a criminal offence because it was thought to be important that society should oppose people taking their own lives," the committee noted.

Number of suicides committed by the elderly hits record high as Singapore population ages

While attempted suicide is an arrestable offence, actual prosecutions are rare.

In 2015, out of 1,096 reported cases of attempted suicide, 837 people were arrested.

An average of 0.6 per cent of the reported cases between 2013 and 2015 were brought to court.

Prosecution is usually sought for those who repeatedly attempt suicide because only the courts have the power to compel persons to seek treatment, via a mandatory treatment order.

The committee acknowledged that society is opposed to suicide. But it noted there is growing recognition that suicide is a health and social issue, rather than a criminal one, and that there is a global shift towards decriminalisation of suicide.

According to a report by the World Health Organisation in 2014, only 25 of the 192 countries and states surveyed still have laws and punishments for attempted suicide.

Lawyers agree with the move to repeal the offence, saying that people pushed to take their own lives are not likely to be deterred by prosecution.

"Given the state of mind of a person attempting suicide, the focus should be on addressing the precipitating causes, since there may be limited contemplation of deterrence or consequence in those circumstances," said Mr Anand Nalachandran

of TSMP Law Corporation, who has acted for someone who had attempted suicide.

Mr Amolat Singh of Amolat & Partners said: "If at all, the fear of prosecution may, in itself, make him all the more determined to end it successfully."

Law and Home Affairs Minister K. Shanmugam pointed out that abetting another person to commit suicide is still an offence.

"So the people who can be deterred, I think will continue to be deterred," he said.