

SUICIDE: A SIN OR A RIGHT ON THE PERSPECTIVE OF HUMAN RIGHTS, RELIGIONS AND EXISTING LAWS

- 1.Dr. Tasnim Alam, Lecturer, Department of Islamic Studies,
Khwaja Yunus Ali University, Sirajgong, Bangladesh.**
- 2.Md. Humayoun Kabir, Assistant Professor, Department of Law,
Khwaja Yunus Ali University, Sirajgong, Bangladesh.**
- 3.Mahadi Hasan Romel, Lecturer, Department of Law,
Khwaja Yunus Ali University, Sirajgong, Bangladesh.**
- 4.Toyfiquz-zaman, Lecturer, Department of Bio-Chemistry and Bio-
Technology, Khwaja Yunus Ali University, Sirajgong, Bangladesh.**
- 5.Md. Abu Sayeed Munna, Lecturer, Department of Law,
Khwaja Yunus Ali University, Sirajgong, Bangladesh.**

ABSTRACT

The right to die is a concept based on the belief that a human being is entitled to end their own life or to undergo voluntary euthanasia. A person commits suicide for several reasons. But the importance is only given to the commission of suicide; never given to those inevitable circumstances. Suicide is always been treated as one of the sins. It is also considered to be outrageous act for a person. Most of the conventions on Human Rights are of the view to right to life not to end it. Religions are against the right to die or any other mood of assisted suicide. Some religions have severe punishing provisions for the person committed suicide. Existing laws are not also recognizing suicide as a fundamental Human Right. Majority of the countries have underestimated person died by suicide. Even, their funerals are not performed with the rituals of a normally deceased person in some of the states of the world. Though there is some rays of hope seen in some countries, majority is against right to end life as it is to be enjoyed. We are still denying the fact living in the peak of modernization that when there is a right to life, there must be a right to end one's life. Few country have arranged for assisted suicide recognized by their constitutions in special cases.

INTRODUCTION

Most of the people think that the act of suicide is selfish. But it is always been neglected that the reasons behind its commission. There are some reasons why a person commits suicide:

- Suicide almost always occurs in response to suffering or anticipated suffering.
- Suffering could be physical, mental, emotional, or spiritual in nature.
- Major reasons for suicide include: depression, financial trouble, dissolution of a relationship, a form of protest, sexual gender confusion, religious ritual, escape from punishment, and escape from pain.¹

HUMAN RIGHTS

All the conventions on Human Rights are advocating for the right to life. Under international human rights instruments, the assertion of the inherent right to life of every human being is accompanied by an assertion of the legal protection of that basic human right and of the *negative* obligation not to deprive arbitrarily of one's life (e.g., UN Covenant on Civil and Political Rights, Article 6 [1]; European Convention on Human Rights, Article 2; American Convention on Human Rights, Article 4 [1]; African Charter on Human and Peoples' Rights, Article 4).² But this negative obligation is accompanied by the *positive* obligation to take all appropriate measures to protect and preserve human life. This has been acknowledged by the European Commission of Human Rights, whose case-law has evolved to the point of holding (*Association X versus United Kingdom* case, 1978) that Article 2 of the European Convention on Human Rights imposed on states also a wider and positive obligation.³ The fundamental right to life has the basis of the *ratio legis* of international human rights law and environmental law.⁴

In the same line, in the First European Conference on the Environment and Human Rights (Strasbourg, 1979), the point was made that mankind needed to protect itself against its own threats to the

¹ Suicide from a Christian perspective retrieved 14th May, 2014 from <http://erlc.com/resourcelibrary/articles/suicide-from-a-christian-perspective>.

² Th. Desch, "The Concept and Dimension of the Right to Life (As Defined in International Standards and in International and Comparative Jurisprudence)," 36 *Österreichische Zeitschrift für öffentliches Recht und Völkerrecht*, 86, 99 (1985).

³ Cit. in J.G.C. Van Aggelen, *supra* note 77 at 32.

⁴ Asian Yearbook of International Law 1993, edited by Ko Swan Sik, M. C. W. Pinto, J. J. G. Syatauw.

environment, in particular when those threats had negative repercussions on the conditions of existence - life itself, physical and mental health, the well-being of present and future generations.⁵

Such positive obligation (as recognized and provided for in, e.g., the UN Covenant on Economic, Social, and Cultural Rights, Article 12, and the European Social Charter, Article 11, besides WHO and ILO resolutions on specific aspects), linking the right to life to the right to an adequate standard of life.⁶

On the occasion of its 114th session held in Geneva from 29 June to 24 July 2015, the Human Rights Committee held a half day of general discussion in preparation for a General Comment on Article 6 (Right to Life) of the International Covenant on Civil and Political Rights. Article 6 describes about right to life protected by law from arbitrary deprivation of life, abolition of death penalty, death penalty can be begged pardon, any person under age of 18 and pregnant women cannot be given death penalty. Examples of deprivations of life regulated by article 6 include the death resulting from medical malpractice, assisted suicide, euthanasia and infanticide.⁷ While generally respecting personal autonomy and the importance of freely exercising rights under the Covenant, States parties should presume that individuals planning or attempting to commit suicide may experience a temporary crisis that hinders their ability to take rational decisions with long term implications, and they should take adequate measures to prevent suicides, especially among vulnerable population groups.⁸

There are almost 141 countries around the world those have abolished death penalty for any ordinary or rigorous offence (Abolitionist for all Crimes: 104; Abolitionist for Ordinary Crimes only: 7; Abolitionist in Practice: 30).⁹ Article 2 protects your right to life (Human Rights Act-1998). This means that nobody - including the government - can try to end your life. It also means the government should take appropriate

⁵ P. Kromarek, "Le droit à un environnement équilibré et sain, considéré comme un droit de l'homme: sa mise-en-œuvre rationnelle, européenne et internationale." In *Conférence européenne sur l'environnement et les droits de l'homme*, 2-3, 31 (Institute for European Environmental Policy, 1979) (mimeographed, restricted circulation).

⁶ As proclaimed by the 1948 Universal Declaration of Human Rights, Article 25(1). On the "negative" and "positive" aspects of the right to health, see M. Bothe, "Les concepts fondamentaux du droit à la santé le point de vue juridique," *Le droit à la santé en tant que droit de l'homme - Colloque 1978*, 14-29 (Academic de droit international de la Haye, Sijthoff, 1979); Scalabrino-Spadea, "Le droit à la santé - Inventaire de normes et principes de droit international, in *Le medecin face aux droits de l'homme*, 97-98 (Pedova, Cedam, 1990).

⁷ Draft general comment No. 36 (I)(5) on Article 6: Right to life, Draft by 115th session, Human Rights Committee.

⁸ Concluding Observations: Ecuador (1998), para. 11.

⁹ Information accurate as of December 31, 2016 (Amnesty International).

measures to safeguard life by making laws to protect you and, in some circumstances, by taking steps to protect you if your life is at risk. Public authorities should also consider your right to life when making decisions that might put you in danger or that affect your life expectancy. If a member of your family dies in circumstances that involve the state, you may have the right to an investigation. The state is also required to investigate suspicious deaths and deaths in custody. The courts have held that the right to life does not include a right to die. Separately, the Human Rights Act also makes the death penalty illegal in the UK (Protocol 13, Article 1)¹⁰. In *Pretty v United Kingdom* [2002], European Court of Human Rights found that the right to life does not create a right to choose death rather than life. It meant there was no right to die at the hands of a third person or with the assistance of a public authority.¹¹

RELIGIONS

"Life is a gift from God and life comes from God. And only God has the right to terminate...life," says Dr. Muzammil Siddiqi, religious director of the Islamic Society of Orange County and chairman of the Islamic Law Council of North America. "So a person should not take his own life or not take anyone else['s] life." The world's other two large religions, Hinduism and Buddhism, also oppose assisted suicide, because of their belief in karma and reincarnation. Participating in assisted suicide would disrupt that process, according to Nadadur Vardhan, president of the Hindu Temple Society of Southern California. Jason Moss, executive director of the Jewish Federation of the Greater San Gabriel and Pomona Valleys, uses similar language in explaining the opposition to assisted suicide among Judaism's main branches. Only the Christianity supports the assisted suicide for those who are ailing with death illness.¹²

1. CHRISTIANITY:

Early church councils denied Christian burial to those guilty of suicide. Southern Baptists have passed resolutions expressing concern about suicide in 1972, 1983, 1992, 1996, and 2001; yet, all of these statements are tangentially related to suicide, focusing upon things such as euthanasia, alcohol and drug use, and assisted suicide.¹³ Suicide is not the unpardonable sin, however suicide is sinful.¹⁴ It is never

¹⁰ Protocol 13, Article 1: Abolition of the death penalty, Human Rights Act, 1998, Last updated: 03 May 2016.

¹¹ Human rights, human lives: a guide to the Human Rights Act for public authorities, Last updated: 03 May 2016.

¹² Major religions oppose assisted suicide, by Elizabeth Aguilera last updated May 14 2015.

¹³ EQUIP Workshop Death, Dying, & Funerals March 25, 2015.

¹⁴ (cf. Matt. 12:31–32; Mark 3:28–29).

seen as important that the person committed suicide will go to the heaven or hell, but to the circumstances behind their commission. It was not the same in the early age. According to the theology of the Roman Catholic Church, suicide is objectively a sin which violates the commandment "Thou shalt not kill".¹⁵ The Catholic Church used to deny suicides a Catholic funeral mass and burial. However, the Church has since changed this practice.¹⁶ The Bible does not seem to condemn suicide. There are, I think, six accounts of suicide in the Bible, the most notorious being those of King Saul (1 Samuel 31:2-5) and Judas (Matthew 27:3-5). Others are Abimelech (Judges 9:50-54), Samson (Judges 16:23-31), Ahithophel (2 Samuel 17:23), and Zimri (1 Kings 16:15-20). As far as I can tell, none of the six is explicitly condemned for taking his life. Even The Bible says that when we are in Christ, our salvation is guaranteed because His Spirit dwells in us (2 Corinthians 5:5). The same spirit is put into the hearts of all those who believe in Jesus Christ (John 3:16; 1 John 5:13). There is a difference between suicide and willful self-sacrifice of one's own life.¹⁷

2. JUDAISM:

Judaism is also against suicide. "The message of Judaism is that one must struggle until the last breath of life. Until the last moment, one has to live and rejoice and give thanks to the Creator."¹⁸ Preserving human life is among the highest duties in Judaism, and suicide is seen as counter to this fundamental value. Suicide is sometimes regarded as stealing from God and a rejection of God's sovereignty. The only exception is in cases of martyrdom, mental illness, a category that includes severe depression and bipolar disorder.¹⁹ 960-strong Jewish community at Masada collectively committed suicide in 73 CE rather than be conquered and enslaved by the Romans.²⁰

3. ISLAM:

¹⁵ Catechism of the Catholic Church, Paragraph 2280, 2281.

¹⁶ Byron, William. "Do People Who Commit Suicide Go to Hell?". Catholic Digest. Retrieved 10 April 2013.

¹⁷ (cf. John 15:13), (cf. 2 Cor. 4:7–18; 11:16–23), (John 10:18),

¹⁸ Dr Rachamim Melamed-Cohen, Jewsweek, March, 2002.

¹⁹ By Ben Harris. "Judaism and Suicide." Retrieved 18 may, 2017.

²⁰ Shaye Cohen Journal of Jewish Studies: Essay in honour of Yigael Yadin, Vol. XXXIII, pp. 385-405 Spring-Autumn 1982.

Islam totally forbids and has highest punishment for committing suicide. Allah says explicitly in the Qur'an: "And do not throw yourselves in destruction".²¹ In another verse Allah says, "Whoever commits suicide, he will cast in fire (Hell)."²² Allah is the master of one's life, and so has the absolute right over it.²³ Even, whoever kills a person, he kills the entire mankind.²⁴ Hadiths are also in support of the Quranic Verses. A person will keep committing suicide in the hell by the way he has done it.²⁵ But martyrdom is supported by Islam.²⁶ On the other hand, suicide has never been used as a technique of war during Muhammad (Sm.) era.

4. HINDUISM:

Suicide is considered as bad death.²⁷ A person committed suicide never goes neither heaven nor hell. His soul wanders here and there. Even the ancestors are hurts in the heaven for his misdeed. It also impacts the family status and family influence negatively.²⁸ There are some reasons why suicide is bad death in Hinduism. They are Life is sacred, it's god's creation, suicide motivated by dark passion, having some duties to the god and ancestors, the human body is divine etc.

There are three conditions when a person permitted to commit suicide:²⁹

- Slow starvation.
- Self immolation by entering into fire (Sati).
- Entering into cave or unground and stopping the breath.

Medhatithi (c825-900 ce), the eminent classical commentator of Manu Smriti, is against Sati.

5. BUDDHISM:

²¹ 2:195, Al-Quran.

²² 4:29-30, Al-Quran.

²³ 2:28, Al-Quran.

²⁴ 5:32, Al-Quran.

²⁵ Bukhari Volume 2, Book 23, Number 445 and Bukhari Volume 8, Book 73, Number 73.

²⁶ Sahih Bukhari, 4:53:53.

²⁷ Garuda Purana, Dharma Khanda, Chapter IV.

²⁸ Suicide in Hinduism, Jayaram V. retrieved on 18th may, 2017 from Hinduwebsite.com.

²⁹ "Hinduism - Euthanasia and Suicide". BBC. 2009-08-25.

Intentional actions by mind, body or speech have a reaction. For Buddhists, since the first precept is to refrain from the destruction of life, including one's self, suicide is seen as a negative act. If someone commits suicide in anger, he may be reborn in a sorrowful realm due to negative final thoughts.³⁰ One exception is the Buddhist tale of a bhikkhu named Vakkali who was extremely ill and racked with excruciating pain.³¹ A person who both seek delight³² and doesn't in sufferings, will be free from suffering.³³ Buddhism in its various forms affirms that, while suicide as self-sacrifice may be appropriate for the person who is an arhat, one who has attained enlightenment, it is still very much the exception to the rule.³⁴

EXISTING LAWS

Let's see the existing laws of different countries which support and which are against suicide:³⁵

Legal	Illegal
Australia Canada	Kazakhstan
Albania (both)	Lithuania
Azerbaijan	Liechtenstein
Armenia	Latvia
Angola	Luxembourg
Antigua and Bermuda	Montenegro
Argentina	Moldova
American Samoa	Malta
Bulgaria	Macedonia
Bhutan	Mexico
Botsowana	North Mariana Islands
	Israel
	Bangladesh
	Bahamas
	china
	Cyprus
	Denmark
	Ghana
	Russia
	France
	Hungary
	Iceland

³⁰ 千萬不要自殺！ --悔恨千年劇烈痛苦! and 珍惜生命（墮胎與自殺的真相）.

³¹ The Connected Discourse of the Buddha, op.cit. p. 938â€“41.

³² Middle Length Discourses op.cit., pp.443 ff. See especially sections 8â€“12.

³³ Connected Discourses of the Buddha op.cit., p.648.

³⁴ Mircea Eliade. The Encyclopedia of Religion (vol 14). New York: Macmillan. p. 129. *ISBN 0-02-865733-0*.

³⁵ https://en.wikipedia.org/wiki/Suicide_legislation retrieved 19 May 2017.

Belgium	North Korea	Jordan
Belarus	Netherlands	Kenya
Canada	Norway	Latvia
Colombia	North Korea	Lithuania
Cameroon	Palau	Lebanon
Combodia	Poland	Malaysia
Czech Republic	Portugal	Norway
Croatia	Qatar	New Zealand
Egypt	Romania	Oman
Eritrea	South Africa	Philippines
Estonia	Switzerland	Pakistan
England	Sri Lanka	Papua New Guinea
Finland (both)	Sweden	South Sudan
Fiji	South Africa	Singapore
Germany (both)	Serbia	Scotland
Guam	Slovakia	Saudi Arabia
Gibralter	Slovenia	Singapore
Georgia	Spain	Syria
Hong Kong	Taiwan	Tanzania
Hungary	Uzbekistan	Turkey
Indonesia	Uruguay	Uganda
Iran	USA (Both)	UAE
Ireland	Ukraine	Yemen
Italy	Vietnam	
Japan	Wales	
Kosovo	Zambia	
Kyrgyzstan	Zimbabwe	

Almost 8,00,000 deaths by suicide occurred in 2015 with the highest rate in the WHO European Region (14.1 per 1,00,000 population) and the lowest rate in the WHO Eastern Mediterranean Region (3.8 per 1,00,000).³⁶ We are told that every 17 minutes someone in America commits suicide. In North America, suicide is the third-leading cause of death among people 15 to 25 years old, college students for the great part. And note this tragic feature of American life: among children between 5 and 14 years of age, suicide is the sixth most common cause of death.³⁷ The physician-assisted suicide bill is SB 128, authored by Democratic Sens. Bill Monning (D-Carmel) and Lois Wolk (D-Davis). It would allow a doctor to prescribe life-ending medication to a terminally ill patient who has six months to live or less.³⁸ There are roughly 29,000 successful suicides in the United States each year; compared to 19,000 murders and 13,000 AIDS related deaths.³⁹ The countries which are supporting suicide on the basis of fundamental right to end one's life is by himself. On the other hand, the countries which have decided suicide illegal is on the basis of religion and sentiment.

CONCLUSION:

Suicide and assisted suicides are prohibited in every religion. There are only few exceptions for not being punished. Human rights are also against the right to end a life. These rights are to protect the human beings not to destroy them and their potentials. Society recognizes that people who try to kill themselves need care and treatment, not punishment. The fact that is not a crime does not mean society neither instigates nor is positive towards suicide. But, about 3,000 patients a year, from every state, contact the advocacy group Compassion & Choices for advice on legal ways to reduce end-of-life suffering and perhaps hasten their deaths.⁴⁰ Everyone has different opinions as to whether people should have the freedom to take their own life or whether they should be required to live it out. Some would argue that

³⁶ WHO data show, New Release, 17 May, 2017.

³⁷ By lewis b. Smedes, retrieved july 10, 2000.

³⁸ Major religions oppose assisted suicide, by Elizabeth Aguilera last updated May 14 2015.

³⁹ Suicide from a Christian perspective retrieved 14th May, 2014 from <http://erlc.com/resourcelibrary/articles/suicide-from-a-christian-perspective>.

⁴⁰ Should terminally ill patients be allowed to die on their own terms? by Michael Gonchar in New York Times February 20, 2014 5:00 am.

assisted-suicide for people with treatment-resistant severe mental illness should be considered legal. Many people think that the act of suicide is “selfish” because it really devastates the victim’s family and other survivors. However, on the other side of the coin, others would argue that it is selfish for others to force someone to stay alive with their level of suffering.

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