



## **The Dilemma of Suicide Policy in Jordan: Death for the committed, and Imprisonment for the survivor<sup>1</sup>**

**Jude Al khraisha | March 2023**

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<sup>1</sup> This title was taken from a comment by a follower on Sawt Al Mamlaka page on social media.

## From reality – introduction

"Amman is a prison." These were the last words of Adam Jawad, a screenwriter and musician, before he ended his own life and committed suicide at the age of 27. In a similar incident, 25-year-old doctor<sup>2</sup>, Merona Asfour, threw herself from the ninth floor of the University of Jordan Hospital, leaving behind a message on Twitter saying, "Remember me well... or even forget me... I am forgotten anyway".<sup>3</sup>

The Jordanian Parliament's response to the increasing cases of suicide in Jordan was to approve an amendment to Article 339 of the Penal Code and replace it with Article 26 of the amended Penal Code in April 2022, which stipulates the imprisonment of anyone who attempts to commit suicide in public. This paper contemplates the spirit of this law and its failure to take into account citizens' psychological and psychosocial well-being. The paper chiefly addresses the Jordanian authorities concerned with mental health and the bodies advocating for protecting mental health and citizens' right to life.

## Suicide cases on the rise

According to statistics issued by the National Center for Forensic Medicine, the Kingdom recorded 167 suicide cases<sup>4</sup> and 593 suicide attempts in 2021 alone. The year 2020 represented the highest percentage of suicide rates in Jordan, as the Kingdom witnessed 196 cases, compared to 116 cases in 2019. If we look closely at the statistics, we find that Jordan is facing a dangerous surge in suicide rates.<sup>5</sup> For example, the Kingdom recorded 39 cases in 2011 and 86 cases in 2012. But in 2022 alone, Jordan recorded 65 cases in the first six months alone.<sup>6</sup> These numbers are not always an accurate reflection of reality, as Dr. Israa Al-Tawalbeh, a forensic medicine specialist and director of the Medical Specializations Directorate at the Ministry of Health, stated, "Jordan is one of the countries that adopt vague figures regarding suicide, as the real numbers of cases exceed the ones declared."<sup>7</sup>

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<sup>2</sup> Marta Vidal, "'Amman is a prison': Rise in suicides highlights mental health crisis in Jordan," The New Humanitarian, (2022), <https://www.thenewhumanitarian.org/news-feature/2022/06/14/Rise-in-suicides-highlights-mental-health-crisis-in-Jordan> .

<sup>3</sup>Muhammad Saher Al-Tarawneh, "Forget about me, I am forgotten," a Jordanian doctor committed suicide inside a hospital, Al-Arabiya, 2022. <https://english.alarabiya.net/News/middle-east/2022/08/26/Young-Jordanian-doctor-ends-her-life-after-posting-cryptic-message-on-Twitter>

<sup>4</sup> Marta Vidal, *ibid*

<sup>5</sup> Al Mamlaka, "An official in the Ministry of Health believes that the number of suicides in Jordan exceeds what has been announced," Al Mamlaka, 2021. <https://bit.ly/3G1OSNb>

<sup>6</sup> Raed Al-Momani, "Jordan records 65 suicide cases, 117 attempts in Amman alone in, 2022." Forensic Medicine Department in Roya News, 2022. <https://en.royanews.tv/news/37239/2022-09-01>

<sup>7</sup> Al Mamlaka, "An official in the Ministry of Health believes that the number of suicides in Jordan exceeds what has been announced", 2021. <https://bit.ly/3G1OSNb>

It is almost impossible to account for all the reasons behind this increase in suicides, but some factors contribute to making life unbearable for some. Among the most important of these are mental illnesses and disorders that may drive those who suffer from them to commit suicide. According to Dr. Mahmoud Abu Dannoun, a consultant psychiatrist and former Director of the National Center for Psychiatry, some who suffer from mental illness experience hallucinations and delusions that provoke them to harm or kill themselves. Personality disorders may also be a factor, as "those with borderline, explosive, or emotionally unstable personalities are more likely to harm themselves unintentionally. For example, they might be threatening to commit suicide, and then feel agitation leading them to carry out the threat." In addition to mental illnesses<sup>8</sup>, drug addiction may lead to suicide as well. A person can harm him/herself while under its influence, or lose their desire to live if they cannot obtain the substance they are on.<sup>9</sup>

Social factors may lead the individual to commit suicide, too. Major experiences like "family dispersion, loss of a loved one, emotional trauma, emptiness, loss of religious faith, troubled upbringing, and harsh childhood."<sup>10</sup> may leave a detrimental effect. This adds to some influencing environmental factors resulting from personal experience, such as harassment, bullying or physical abuse. In these cases, what contributes to the possibility of committing suicide is easy to access to lethal means, including firearms and drugs.<sup>11</sup> And finally, the faltering economic conditions and the high rates of poverty and unemployment are among the most critical drivers of suicide, especially that unemployment rate in Jordan reached 23.3% in 2021.<sup>12</sup>

### **Does the Current Policy Encourage Following Through with Suicide?**

Experts believe that the best solution to address the increase in suicides in Jordan is to pay attention to the depth of the problem and try to understand the root causes that drive individuals to end their lives. Others believe the best solution is to give mental health greater importance at the community and policy levels.

However, the Jordanian Parliament has another opinion, as it believes that the person who commits suicide should be treated as a criminal. In April 2022, the House of Representatives approved a draft amendment to the Penal Code, which can be dubbed controversial to say the least, sanctioning the "imprisonment for a period not exceeding six months and a fine not exceeding JOD 100, or one of these two penalties, to whoever attempts to commit suicide in a public place, whereas this penalty to be doubled if it was mass suicide".<sup>13</sup>

Unfortunately, the amendment was approved by the Senate on May 10, 2022, to be issued in the Official Journal on May 25, 2022, and came into force 30 days after it was published. By approving this amendment, Jordan has joined 20 other countries that punish attempted suicide financially

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<sup>8</sup> Moamena Maali, "Suicide cases are increasing significantly in Jordan," Amman Net, 2011. <https://bit.ly/3hY8EBk>

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> N.d. "Suicide," Al-Tibbi website, 2022. <https://bit.ly/3YSy0Bb>

<sup>12</sup> Department of Statistics (DoS), "23.3% Unemployment Rate during the Fourth Quarter of 2021," DoS, 2022. [http://dos.gov.jo/dos\\_home\\_e/main/archive/Unemp/2021/Q4\\_2021.pdf](http://dos.gov.jo/dos_home_e/main/archive/Unemp/2021/Q4_2021.pdf)

<sup>13</sup> Laith Kamal Nasraween, "The Crime of Attempted Suicide," Al-Rai, 2022. <https://bit.ly/3Vx47mX>

and criminally, including Bangladesh, Nigeria, the Bahamas, Somalia, Sudan, South Sudan, and Qatar.<sup>14</sup>

In general, advocates of penalizing suicide justify their support per one or all of the following reasons:<sup>15</sup>

- This amendment constitutes a deterrent for people who may contemplate suicide, and in their opinion, prevention preserves the right to life.
- Punishment of the one who commits suicide achieves justice, as suicide is a disapproved and unacceptable act religiously and socially, and imposing a punishment on it reflects society's opinion on behavioral and moral issues.

### **Is Suicide in Private Legal in Jordan?**

If we look closely at the wording of the Jordanian law, we notice that it pertains to those who attempt to commit suicide in public, as it does not hold accountable those who commit suicide discreetly. Therefore, it is difficult to say that the Jordanian legislator wants to preserve the right to life through this law, because "the right to life is indivisible."<sup>16</sup> It seems that the Jordanian legislator is trying to protect the public sentiment through this law,<sup>17</sup> but in doing so, it marginalized the real victim who is in dire need of protection and - literally - their right to life.

The puzzling use of the word "publicly," i.e. in public, is that a person determined to commit suicide usually does their best to do so out of sight. "As for those who commit suicide publicly, they are those who are reluctant to end their lives. And whether they are aware of it or not, they are seeking help and trying to find a glimmer of hope," according to the opinion of one of the specialists.<sup>18</sup> Therefore, this law, implicitly distances the suicidal person from trying to find a solution, and urges them to complete the act of suicide; otherwise, they will be punished and dealt with as a criminal.

#### Religion and attempted suicide

The Jordanian General Iftaa Department clarifies that there is no explicit legal text to punish those who attempt suicide. Rather, the flexibility of the Islamic religion left it to the ruler to take appropriate measures or precautionary and deterrent regulations when necessary, if the effectiveness of the measure in deterrence and prevention is proven.<sup>19</sup>

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<sup>14</sup> United for Global Mental Health (UnitedGMH), "Decriminalising Suicide: Saving Lives, Reducing Stigma," UnitedGMH, 2021. <https://unitedgmh.org/knowledge-hub/suicide-decriminalisation/#download-report>

<sup>15</sup> Ibid.

<sup>16</sup> Muhammad al-Fawa'ra, "Jordanian Legislation... Suicide and Lifting Penal Protection on Checks," Al Mamlaka TV, (2022), <https://youtu.be/rvoama5jkow>

<sup>17</sup> Ibid.

<sup>18</sup> Nisreen Al-Dabbas, "Imprisonment and a fine for those who attempt suicide in Jordan," BBC Arabic, (2022). <https://youtu.be/f3vh4lfpoY>

<sup>19</sup> Telephone interview with a mufti of the General Iftaa Department, the Jordanian General Iftaa Department, December 28, 2022.

The same applies to Christianity, as one of the priests explains that there is no legitimate text in the Christian religion that punishes the attempt of suicide. Instead, he believes that the person who commits suicide needs psychological care and support instead of being imprisoned.<sup>20</sup>

### **The opposite effect of the policy**

Studies and expert opinions indicate two adverse effects when enacting laws that punish attempted suicide. The first, related to its effect on the number of suicide attempts, and the second, related to its effect on seeking psychological help. Numerous studies and research indicate that criminalizing suicide does not reduce it. On the contrary, suicide rates tend to decrease after decriminalization. This is because individuals who are suicidal are more willing to seek help from the community or medical professionals when they are not being treated as criminals who should be punished.

The number of countries that punish attempted suicide decreased from 25<sup>21</sup> to 20<sup>22</sup> in the period between 2014 - 2021. The five countries that decriminalized attempted suicide in this period are Cyprus, Singapore, India, the Cayman Islands, and Lebanon, and adopted policies that are recognize and prioritize mental health. In the Cayman Islands, suicide was decriminalized in 2020 following campaigns denouncing the law and research showing that only 5% of young people considering suicide dare to seek help, due to their fear of the stigma caused by the highly criminalizing law.<sup>23</sup>

As for the Arab region, in Lebanon, for example, suicide is not a criminal offense, meaning that "the law does not punish those who commit suicide." Previously, the law included the penalty of confiscating the property of those who commit suicide. However, it was rescinded, as it was found that it affects the heirs of the person who committed suicide unlawfully. As for the suicide attempt, there is no punishment for it due to the absence of such legal article.<sup>24</sup>

As for seeking help from psychologists, the criminalization of suicide or attempted suicide increases the social stigma that hinders reaching out for help. A study conducted by United for Global Mental Health found that imposing a penalty on attempting suicide heightens the stigma and ostracizes the person who contemplates the act rather than embracing them. Thus, such a law prevents the person from seeking psychological help and intensifies their distress. This study agrees with the opinion of the specialists, as according to the consultant psychiatrist, Dr. Walid Al-Sarhan, "At a time when we are fighting the stigma that persecutes mental illness, a law comes out that punishes those who attempt suicide".<sup>25</sup>

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<sup>20</sup> Phone interview with pastor of the Lutheran Church, December 28, 2022.

<sup>21</sup> WHO, 'Preventing Suicide: A Global Imperative' Report. 2014, [https://www.mhinnovation.net/sites/default/files/downloads/resource/WHO\\_Preventing%20Suicide%20Report\\_eng.pdf](https://www.mhinnovation.net/sites/default/files/downloads/resource/WHO_Preventing%20Suicide%20Report_eng.pdf)

<sup>22</sup> United for Global Mental Health (UnitedGMH), "Decriminalising Suicide: Saving Lives, Reducing Stigma.", Op. Cit.

<sup>23</sup> Ibid.

<sup>24</sup> Rula Sfeir, "Us and the Law: The Crime of Murder in Lebanese Law and Its Most Prominent Provisions," The Lebanese Army, 2003. <https://bit.ly/3VBmM0Z>

<sup>25</sup> Nadine Al-Nimri, "Criminalizing Suicide... A Solution to the Problem or a Means to Contain Protests?" Al-Ghad, 2022. <https://bit.ly/3WrooM1>

In a television interview, Dr. Nisreen Al-Dabbas, a psychiatrist and addiction specialist, explained her stance on this law:<sup>26</sup>

"Such a decision suggests to citizens that they are criminals or that they have 'lost their minds' and should be punished. This distorts and increases the stigma of the patient who suffers from mental disorders. The person who could have come and asked for help, will now retract on doing so. The second point is that the person who could have come to the clinic and sought help could back down and refrain from visiting a psychiatrist when seeing how society views them. This is a useless decision [law]. The one who intends to commit suicide can do so discreetly".

On the other hand, a law was proposed in Egypt in an effort to deal with suicide, with reservations about the wording of the law and some of its provisions. However, it has a therapeutic aspect that deserves attention. The Egyptian law stipulates that "those who attempt suicide should be placed in a qualified place where they will be kept for three to six months for psychological treatment."<sup>27</sup> At first glance, this suggestion may be useful, but it may not work, as United for Global Mental Health recommends that decriminalization of suicide does not automatically lead to coercion or forced treatment measures.<sup>28</sup> Experienced people believe that coercive measures may come as a shock to many and can have a severe negative impact on an individual's mental and psychological health. It also contradicts Article 14(b) of the Convention on the Rights of Persons with Disabilities and the Optional Protocol, which stipulates that "[suicide attempters] are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty"<sup>29</sup>.

### **Suicide between illness and crime**

Going back to the Jordanian law that was adopted in May 2022, the root of the problem in this law can be clarified in three points:

First, this law criminalizes mental illness. Punishing attempted suicide places the blame on the victim and ignores the causes. To begin with, the person who considers suicide is someone who is suffering. They are desperate and should not be judged and punished, but rather treated and offered help. Given the reasons, and according to a study prepared by the Economic and Social Council in Jordan, 90% of those who attempt suicide are enduring psychological crises, so why do we criminalize mental illness?<sup>30</sup> It is not permissible to legally punish any person suffering from mental disorders, and the entity authorized to determine [whether] this person is mentally

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<sup>26</sup> Nisreen Al-Dabbas, "Imprisonment and a fine for those who attempt suicide in Jordan," BBC Arabic, (2022).

<https://www.bbc.com/arabic/tv-and-radio-61236086>

<sup>27</sup> Al-Moataz Ghoneim, "After Basant's suicide... a parliamentary proposal in Egypt criminalizes suicide," Sky News Arabia, 2022. <https://bit.ly/3vrDony>

<sup>28</sup> United for Global Mental Health (UnitedGMH), "Decriminalising Suicide: Saving Lives, Reducing Stigma." Op. Cit.

<sup>29</sup> United Nations, "Convention on Persons with Disabilities and the Optional Protocol," 2006.

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-14-liberty-and-security-of-person.html>

<sup>30</sup> Economic and Social Council, "Suicide in Jordanian Society: Reality and Recommendations," Economic and Social Council, 2017. <http://www.esc.jo/Documents/20b7236d-3a4f-4f7e-a75a-3d6dab52b681.pdf>

disturbed or not is the Department of Mental Diseases in the Ministry of Health, and not the Jordanian legislator".<sup>31</sup>

Secondly, the law creates a major social and reform issue for the Ministry of Interior. The law ignores the human, educational and social dimensions. According to a Professor of sociology, it will lead to a bigger problem when suicide attempters are admitted to reform and rehabilitation centers and "bring them out to society as criminals," or that the law may increase the number of suicides inside prisons<sup>32</sup>. Thus, security bodies will face a new crisis inside prisons, not as a result of their negligence, but because the law has relegated suicide attempts from an open society to prisons.

Thirdly, the law fails to recognize that a public suicide attempt is a voice of protest. It may be a last attempt to seek help, as mentioned above, to discourage the person from committing suicide, but public suicide is also a voice of protest after Jordanian citizens lost opportunities for peaceful claims that the security authorities did not pay attention to. Representative Muhammad Al-Alaqma referred to this in his intervention in the House of Representatives on the day of discussing the amendment of the law, when he noted: "when we put severe penalties on young people and those who try to make their voice heard in any way, we distance the government from any action it takes towards these young people. We must not deprive young people of making their voice heard in any way".<sup>33</sup>

Expert Riyad Al-Sobh agrees that the law was amended to "reduce the possibility of suicides turning into protests."<sup>34</sup> Hence, the Jordanian legislator must carefully consider the cause of public suicide, and try to open the horizon for peaceful and safe protest before criminalizing the act. This is because if the law aims to preserve the right to life, it should not exclude from punishment the attempt to commit suicide discreetly. As for those who believe that this law limits cases of extortion and attempts to stir up public opinion, a distinction must be made between a person who sees suicide as the goal (intending suicide regardless of the reasons), and a person who threatens to put their lives in danger to obtain a benefit using suicide as a means, "this is not a suicidal person, and we cannot say that it is committing suicide".<sup>35</sup>

### **A law that falls short in protecting mental health**

This legal amendment contradicts Jordan's obligations to protect mental health, as it has several cooperation strategies with the World Health Organization. These include the National Mental

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<sup>31</sup> Mahmoud Al-Qutaihat, "The Law Criminalizing Attempted Suicide Sparks Wide Controversy in Jordan," Erm News, 2022.

<https://youtu.be/h0iy0arkGBk>

<sup>32</sup> Hussein Al-Khuzai'e, "The Law Criminalizing Attempted Suicide Sparks Wide Controversy in Jordan," Erm News, 2022.

<https://youtu.be/h0iy0arkGBk>

<sup>33</sup> Muhammad Al-Alaqma, "The Twentieth Session, the Third Day – Legislative -," House of Representatives, 2022,

<https://youtu.be/57WQKnCPrf0>

<sup>34</sup> Nadine Al-Nimri, "Criminalizing Suicide... A Solution to the Problem or a Means to Contain Protests?" Al-Ghad, 2022. <https://bit.ly/3Wroom1>

<sup>35</sup> Muhammad al-Fawa'ra, "Jordanian Legislation... Suicide and Lifting Penal Protection on Checks," Al Mamlaka TV, (2022), <https://youtu.be/rvoama5jkow>

Health and Substance Use Action Plan (2018-2021),<sup>36</sup> and the WHO-Jordan Country Cooperation Strategy (2021-2025), which includes working with Jordan to strengthen advocacy around<sup>37</sup> mental health and human rights. And at a time when the World Health Organization urges that "all countries should review their legal provisions in relation to suicide to ensure they do not deter people from seeking help,"<sup>38</sup> the bill came from the House of Representatives to block all these obligations.

## Recommendations

The paper addresses several recommendations to concerned parties in order to reach a comprehensive multi-sectoral national plan or strategy aimed at preventing suicide initially.

### Health sector

1. Collaborating with the relevant authorities in the Ministry of Health to coordinate a national effort aimed at gathering support from deputies and senators with the aim of drawing their attention to the adverse effects of the wording of the law and urging them to put forward a proposal to the Parliament to amend the law or refer to the article as it was mentioned in the original law before it was amended in 2022, which stated the following:
  - A- Whoever incites a person to commit suicide or assists him/her in any of the ways stipulated in article (80), he/she shall be punished by temporary detention.
  - B- If the person does not commit suicide but attempts to do so, then the penalty shall be imprisonment from three months to two years and up to three years if it results in a permanent disability or harm.<sup>39</sup>
2. Surveillance to "increase the quality and timeliness of national data on suicide and suicide attempts", and working to establish or develop an integrated system for collecting data and identifying vulnerable groups and cases. For example, in Ireland there is a National Registry of Deliberate Self-Injury which is a system that monitors the occurrence of cases of self-harm in the population.<sup>40</sup>
3. Urging the Jordanian Nursing Council and the WHO team to include "suicide prevention" in the Mental Health and Addiction Action Plan for the years 2023-2026.
4. Formation of a committee in the Ministry of Health aimed at spreading awareness among Jordanian decision-makers and legislators in the Senate and Parliament about mental health and its importance, in order to avoid future enacting laws and decisions similar to the one at

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<sup>36</sup> Ministry of Health (MoH) & World Health Organization (WHO)., "National Mental Health & Substance Use Action Plan 2018-2021," MoH & WHO, 2017. <https://data.unhcr.org/en/documents/details/63405>

<sup>37</sup>World Health Organization (WHO)., "Country Cooperation Strategy for WHO and Jordan 2021-2025," WHO, 2021. <https://applications.emro.who.int/docs/9789290226949-eng.pdf?ua=1>

<sup>38</sup> WHO, "Preventing suicide: A global imperative". Previous reference.

<sup>39</sup> The Legal Committee of the First Ordinary Session of the Nineteenth Parliament, "Agenda for the Twentieth Session and Appendix," House of Representatives, 2022. [http://www.ahtnc.org.jo/sites/default/files/penal\\_code.pdf](http://www.ahtnc.org.jo/sites/default/files/penal_code.pdf)

<sup>40</sup> WHO, "Preventing suicide: A global imperative".



hand. Cooperating with a specialized international organization to compare the models available in different countries for how to deal with suicide and the laws in force, then presenting the results to decision-makers to discuss what is appropriate for Jordan.

#### The security sector

1. Working with the concerned authorities in the Ministry of the Interior to mobilize support and target a group of deputies and senators to draw their attention to the impact of this law on the status of reform and rehabilitation centers, and on suicide cases in these centers and security centers to discourage them from transferring the problem of suicide to prisons.

#### The civil society sector and international organizations working in the field of mental health

1. Working on coordinating efforts with mental health experts and decision-makers in the Ministry of Health to cooperate on achieving some of the recommendations listed here on mobilizing support among Jordanian legislators.
2. Organizing efforts for media training to help journalists and media professionals develop their capabilities in dealing with mental health issues and suicide cases, which may have a role in educating the Jordanian decision-maker about the dimensions of this issue.

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