Country: Malaysia

Committee: World Health Organization

Agenda Item: Opposition to Euthanasia

Euthanasia is an intervention to end or limit the patient's suffering. The subject of euthanasia has been a controversial topic, particularly on its legality. The main reason for this situation is the predominant principal in many religions called “the doctrine of sanctity” which is embedded in moral values. Different opinions between various perspectives such as cultures, beliefs, political and society does influence the acceptance of euthanasia and AMD in the society. While in some Common Law countries, euthanasia is legalized as it is needed to end the person’s suffering, in Malaysia, euthanasia is not acceptable as it is related to mercy killing and murder.

There is no specific legislation in Malaysia dealing with acts that amount to euthanasia. Nevertheless, the legality of euthanasia in the Malaysian context can be examined through the existing statutory provisions in the Penal Code, which is the country’s main piece of legislation governing criminal offences.

Regarding the Islamic approach in Malaysia, in the 97th Discourse of the Malaysian Islamic Affairs National Fatwa Committee in 2011, using any method voluntarily, involuntarily, or involuntarily and for any reason is considered haram. This is because the act of euthanasia is equated with murder and is against the Malaysian Code of Medical Ethics. However, the stand is different with euthanasia where the conduct of withholding and withdrawing of life-saving treatment (support machine) from a patient suffering brain death is considered as lawful if it made after obtaining a consent from a relative as well as the confirmation from two expert medical practitioners who are not directly involved in the affair of organ donation.

“End-of-life care falls within the wider purview of palliative care. The World Health Organization defines ‘palliative care’ as ‘an approach that improves the quality of life of patients and their families facing the problem associated with life-threatening illness, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial and spiritual’”. A lot of hospitals in Malaysia now have dedicated palliative care units or palliative care teams. In response to the development of palliative care and the recognition of palliative medicine as a medical subspecialty by the Ministry of Health Malaysia (MOH), an operational policy on palliative care services was issued by the MOH’s Medical Development Decision in 2010. The policy specifies the scope, components and types of palliative care services based on an integrated palliative care model to be carried out by hospitals in collaboration with community-based centers. There are currently over 20 palliative care associations across the country, with Sabah having the highest number of non-governmental hospice and palliative care providers. Some of the major palliative care organizations (for example, Hospis Malaysia) have also issued guidelines for those caring for patients with life-limiting illnesses. The current ethical and legal positions on end-of-life decisions in Malaysia can be determined through certain ethical codes and statutory provisions. To date, however, no Malaysian judicial decision on the matter exists as issues relating to end-of-life care are purely medical decisions.

REFERENCES

<http://irep.iium.edu.my/89416/1/89416_Legal%20Aspects%20of%20End-of-Life%20Care%20in%20Malaysia%20%5B2021%5D%202.pdf>

Medical Development Division, Ministry of Health Malaysia, Palliative Care Services: Operational Policy (2010),http://www.moh.gov.my

<https://www.researchgate.net/publication/280562104_End-of-life_decisions_in_Malaysia_Adequacies_of_Ethical_Codes_and_Developing_Legal_Standards>

<http://journalarticle.ukm.my/18547/1/ARTIKEL%208.pdf>