Decriminalising Suicide:
SAVING LIVES,
REDUCING STIGMA





This report was written at the request of those campaigning to help reduce deaths by suicide and to increase mental health and psychosocial support for those who need it. Through the Thomson Reuters Foundation's TrustLaw programme, United for Global Mental Health (UnitedGMH) worked with an international law firm which led and conducted the research.



Acknowledgements

This report was written at the request of those working to help reduce deaths by suicide and to increase mental health and psychosocial support for all those who need it. UnitedGMH would like to thank the following individuals and organisations who assisted with this report:

Professor Niall Boyce, The Lancet Psychology, UK

Professor Murad Khan, Dept. of Psychiatry at Aga Khan University, Karachi, Pakistan

Professor Brian Mishara, Centre for Research and Intervention on Suicide, Ethical Issues and End-of-Life Practices, Université du Québec à Montréal, Canada

Professor Shekhar Saxena, Havard T. H. Chan School of Public Health, USA

Dr. Lakshmi Vijayakumar, SNEHA, India

Amy Keegan, Royal National Lifeboat Institution (formerly UnitedGMH)

The Global Mental Health Action Network

The International Association for Suicide Prevention

Lifeline International

The Mariwala Health Initiative

Taskeen Health Initiative

Allen & Overy

The Thomson Reuters Foundation

The World Health Organisation

CONTENTS

Foreword	4
Executive Summary	5
Introduction	7
Suicide Criminalisation and Decriminalisation	8
Trends and Comparisons	13
When Legislation Has Been Repealed	18
The Power of Political Will - Guyana	.19
• Evidence-Based, Multi-Stakeholder Approach - Cayman Islands	.20
Decriminalised by a Different Act - India	.20
International Perspective	.2′
Conclusion	60
Appendix 1 – Country Summaries	
Methodology	
Afghanistan	
The Bahamas	
Bangladesh	
Brunei Darussalam	
Gambia	
Grenada	
Jordan	46
Kenya	48
Malawi	52
Maldives	54
Myanmar	56
Nigeria	60
Papua New Guinea	62
Qatar	64
Saint Lucia	66
Sierra Leone	
Somalia	72
South Sudan	
Sudan	
Tanzania	
Tonga	
Trinidad & Tobago	
Uganda	86





FOREWORD

Suicide is not an individual problem but a failure of society. In the face of the unprecedented material progress and social connectivity of the modern world, it is unconscionable that the rates of people taking their own lives are increasing. Preventing suicide requires a multifaceted approach to address the many challenges, including socio-cultural barriers, societal attitudes, and the existing structural stigma in the form of suicide criminalisation in some countries, which prevents those affected from accessing adequate psychosocial support. The number of deaths by suicide remains underreported in countries where suicide is still criminalised and those affected face the trauma of dealing with law enforcement and the justice system. The tragedy of the criminalisation of suicide is thus two pronged: society fails to provide people with the support they need to manage distress and then punishes those it has failed to support.

In countries where suicide remains a criminal offense, recognition of suicide as a public health issue through the development of suicide prevention legislation and its effective implementation is crucial in reducing the stigma surrounding suicide. Developing suicide prevention interventions through a compassionate, rights-based approach encourages help-seeking behaviours allowing vulnerable people to access adequate and quality mental healthcare – a fundamental human right.

These paradigms played a critical role in our efforts at Taskeen Health Initiative to launch a nationwide campaign to decriminalise suicide in Pakistan. The original report, published in 2021, was an insightful resource for our multi-pronged approach for advocacy and public awareness efforts. Our work to tackle structural stigma surrounding suicide was informed by the International Association for Suicide Prevention's global policy and advocacy frameworks and the best practices outlined in this report. We designed our campaign based on the invaluable learnings from the global case studies in engaging civil society organisations, government stakeholders, and legislative authorities. The case studies also helped us to anticipate potential challenges and barriers, and address them effectively.

I would also like to acknowledge here the invaluable support of the President of Pakistan Dr Arif Alvi, Senator Shahadat Awan, Minister of Health Dr Faisal Sultan, the Ministry of National Health Services, United for Global Mental Health, the Aga Khan University Brain and Mind Institute, the Pakistan Mental Health Coalition (PMHC), and the people with lived experience who shared their stories with us.

Suicide attempts remain a criminal offense in 25 countries, where those affected are unable to receive the care and help they need. Currently, only 38 countries have a national suicide prevention strategy. This report outlines the current legal status of suicidal behaviour globally and illustrates the value in knowledge sharing and learning from each other's experiences. I hope it serves as a guiding light for advocacy efforts for the decriminalisation of suicide attempts globally and enables humanity to relegate this black law to the dustbin of history.

Dr Taha Sabri, Chief Operating Officer, Taskeen Health Initiative



Around the world, 726,000 people die by suicide every year – in 2021, more than one in every 100 deaths globally was due to suicide.¹ Reductions in the number of deaths by suicide is the measure by which improvements in mental health are tracked according to the UN Sustainable Development Goals (SDGs) for 2015-2030. Moreover, decriminalising suicide was agreed as an effective measure to help end deaths by suicide by all health ministers when they approved the World Health Organization (WHO) Mental Health Action Plan for 2021-2030 (in May 2021). It was also one of the areas where Small Island Developing States (SIDS) agreed to accelerate action during their ministerial conference on non-communicable diseases (NCDs) and mental health in Bridgetown, Barbados, in 2023.²

Many countries have made progress in their efforts to reduce the rates of deaths by suicide. For example, in recent years legislation criminalising suicide has been successfully repealed or superseded by new legislation in Ghana, Guyana, Pakistan and Malaysia. In most countries suicide is not a criminal offence. But in 25 countries it is. In these countries those who have attempted suicide can be arrested, prosecuted and punished by fines and typically one to three years in prison. Assuming one of the main intentions is to deter people from taking their life – alongside other reasons such as religious tradition – the evidence shows criminalisation is counterproductive. Criminalising suicide does not deter people from taking their lives – there is well documented evidence of effective means to do so, from improved mental health and psychosocial support services, to restricting the means of suicide, such as pesticide control.^{3, 4, 5, 6}

Instead, criminalising suicide deters people from seeking help in support of their mental health (whether from family or friends, their wider community or from health professionals). It heightens the stigma surrounding suicides and suicide attempts. It means suicides and suicide attempts are underreported, hampering efforts to prevent, diagnose and treat mental health conditions. It also prevents governments from developing and implementing suicide prevention policies and plans. In sum, criminalising suicide stops people seeking help, particularly in a moment of acute crisis, and receiving the emergency and lifesaving treatment they need to improve their mental health. It punishes them and takes away their fundamental human rights, because suicide is not seen as a public health issue but a crime.

- 1 WHO, Suicide (2024), https://www.who.int/news-room/fact-sheets/detail/suicide
- 2 2023 Bridgetown Declaration on NCDs and mental health, https://www.who.int/publications/m/item/2023-bridgetown-declaration-on-ncds-and-mental-health
- 3 WHO (2019), Preventing suicide: a resource for pesticide registrars and regulators. https://www.who.int/publications/i/item/9789241516389)
- WHO (2019), Suicide prevention: toolkit for engaging communities
- https://www.who.int/publications/i/item/suicide-prevention-toolkit-for-engaging-communities
- 5 WHO (2021), LIVE LIFE: An implementation guide for suicide prevention in countries.
- 6 WHO (2014), Preventing suicide: A global imperative https://www.who.int/publications/i/item/9789241564779





This report is designed as a tool for campaigners and advocates seeking to decriminalise suicide. Today there is a historic opportunity to press for such reform in light of commitments by countries around the world to achieving the 17 SDGs, along with the targets of the WHO Mental Health Action Plan, and for most countries, their obligations under the Convention on the Rights of Persons with Disabilities (CRPD). Moreover, other countries have already decriminalised suicide so there are examples of how to do so successfully. This report surveys the countries where suicide is a criminal offence and explains what the repercussions are for someone who attempts suicide, and their friends and family. It looks at what the law says in each country, how to change the law and whether there are efforts to reform it.

The process of decriminalisation in most countries is influenced by a combination of factors such as:

- 1. A strong evidence base for why suicide should be decriminalised.
- 2. An understanding of the legal processes involved and how best to effect reform in the specific country context.
- 3. A multi-stakeholder effort to raise public awareness and influence policy making, frequently brought about by a mixture of civil society, and political, judicial, community and religious leaders.
- 4. Political and judicial leaders willing to champion the decriminalisation of suicide in their respective areas of influence, backed by evidence and multi-stakeholder support.
- 5. Commitments made by countries at key global political gatherings to inform government priorities and ensure alignment with international legislative standards.
- 6. Public information campaigns that communicate the change in the law, help ensure it is upheld and destigmatise mental health issues.

This report does not make a comment about the ethical and moral issues surrounding death by suicide, nor does it look at religious considerations – however, it is critical to understand these when pursuing change. It seeks only to look at civil and common law and its implications. How this information is used is by those campaigning for the decriminalisation of suicide in their respective countries is for them to determine. This report seeks to help ensure that everyone, everywhere, who needs support for their mental health before, during and after a suicidal crisis can access it, free of stigma and discrimination.

INTRODUCTION

An estimated 726,000 people die by suicide every year – in 2021 more than one in every 100 deaths worldwide was due to suicide.⁷ And for each person who dies, many more have attempted suicide.⁷ The impact on family, friends and communities can be devastating. Suicide can occur at any point in a person's lifespan, and is the third leading cause of death among 15 to 29-year-olds globally.⁷ A worldwide epidemic that affects all regions, over 73% of suicides occur in low and middle-income countries.⁸ However, due to the stigma surrounding suicide and the legal consequences discussed in this report, suicide and attempted suicide are often under-reported – approximately 80 countries have quality data concerning suicide.⁹ This is an important gap in knowledge and analysis: tackling suicide rates requires better data.

In addition to young people, some other groups in society are more vulnerable to death by suicide and attempted suicide than others. Those who experience discrimination – for example, the elderly, the LGBTQI+ community, refugees and migrants, indigenous peoples, and prisoners – are at high risk of suicide, attempted suicide, and suicidal ideation.¹⁰

Suicide is complex, with mental ill health being a risk factor, and the link between the two very well established.¹¹, ¹² However, it should also be noted that suicide can also be a result of personal crises, impulses and social factors that are not due to mental ill health. It is important to regulate the means by which people can seek to take their own lives (e.g., pesticides, firearms, access to bridges or other high places) in order to help address such situations. An integrated approach encompassing public health, clinical, social and legal spheres is necessary for effective suicide prevention.





⁷ WHO, Suicide (2024) [accessed 31 August 2024] https://www.who.int/news-room/fact-sheets/detail/suicide

WHO, Suicide (2024) [accessed 31 August 2024] https://www.who.int/news-room/fact-sheets/detail/suicide

⁹ WHO (2017), Mental Health Atlas 2017. https://www.who.int/publications/i/item/9789241514019

¹⁰ Vijayakumar L, Ray S, Fernandes TN, Pathare S. A descriptive mapping review of suicide in vulnerable populations in low and middle countries. Asia Pac Psychiatry. 2021 Apr 4:e12472. doi: 10.1111/appy.12472. Epub ahead of print. PMID: 33817993

¹¹ https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(18)31612-X.pdf

¹² Fond G, Nemani K, Etchecopar-Etchart D, et al. Association Between Mental Health Disorders and Mortality Among Patients With COVID-19 in 7 Countries: A Systematic Review and Meta-analysis. JAMA Psychiatry. Published online July 27, 2021. doi:10.1001/jamapsychiatry.2021.2274

SUICIDE CRIMINALISATION AND DECRIMINALISATION

Suicide remains illegal in 25 countries under civil or common law.

The WHO's 2023 policy brief on the health aspects of decriminalising suicide and suicide attempts presents eight core impacts of the criminalisation of suicide:13

1. People do not seek care and support due to fear of legal consequences The fear of being reported may make it difficult for people who need help in times of distress to come forward and seek it, given sharing instances of attempting suicide would be confessing to a crime.

2. The threat of legal sanctions and actual imprisonment are detrimental to a person's mental health

A person who has attempted suicide needs urgent help and support, but instead of providing it, governments are only increasing the risk of suicide further by putting that person through the prison environment, as well as the ordeal of legal proceedings.

3. It can heighten the stigma and discrimination surrounding suicides and suicide attempts

The taboo associated with criminal acts in society further increases existing stigma and discrimination around suicides and suicide attempts, with communities less inclined to offer support and individuals and their families less inclined to seek help out of fear of being judged by others.

4. Family members bereaved by suicide are ostracised from their communities Not only can suicides invalidate wills in some jurisdictions, many communities do not allow burials of the deceased in common burial grounds and families have been known to be treated as cursed and therefore shunned by their communities.¹⁴

5. In countries where suicide is criminalised, evidence shows increased risk of suicides and suicide attempts

Criminalization is often justified as a means to deter people from attempting suicide; however, a recent ecological study of 171 countries on the criminalization of suicide and suicide rates found that criminalization is in fact associated with higher suicide rates, particularly among women in countries with a low Human Development Index (HDI) score.¹⁵

6. Criminalisation results in suicides and suicide attempts being under reported thus impeding suicide prevention efforts

Not only are individuals and family members disincentivised to report suicides and suicide attempts due to potential criminal and stigma related consequences, medical

officers are also known to not report for similar reasons, and may misclassify deaths by suicide or suicide attempts as other causes to avoid being roped into legal proceedings. In some countries, even police officers exploit this to extort money from individuals and their families to not report a case.¹⁶

7. Governments are disincentivized from taking positive action on suicide prevention The criminalisation of suicide positions it as a legal issue to be addressed by the criminal justice system, rather than a public health issue to be addressed by the government through national suicide prevention strategies and plans. Criminalisation and the resulting threat of incarceration is often viewed as a deterrent against suicide attempts in such countries, further disincentivising governments from considering suicide prevention policies and plans a priority.

8. It denies people their fundamental human rights

Individuals who attempt suicide in countries where suicide is a crime have their fundamental rights to liberty, freedom from discrimination, access to health, social and other support services taken away from them. For these reasons, amongst others, in countries like Kenya and Uganda, the law has been challenged on constitutional grounds.

Based on the work of Mishara and Weisstub, the International Association for Suicide Prevention (IASP), presents that those who argue for the criminalisation of suicide under civil and common law tend to make three arguments:18

- 1. Punishment acts as a deterrent whereas, in fact, suicide rates tend to decline after decriminalisation.19
- 2. Criminal penalties for suicide attempts can express a society's feelings of moral condemnation of certain behaviours - in fact, practices of public shaming, both legally and in cultural traditions, prevent those either recovering from a suicide attempt or those bereaved by suicide from accessing treatment and support, and only serve to further entrench stigma.
- 3. It acts as an expression of the desire for retribution, so that justice is seen to be done and the person who commits a reprehensible or immoral act is punished - however this assumes that there is a victim other than the person attempting to or actually taking their own life, and that they were making a rational choice at the time, as opposed to acting under conditions of stress, pressure, and possible mental ill health.

¹³ WHO (2023), policy brief on the health aspects of decriminalisation of suicide and suicide attempts

¹⁴ Ongeri L, Nyawira M, Kariuki SM, Theuri C, Bitta M, Penninx B et al. Sociocultural perspectives on suicidal behaviour at the Coast Region of Kenya: an exploratory qualitative study. BMJ Open. 2022;12(4):e056640. doi: 10.1136/ bmjopen-2021-056640.

Chieng-Chang Wu K, Cai Z, Chang Q, Chang S-S, Siu Fai Yip P, Chen Y-Y. Criminalisation of suicide and suicide rates: an ecological study

of 171 countries in the world. BMJ Open. 2022;12(2)

¹⁶ https://360info.org/with-suicide-no-longer-a-crime-the-real-work-begins/

¹⁷ https://www.monitor.co.ug/uganda/news/national/citizens-petition-court-over-criminalising-attempted-suicide-4218680

¹⁸ IASP, IASP policy position on the decriminalisation of attempted suicide

https://www.iasp.info/wp-content/uploads/IASP-Decriminalisation-Background-Document-GA.pdf

¹⁹ WHO (2014), Preventing suicide: A global imperative

The IASP presents four core benefits of the decriminalisation of suicide, which have been echoed by the WHO in their policy brief:20

1. Decriminalisation of attempted suicide will reduce stigma and increase attempts to seek help.

By placing someone who attempts to take their own life outside the law, people thinking of taking their own life, or who have attempted suicide, are not seeking help and are therefore not getting the help they need. Instead, we need to reduce stigma by encouraging individuals and communities to talk openly about the issue of mental health and support those who need it most.

Decriminalisation improves measurement of the extent and characteristics of suicidal behaviour, which in turn enhances opportunities for effective suicide prevention and intervention.

In order to prevent suicide, we need to have accurate data to identify who is at risk and how best to help them.

3. As a result of decriminalisation, suicidal behaviour will be recognised and treated as a public health issue and vulnerable individuals at risk will be better able to obtain the help they need.

Those attempting suicide will already be traumatised - there is a societal obligation to treat suicide as a public health issue.

Decriminalisation avoids the adverse mental health consequences of legal proceedings and punishment by imprisonment.

Individuals need a supportive environment to address their mental health needs.

According to Lifeline International, an organisation that helps provide crisis support to people around the world, the decriminalisation of suicide can be a catalyst for promoting and establishing crisis support services globally. At present, almost half a billion people live in countries where suicide is a crime and where they lack access to free crisis support services. There are more than 35,000 suicide deaths and over 700,000 attempts every year in these countries, highlighting the urgent need for change.²¹

This report therefore examines the law in each country, informed by the research of an international law firm. The methodology employed by the international law firm and subsequent analysis by UnitedGMH is summarised in the Appendix to this report.

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IASP, IASP policy position on the decriminalisation of attempted suicide Decriminalise Suicide Worldwide Campaign Brief - Lifeline International 2023



TRENDS AND COMPARISONS

For the overwhelming majority of countries researched as part of this report, the laws regarding suicide reside in the penal or criminal code rather than in a separate piece of legislation. It is also the case that many of these laws are exceptionally old, often originally introduced by colonial powers. Seven of the countries reviewed had suicide legislation dating back between 90 and 160 years. These laws were written when suicide or attempted suicide was considered a crime against the state, as well as against religion. Furthermore, these laws were written at a time when mental health was grossly misunderstood and human rights abuses regarding mental health were commonplace, and in many countries still are. For example, in countries formerly under British Rule these laws stem from British Common Law that was imposed on colonised territories prior to being implemented in the colonising state itself.²²

In the past 160 years there have been a number of important international treaties and conventions that enshrine the human rights of persons with disabilities, including those with mental ill health. Despite the UK formally repealing the law in 1961 after a vigorous campaign, a significant number of the post-colonial states where these laws were imposed have retained them.

It is necessary for laws that criminalise suicide to be repealed and replaced by legislation, which is fit for purpose, which reflects society's approach to mental health today, and is in line with current international human rights standards and modern and globally accepted mental health legislation and policy.

One of the most striking consistencies across nearly all of the countries researched is that the punishment for attempting suicide is imprisonment, which sometimes extends to temporary visitors. For example, in 2017, Chimwemwe Banda (not their real name) was sentenced to 10 months in prison without the option of paying a fine by Machinga First Grade Magistrate Court in Malawi.²³ Rather than being provided with support and treatment in the local community by mental health professionals (in accordance with the recommendations of the WHO in such situations), Chimwemwe was moved to a Malawian prison. The conditions in Malawian prisons were described as "atrocious", by the Malawi Inspectorate of Prisons in 2016. The inspectorate also added that "being in a Malawi prison causes mental disorders". 24, 25

Jane (not her real name), a 28-year-old Irish woman who was staying temporarily in Dubai, was charged with 'attempting suicide', which is a crime in the United Arab Emirates (UAE). She was imprisoned for more than 10 days until Irish authorities intervened to secure her release. Her passport was destroyed and she was banned from travelling. Jane, who was facing domestic abuse by her partner at the time and was in an extremely vulnerable state, urgently required support and protection. Instead, she found herself regaining consciousness in a police station rather than a medical facility.²⁶

- 22 BBC (2011), When Suicide Was Illegal. https://www.bbc.com/news/magazine-14374296 23 AllAfrica (2017), Malawi: Youngman Jailed for Attempting Suicide https://allafrica.com/stories/201707240291.html

- 24 World Prison Brief, Malawi [accessed 10 August 2021] https://www.prisonstudies.org/country/malawi
 25 Development and Cooperation (2016), The conditions in Malawi's prisons are atrocious. <a href="https://www.da.august.com/https://www.da.augus
- tions-malawis-prisons-are-atrocious 26 https://www.bbc.com/news/articles/c897jlr9274o



The decriminalisation of suicide should not automatically lead to, or be replaced with, a coercive measure such as involuntary admission and treatment. Coercive measures are experienced as traumatising by many and can have a severe negative impact on an individual's mental health and well-being. The Convention on the Rights of Persons (CRPD) with Disabilities states Parties' obligations include ensuring persons: "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." See more information on this below.

In most of the countries covered in this report, it is possible for children (people under the age of 18 as defined by the United Nations Convention on the Rights of the Child)²⁷ to be prosecuted for attempted suicide. This is because a young child can be prosecuted for a criminal offence in some countries. For example, although there are special provisions for children under the age of 12 years, it is legally possible for children as young as 7 years of age in Nigeria to be arrested, tried, and prosecuted.28

It is possible to be punished after death by suicide. In three of the countries studied for this report - the Bahamas, Bangladesh,, and Kenya - the will of the deceased may be challenged, leading to invalidation if someone is judged to have died by suicide, with complications also possible in Malawi. The invalidation of a will could have serious implications for those who the deceased intended to benefit upon their death. Beyond the emotional stress of such a delay, it could be very costly for loved ones, and cause significant delays in accessing the assets allocated in the will.

Thankfully, given the impacts outlined above, such laws are rarely enforced or prosecuted. They are commonly at the minor end of the crimes governed by the legal system, and often defined as misdemeanours. This then raises the question: why have such laws at all? In the majority of countries covered in this report, attempted suicide is considered a misdemeanour and in five of the countries there have been minimal or no recent court cases for attempted suicide.

The mere presence of the illegality of suicide within the law speaks to three of the four arguments set out by the IASP in favour of decriminalisation of suicide: (i) suicide remains hidden and so the true scale is not known; (ii) suicide is not treated as a public health issue and people are not able to receive the support they need; and (iii) the stigma surrounding mental health continues. Where it is clear that the justice system is not seeking to punish those who have attempted suicide, it could be assumed the law remains in place as a deterrent. However, all evidence²⁹ indicates that the threat of punishment does not act as a deterrent and therefore a movement to repeal the relevant laws should proceed immediately.

27 Unicef, How we protect children's rights with the UN Convention on the rights of the child [last accessed on 18 August 2021] https://

28 Federal Ministry of Justice, Federal Republic of Nigeria https://www.justice.gov.ng/index.php

of the countries reviewed. In some instances, these are civil society-led campaigns either publicly calling for change, engaging with official government processes, or both. For these campaigns to be successful, it is critical to gain support from legislature and government ministers. For example, in Guyana in 2019, the health minister publicly stated that the government would seek to repeal the suicide legislation.³⁰ The efforts of the health minister, supported by local advocacy, targeted research and evidence building, resulted in the passing of the Guyana Suicide Prevention Bill 2022, decriminalising suicide.31 Government-led processes can also be very powerful. The Kenyan Ministry of Health's Taskforce on

Mental Health produced a report calling for the government to "amend or repeal [...] discriminatory and derogatory laws" and quoted findings from stakeholders stressing the need to "amend the law

to decriminalise suicide". 32 Such a report can help a government build a strong case to take to its

legislature and – with the matter now being discussed in Kenya's parliament after a public petition

- this groundwork has put Kenya in a strong position to decriminalise.³³

The research identified some level of campaign or movement to repeal or amend the law in nine

Department of Public Information, Department of Public Information, Government of Guyana, 'Suicide on the decrease'. https://dpi. gov.gy/suicide-in-guyana-on-the-decrease/





https://www.suicide-decrim.network/posts/case-study-of-decriminalisation-in-guyana

³² Taskforce on Mental Health (2020), Mental Health and Wellbeing: Towards Happiness & National Prosperity.

³³ Conveyance of Public Petition No.13/2024 - The National Assembly Thirteenth Parliament (3rd Session) - Kenya 2024

²⁹ Chieng-Chang Wu K, Cai Z, Chang Q, Chang S-S, Siu Fai Yip P, Chen Y-Y. Criminalisation of suicide and suicide rates: an ecological study of 171 countries in the world. BMJ Open. 2022;12(2):

Table 1: Summary of research findings – national suicide legislation review

Country	Where is the legislation?	What is the maximum penalty? (all fines converted to USD using the international exchange rate correct as of August 2021)	Is the legislation implemented?	Is there a movement to repeal?
Afghanistan	Shariah Law	Undefined	Insufficient data	Calls for decriminalisation included in the national suicide prevention strategy 2019 but not acted upon
Bahamas	Penal Code	2 years' imprisonment	Insufficient data	Calls for decriminalisation included in the national suicide prevention strategy 2019
Bangladesh	Penal Code	Up to 1 year imprisonment and/or unspecified fines	Insufficient data	No known movements or campaigns identified
Brunei	Penal Code	Up to 1 year imprisonment and a fine of up to USD 2,942	Insufficient data	No known movements or campaigns identified
Gambia	Criminal Code	Up to 2 years' imprisonment and/or unspecified fines	Insufficient data but there are publicly reported prosecutions	No known movements or campaigns identified
Grenada	Criminal Code	Up to 2 years' imprisonment and/or fine of USD 1480	Insufficient data	No known movements or campaigns identified
Jordan	Penal Code	Up to 6 months' imprisonment and/or fine up to 141 USD	2 reported cases already in 2023 when it was criminalised	Yes – led by local NGOs as part of a regional coalition
Kenya	Criminal Law (Offences) Act	Up to 2 years' imprisonment and/or unspecified fine	Yes – minimally	Yes – led by the international medical corps
Malawi	Penal Code	Up to 2 years' imprisonment with the possibility of hard labour and/or a fine	Insufficient data	Yes – government task forces have called for a repeal
Maldives	Penal Code	Up to 1 year imprisonment and fine of USD 3260	Insufficient data	No known movements or campaigns identified
Myanmar	Penal Code	Up to 1 year imprisonment, unspecified fine	Insufficient data	No known movements or campaigns identified

Guinea Criminal Code USD 570 Insufficient data Insufficient data or campaigns identified upon or campaigns identified under the past five years No prosecutions have been made in the past five years No known movements or campaigns identified upon or campaigns identified upo					
Criminal Code and/or a fine of up to USD 570 No prosecutions or campaigns identifies or a fine of up to USD 2,000 Ves – some politicians have been made in the past five years	Nigeria	Criminal Code;		Yes - minimally	Yes – civil society led
Qatar Penal Code Up to 3 be moment; a fine of USD 824 have been made in the past five years No known movements or campaigns identified remplants or campaigns identified years Saint Lucia Criminal Code 2 and Criminal Code 3 and Criminal Criminal Code 3 and Crimin		Criminal Code	and/or a fine of up to	Insufficient data	No known movements or campaigns identified
Saudi Arabia Criminal Code USD 2,000 Saudi Arabia Criminal Code & Shariah Law Criminal Code & Shariah Law Unspecified imprisonment and/or lashes Insufficient data Insufficient data No known movements or campaigns identified in the existing legislation There is limited data suggests little implementation South Sudan Penal Code Up to 1 year imprisonment, fine with no maximum level Up to 1 year imprisonment, fine with no maximum level Tanzania Penal Code Up to 2 years' imprisonment and/or a fine Up to 3 years' imprisonment Up to 4 years' imprisonment Up to 5 years' imprisonment, fine with no maximum level Up to 6 years' imprisonment, fine with no maximum level Limited data suggests little implementation Vo known movements or campaigns identified Tanzania Penal Code Up to 2 years' imprisonment Up to 3 years' imprisonment Up to 3 years' imprisonment Trinidad & Criminal Offences Act Up to 5 years' imprisonment Up to 6 years' imprisonment Insufficient data No known movements or campaigns identified No known movements or campaigns identified Insufficient data No known movements or campaigns identified No known movements or campaigns identified Insufficient data No known movements or campaigns identified No known movements or campaigns identified Trinidad & Common Law Up to 5 years' imprisonment Insufficient data No known movements or campaigns identified United Arab Emirates Penal Code Up to 6 months' imprisonment Insufficient data No known movements	Qatar	Penal Code	imprisonment; a fine of USD	have been made in the past five	No known movements or campaigns identified
Sierra Leone Common Law Unspecified imprisonment and/or fines Sierra Leone Common Law Unspecified imprisonment and/or fines Unsufficient data Insufficient data Yes – a civil society led campaign to decriminalise is ongoin Insufficient data There is limited challenge to the existing legislation There is limited challenge to the existing legislation There have been limited attempts by civ society segnalisations There have been limited attempts by civ society segnalisations There have been limited attempts by civ society segnalisations There is limited challenge to the existing legislation There is limited the challenge to the existing legislation There is limited the challenge to the existing legislation There have been limited attempts by civic scapanisations There have been limited the properties and the existing legislation There have been limited the properties limited that suggest little im	Saint Lucia	Criminal Code	or a fine of up to		have said the legislation
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South Sudan Penal Code Up to 1 year imprisonment fine with no maximum level Limited data suggests little implementation There have been limited attempts by cive society organisations to amend the relevant legislation	Sierra Leone	Common Law		Insufficient data	
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	Uganda	Penal Code	Up to 2 years' imprisonment	Insufficient data	No known movements or campaigns identified

WHEN LEGISLATION HAS BEEN REPEALED

In recent years suicide legislation has been successfully repealed or superseded by new legislation in Ghana, Guyana, Pakistan and Malaysia.

Overall, key factors that have helped decriminalise suicide are:

- A strong evidence base for why suicide should be decriminalised and more broadly

 why updating mental health legislation is important at this time (based on a mixture of national needs such as shortcomings in data collection, and personal stories of the impact of the law on individuals).
- 2. Knowledge and understanding of the legal processes involved and how best to effect reform in the specific context of the country. There are several entry points to changing legislation. These include repealing the law in parliament, or in the case of a common law offence, rendering it ineffective through introducing new regulations. In some countries, the court can mandate a change in law by declaring existing provisions unconstitutional and thereby striking them down.
- 3. A multi-stakeholder effort to raise public awareness and influence policy making, frequently brought about by a mixture of civil society, political and judicial leaders, and community leaders including religious leaders. This is helped by the use of media and communications to increase awareness and support for action.
- **4. Political and judicial leaders** willing to champion decriminalisation of suicide in their respective areas of influence, based on evidence and supported by multi-stakeholder backing.
- 5. Commitments made by countries at key global political gatherings to inform government priorities and ensure alignment with international legislative standards, including those captured in the Convention for Rights of Persons with Disabilities (CRPD) 2006, the Commonwealth's Dhaka-Kigali Compact on Mental Health 2022, and the Small Island Developing States conference's Bridgetown declaration 2023. This also includes guidelines prescribed by international organisations such as the World Health Organisation's (WHO) Comprehensive Mental Health Action Plan 2013-2030.
- **6. Public information campaigns** that communicate the change in the law, help destigmatise mental health issues and ensure the change in law is upheld. Media coverage can bring attention to outdated laws and encourage policymakers to consider reforms.³⁴ Well-researched articles, editorials and campaigns can be powerful tools for advocacy to decriminalise suicide and to reduce the stigma surrounding mental health. The WHO has developed a guide to support journalists reporting on suicides.³⁵

This report is focused on point 2: knowledge and understanding of the legal processes involved and how best to effect reform in the specific context of the country. However, in this section there are insights into the successful decriminalisation of suicide in three very different countries, Guyana, the Cayman Islands and India, which illustrate points 1-5. There are many other examples which can be drawn upon, and at the end of this report there are resources to help campaigners in ending suicide decriminalisation.

Where information was available, the potential process for repealing legislation in each of the jurisdictions where suicide is criminalised is covered in the country summaries in the Appendix to this report. Generally speaking, repealing existing legislation is effected by passing a new piece of legislation in which it will be made clear that either the entire piece of original legislation that includes suicide criminalisation or – more likely given suicide or attempted suicide is included as a crime within a penal code – that the particular provision related to suicide criminalisation is repealed and of no further effect.³⁶ The repeal of the legislation may be preceded by a law reform commission raising the issue for political debate and approval by the legislature and the relevant houses of government, or where applicable a test case may set precedence. While we have not been able to confirm the process for all jurisdictions covered in this report, the general rule of interpretation in common law jurisdictions is that repealed legislation will still apply to any circumstances that transpired at the time when the legislation was still in force.³⁷

The Power of Political Will - Guyana

Guyana's Suicide Prevention Act 2022 repealed existing legislation which criminalised attempted suicides.³⁸ The ministry of health believed it was time to change the British colonial legislation criminalising suicide that Guyana had inherited. After two unsuccessful attempts to repeal the law in 2011 and 2019, two separate bills were drafted in 2021 ('the Mental Health Protection and Promotion Act 2022'³⁹ and the 'Suicide Prevention Act 2022') drawing on the strengths of both the previous bills. They were presented in Parliament and passed without opposition, decriminalising suicide.

According to Minister Frank Anthony, who proposed the bill in Parliament, it was research and evidence on high suicide rates in Guyana that provided the urgency and motivation needed to change the law. A coalition of willing stakeholders was brought together to disseminate the findings on high suicide rates, review the original 2011 and 2019 bills, help draft the new bills and generate public support for the parliamentary process.



³⁴ Johnson Sarah (17 November 2021). 'People should be helped, not punished': could Pakistan's suicide law be about to change? Retrieved from: https://www.theguardian.com/global-development/2021/nov/17/people-should-be-helped-not-punished-could-pakistans-suicide-law-be-about-to-change

³⁵ The World Health Organisation (2023), Preventing suicide: a resource for media professionals. https://www.who.int/publications/ii/item/9789240076846

³⁶ See for example, for India, Section 115 of India's Mental Healthcare Act 2017 prevails over section 309 of the Indian Penal Code (based on the rule of statutory interpretation which mandates that the later enactment will prevail unless express provision is made: (Argyll (Duke) v Inland Revenue Commissioners (1913) 109 LT 893 and Kariapper v Wijrsinha 1968 AC 716.). For the Cayman Islands, Penal Code (Amendment) (No. 2) Bill, 2020 which inserts into the Penal Code (2019 Revision) a new section 186A to remove the crime of suicide from the Penal Code

³⁷ Legislation.gov.uk, Section 17, Interpretation Act 1978, https://www.legislation.gov.uk/ukpga/1978/30

³⁸ https://www.suicide-decrim.network/countries/guyana/

³⁹ https://www.parliament.gov.gy/publications/acts-of-parliament/mentalhealthprotectionandpromotionact2022

Since the decriminalisation of suicide, new mental health and suicide prevention action plans were launched in 2024,⁴⁰ and a suicide prevention commission established.⁴¹ These initiatives and the change in the law have seen a decrease in suicide rates in Guyana over the last two years.

Evidence-Based, Multi-Stakeholder Approach - Cayman Islands

In December 2020 suicide was decriminalised in the Cayman Islands: the Attorney General presented an amendment to the Penal Code which was unanimously passed through Parliament.⁴² This was the culmination of campaigning initiated by the Alex Panton Foundation which, along with other stakeholders including the Law Reform Commission, was able to present research and make the case that suicide is often a mental health issue and never a crime.^{43,44} The research showed that only 5% of children and young people at risk of suicide were seeking help due to the stigma and discrimination caused in part by the criminalisation of suicide.⁴⁵ This evidence-based, multi-stakeholder approach led to a government consultation which in turn led to the amendment of legislation. As with many of the countries reviewed in this report, suicide legislation was not being enforced in the Cayman Islands. When the evidence and benefits of decriminalisation were put before Parliament, civil society and the government worked in collaboration, and the relevant law was successfully repealed.

Decriminalised by a Different Act - India

In India another approach was taken. Attempted suicide is now, in effect, redundant but suicide as a criminal act is still on the statute books as Section 309 of the Indian Penal Code. Section 309 was introduced by the British Government in the 19th century and has been in place ever since. The campaign to repeal Section 309 is a long one, with several previous campaigns close to success. In 1978 an amendment Bill was passed, however before it could be brought into law, Parliament was dissolved and the Bill lapsed. In 1996 the test case of "Gian Kaur vs State of Punjab" was ultimately unsuccessful, leading to the Supreme Court upholding the constitutional validity of Section 309. Again in 2008, the 18th Law Commission described Section 309 as "inhuman" and "anachronistic". In its 210th report, the Law Commission recommended the repeal of Section 309, but it is yet to be implemented.

This led to another path to decriminalising suicide in India. This came about through the efforts of a range of stakeholders in the development and campaign for the successful adoption of the Mental Healthcare Act (MHCA) 2017, which aims to reform mental health services and support in India. This Act has significantly reduced the scope for the use of Section 309, and therefore makes Section 309 "redundant".⁵⁰

- 40 https://www.stabroeknews.com/2024/04/10/news/guyana/national-mental-health-action-plan-suicide-prevention-plan-2024-2030-launched/
- 41 https://newsroom.gy/2022/11/16/new-suicide-prevention-commission-could-be-set-up-in-two-weeks-time/
- Cayman Compass (2021), Decriminalising suicide is just a first step.
- . https://alexpantonfoundation.ky/decriminalizing-suicide-in-the-cayman-islands/
- 43 Alex Panton Foundation (2020), Decriminalising Suicide in the Cayman Islands. https://alexpantonfoundation.ky/decriminalizing-suicide-in-the-cayman-islands/
- 44 Cayman News Servie, LRC poses decriminalising suicide. https://caymannewsservice.com/2019/08/lrc-poses-decriminalising-suicide/
- 45 Alex Panton Foundation (2020), Decriminalising Suicide in the Cayman Islands.
- 46 The Indian Express (2020), Sec 309 IPC: Questions and issues around an archaic Section of the law.
- https://indianexpress.com/article/explained/sec-309-ipc-questions-and-issues-around-an-archaic-section-of-the-law-6468338/
- 47 The Indian Express (2020), Sec 309 IPC: Questions and issues around an archaic Section of the law. 48 Hindustan Time (2008), 'Decriminalise attempt to suicide'.
- https://www.hindustantimes.com/delhi/decriminalise-attempt-to-suicide/story-GswdOltOLeIQ1ivxdBAbNI.html
- 49 The Law Commission, Humanization and Decriminalization of Attempt to Suicide. https://indiankanoon.org/doc/73577534/
- 50 The Hindu (2019), IPC law on suicide is 'redundant', say experts. https://www.thehindu.com/sci-tech/health/ipc-law-on-suicide-is-redundant-say-experts/article30397121.ece

Section 115(1) of the MHCA 2017 states:

"Notwithstanding anything contained in section 309 of the Indian Penal Code any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code."51

Significantly, with this being mental healthcare legislation, it goes further than simply decriminalising suicide and legislates that the state must "provide care, treatment and rehabilitation to a person, having severe stress and who attempted to commit suicide".⁵² Even so, serious issues persisted. The police, lacking an of awareness of the MHCA, often continued to arrest or harass and charge those who had attempted suicide under Section 309.⁵³ In July 2024, the Indian government adopted the Bharatiya Nyaya Samhita (BNS) which replaced the colonial era Indian Penal Code, completely removing Section 309⁵⁴. While the latest data on suicide response under the BNS was not available at the time of publishing this report, this new legal code might change things for the better.

This demonstrates the need to not just change legislation but communicate these changes at every level of society, particularly among law enforcement officers. Explaining the rights of people under mental health legislation, policy and practice is just one example of the work carried out by the WHO QualityRights programme (which is working to change attitudes and practices of all stakeholders on a national scale in order to promote the rights of persons with mental health conditions), and a host of civil society organisations working around the world.

INTERNATIONAL PERSPECTIVE

As outlined previously, it is possible to successfully decriminalise suicide through action at national level when a range of stakeholders work together. However, there is also an international dimension to consider: upholding the internationally agreed right to the highest attainable standard of mental health, mental health legislation, policies, and practices. Despite being a legislative issue unique to each country, the international system, including multilateral organisations and human rights treaties, have a role to play in the decriminalisation of suicide. There are several political and international legal mechanisms, and multilateral organisations, that set a precedence for abolition of suicide criminalisation across the world.

The WHO provides global leadership on this issue, supporting member states in the development and implementation of best practice guidance. Through the approval of the first WHO Mental Health Action Plan 2013-2020, WHO member states agreed that "mental health strategies, actions and interventions for treatment, prevention and promotion must be compliant with the Convention on the Rights of Persons with Disabilities and other international and regional human rights instruments". In approving the plan they also agreed that "mental health strategies and interventions for treatment, prevention and promotion need to be based on scientific evidence and/or best practice, taking cultural considerations into account".⁵⁵

- 51 The Gazette of India, The Mental Healthcare Act 2017. https://egazette.nic.in/WriteReadData/2017/175248.pdf
- 52 The Gazette of India, The Mental Healthcare Act 2017.
- 53 The Times of India (2020), A job left half done. https://timesofindia.indiatimes.com/blogs/jibber-jabber/a-job-left-half-done/
- 54 SCC times (2024). Decolonisation of IPC | The Paradigm shift in India's criminal justice system https://www.scconline.com/blog/post/2024/07/01/decolonisation-of-ipc-understanding-bharativa-nvava-sanhita-2023/
- 55 UN Department of Economic and Social Affairs, Convention on the Rights of Persons with Disabilities (CRPD) [accessed 18 August



UNITED FOR GLOBAL MENTAL HEALTH

In the Action Plan member states agreed: "Mental health law, whether an independent legislative document or integrated into other health and capacity-related laws, should codify the key principles, values and objectives of policy for mental health, for example by establishing legal and oversight mechanisms to promote human rights and the development of accessible health and social services in the community." The plan also stated: "Policies, plans and laws for mental health should comply with obligations under the Convention on the Rights of Persons with Disabilities and other international and regional human rights conventions." 56

The agreement included the following global targets:

- Global target 1.1: 80% of countries will have developed or updated their policies/plans for mental health in line with international and regional human rights instruments (by the year 2020)
- Global target 1.2: 50% of countries will have developed or updated their laws for mental health in line with international and regional human rights instruments (by the year 2020)

This commitment to legal reform in line with human rights was reiterated in the updated WHO Mental Health Action Plan 2020-2030, indicating a strong commitment by countries to undertake these reforms. The updated and extended Action Plan provides an important breakthrough in advocacy efforts to decriminalise suicide. The Action Plan 2020-2030 also includes a specific recommendation to "decriminalise suicide, suicide attempts and other acts of self-harm" as a new "option for implementation" under Objective 1: To strengthen effective leadership and governance for mental health. This provides advocates with a basis for advocacy/reference help points endorsed by member states.⁵⁷

In addition, Objective 3, "to implement strategies for promotion and prevention in mental health", has a series of new options for implementation which include to:

- Develop, keep up to date, implement and evaluate national suicide prevention strategies that guide governments and stakeholders to implement effective preventive interventions, raise public awareness, increase help-seeking and reduce stigmatisation of suicidal thoughts and behaviours.⁵⁸
- The inclusion of the recommendation to decriminalise suicide enables the WHO and its partners to now provide technical advice on the subject and to encourage national legal reforms. The WHO's 2023 policy brief on the health aspects of decriminalising suicide and suicide attempts offers these specific recommendations, bearing in mind different national contexts:⁵⁹

- Identify and repeal legislation and policies that criminalise suicide and suicide attempts
- Engage with relevant stakeholders to understand and dispel moral, cultural or religious justifications for criminalisation or those based on the notion of punishment as a deterrent to suicide
- Organise an advocacy campaign to make the case for the decriminalisation of suicide and suicide attempts
- Build and budget for a "post-decriminalisation"/"transition" awareness programme specifically to train first responders, including police, emergency health care providers, mental health professionals, peer supporters and other relevant individuals who encounter people at risk of suicide
- Develop a comprehensive national suicide prevention strategy
- Establish rights-oriented, community-based mental health services
- Reform or develop new mental health-related laws, policies and strategic plans that promote the rights of people with mental health conditions and psychosocial disabilities.

The WHO will be tracking progress against the WHO Mental Health Action Plan 2020-2030 through the regular publication of the Mental Health Atlas. This report has traditionally not tracked all the options for implementation, but there is a case to be made for the WHO to track whether or not suicide has been decriminalised given the pivotal importance of the issue in reducing rates of suicide (a key SDG target). Another means to track progress is the Countdown Mental Health 2030, which is an independent monitoring mechanism for mental health and includes suicide decriminalisation as one of the indicators in tracking carried out by countries around the world. Lifeline International's global campaign 'Decriminalise Suicide Worldwide' includes a country progress tracker. It tracks the status of the decriminalisation of suicide in the 25 countries where it is still a criminal offence, and 27 other countries where the law is uncertain.

The Mental Health Action Plan positions upholding human rights as one of its cross-cutting principles. Upholding the Convention on the Rights of Persons with Disabilities (CRPD) is one of the most important elements of these principles. Passed in 2006, the CRPD is one of the nine core human rights treaties of the United Nations, and is the most significant treaty in relation to mental health.

The overall purpose, stated in Article 1 of the CRPD, is to "promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity". Further, the CRPD commits signatories to ensure that persons with disabilities "enjoy the right to liberty and security of person", "on an equal basis with others", to "adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention", and to repeal of laws that discriminate against people with disabilities.

⁵⁶ UN Department of Economic and Social Affairs, Convention on the Rights of Persons with Disabilities (CRPD) [accessed 18 August 2021]

⁵⁷ WHO (2021), 74th World Health Assembly, Mental health preparedness for and response to the COVID-19 pandemic https://apps.who.int/gb/ebwha/pdf files/WHA74/A74(14)-en.pdf

⁵⁸ WHO (2021), 74th World Health Assembly, Mental health preparedness for and response to the COVID-19 pandemic

⁵⁹ WHO (2023), policy brief on the health aspects of decriminalization of suicide and suicide attempts

A strong case can be made that criminalising suicide, which in many cases disproportionately impacts people with psychosocial disabilities and mental health conditions, goes against the fundamental rights and obligations established under the CRPD. The articles in the CRPD most relevant to the criminalisation of suicide are extracted in the table below for reference. Of the countries reviewed for this study, all but South Sudan and Myanmar have signed the CRPD and all but Myanmar (ascension only given), South Sudan and Tonga have ratified the CRPD.⁶¹

CRPD articles most relevant to the criminalisation of suicide

Article 4, General obligations

- 1: States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

Article 14, Liberty and the security of the person

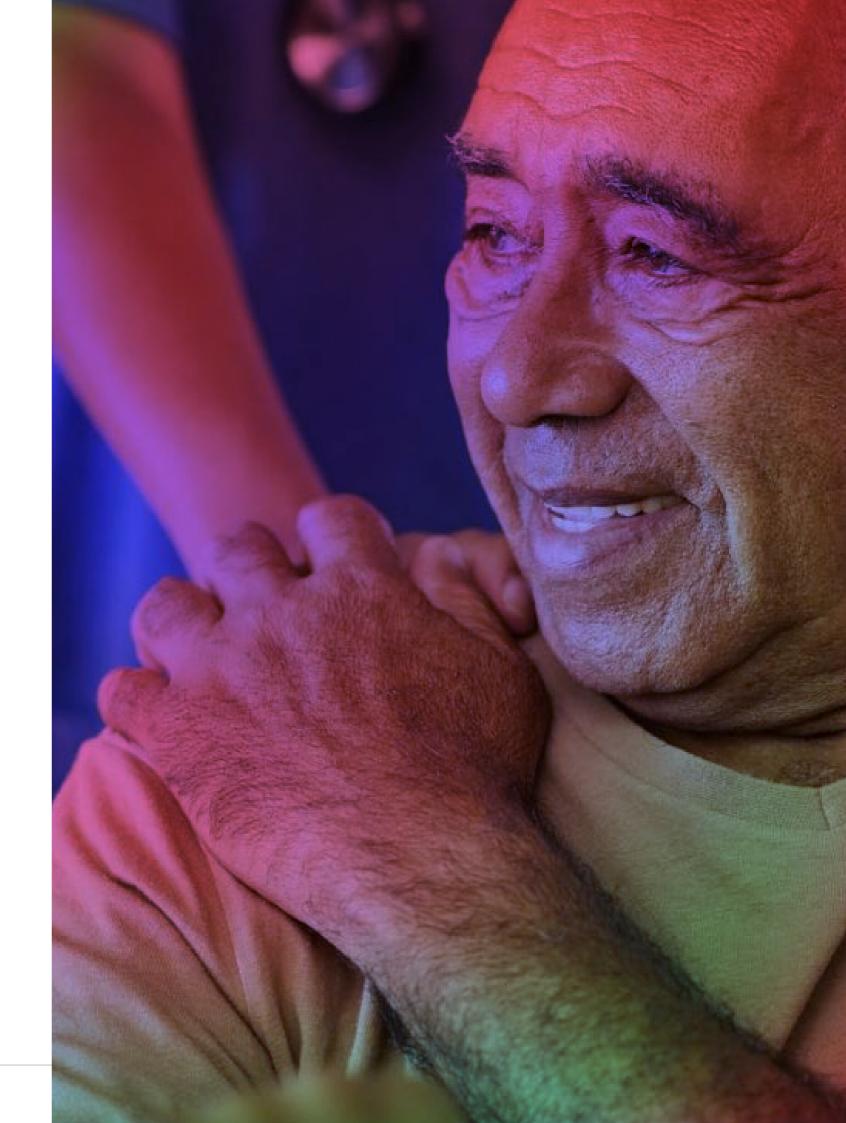
- 1. States Parties shall ensure that persons with disabilities, on an equal basis with others:
- (a) Enjoy the right to liberty and security of person;
- (b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

Mental health is also included in the SDGs, which all countries in this study are not legally bound by, but have agreed to progress towards. The SDGs most relevant to the criminalisation of suicide are extracted in the table below for reference.

In assessing progress towards or achievement of the SDGs, the indicator to measure progress on mental health is a reduction in suicide rates. As stated earlier, the criminalisation of suicide creates four main potential negative impacts on mental health: (i) supressing data; (ii) not treating suicide as a public health issue; (iii) compounding stigma; and (iv) placing people with mental ill health in institutions that have an adverse effect on mental health. Rather than increase the rate of suicide, "suicide rates tend to decline in countries after decriminalisation". ⁶² Therefore, if governments are to uphold their commitments to reduce the rate of suicide as progress towards achievement of the SDGs, then decriminalisation must be part of a holistic suicide prevention approach.

61 United Nations Treaty Collection, Convention on the Rights of Persons with Disabilities [accessed 18 August 2021] https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en
62 WHO (2014), Preventing suicide: A global imperative





Sustainable Development Goals

SDG 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

Indicator 3.4.2: Suicide mortality rate

Another means to accelerate action to decriminalise suicide is through discussion and mutual agreement between different groups of countries. One of particular importance to this issue is the Commonwealth. Of the 24 countries that still treat suicide as a criminal offence, 15 are Commonwealth countries: Bahamas, Bangladesh, Brunei Darussalam, Gambia, Grenada, Kenya, Malawi, Malaysia, Nigeria, Papua New Guinea, Saint Lucia, Tonga, Trinidad & Tobago, Uganda and Tanzania. This is in contrast to the UK, where suicide was decriminalised in 1961. It is in part a legacy of mental health laws that originated during the colonial period and/or a lack of more recent mental health reform. Both India and Sri Lanka have found ways to overcome this issue – examples that many other countries could follow. Through sharing how decriminalisation is achieved, and why it helps reduce rather than increase suicide rates, Commonwealth members could support one another to decriminalise suicide, reduce stigma and increase support and services for all who need them. The Commonwealth health ministers meet regularly (e.g., ahead of World Health Assembly meetings in May each year), and this issue could be a point of discussion and further action.

Guyana, one of the Small Island Developing States (SIDS), has the world's second highest suicide rate per 100,000 people.⁶³ The country has made great strides to address this by decriminalising suicide and working on implementing a national suicide prevention plan.⁶⁴ But there are still seven other SIDS countries – the Bahamas, Grenada, Maldives, Papua New Guinea, St Lucia, Tonga and Trinidad & Tobago – that criminalise suicide.

In June 2023, SIDS member countries came together in Bridgetown, Barbados, in June for a ministerial conference on NCDs and mental health. There they agreed that the criminalisation of suicide in the Caribbean and the Pacific was a problem and they needed to accelerate action. They committed to 'Update health legislation in line with human rights norms including the decriminalisation of suicide and prohibition of coercive practices in the treatment of mental health conditions'.⁶⁵

SIDS countries meet annually in May at the International Conference on Small Island Developing States. It is an excellent opportunity to remind them of their commitments to decriminalise suicide at Bridgetown, with a coalition of Caribbean stakeholders on the decriminalisation of suicide already working together to do just that.⁶⁶ Such initiatives should not only be encouraged, but joined and supported where possible.

The UN High-Level Meeting (HLM) on NCDs scheduled for September 2025 is another critical opportunity to advance mental health at global and national levels. The HLM is an chance to:

- position mental health alongside and distinct from NCDs
- secure financial and policy commitments
- set the direction of global mental health up to and beyond 2030.

The laws criminalising suicide are discriminatory, perpetuate stigma and discrimination, and make it difficult for people to access mental health care. So decriminalising suicide can be positioned as an essential commitment for UN member states to make to ensure equitable access to rights based, person-centred mental health care for all, in line with the right to health.⁶⁷



^{63 &}lt;a href="https://worldpopulationreview.com/country-rankings/suicide-rate-by-country">https://worldpopulationreview.com/country-rankings/suicide-rate-by-country

⁶⁴ https://www.suicide-decrim.network/posts/case-study-of-decriminalisation-in-guyana

^{65 2023} Bridgetown Declaration on NCDs and mental health, https://www.who.int/publications/m/item/2023-bridgetown-declaration-on-ncds-and-mental-health

The Guardian (2024), 'Campaign to decriminalise suicide in four Caribbean countries gains momentum'

Constitution of the World Health Organisation, https://www.who.int/about/governance/constitution

CONCLUSION

The case for decriminalising suicide is clear. Criminalising suicide does not deter people from taking their lives: there is well documented evidence of far more effective means to do so – from community-based mental health and psychosocial support services, to restriction of the means of suicide, such as pesticide control. What the evidence does show is that criminalising suicide deters people from seeking help in a moment of acute crisis and receiving the support they need to improve their mental health.

In many of the countries where suicide is still illegal, the laws are rarely enforced or not at all. It is also the case that for many countries the legislation criminalising suicide is very old, some even dating back to the time the countries were colonised. Despite lack of use of the law or the age of the laws, there are still significant negative impacts on a person's readiness to seek help and therefore improve their mental health due to the stigma and discrimination that suicide criminalisation creates.

Not only do lawmakers and governments have a moral obligation to support those whose mental ill health makes them vulnerable to suicide, governments also have legal obligations under international human rights treaties such as the CRPD, and commitments through international initiatives such as the United Nations' SDGs and agreeing to uphold the WHO's Action Plan 2021-2030.

This report is focused on building knowledge and understanding of the legal processes involved, and how best to effect reform in the specific context of the country. This report was written as a resource for all those who seek to decriminalise suicide. It provides the arguments for doing so and some examples of how it has been achieved elsewhere. Using the country summaries in the appendix, it is hoped campaigners can identify the best means to take action.

Recommendations

- Suicide and attempted suicide should be decriminalised in every country in the world.
- National suicide prevention strategies should be developed and implemented in all countries.
- A 'post-decriminalisation' strategy should be in place to train first responders, including police, emergency health care providers, mental health professionals, peer supporters and other relevant individuals who encounter people at risk of suicide.
- The stigma and discrimination around suicides and suicide attempts should be addressed to create a supportive and enabling help-seeking environment for people in times of crisis.
- International commitments to decriminalise suicide, suicide attempts and other acts of self-harm should be upheld.
- Language to this effect should be included/further strengthened in the outcome documents of relevant future international key moments, until suicide has been completely decriminalised worldwide.
- Advocacy efforts to decriminalise suicide should be carried out collectively, engaging
 with relevant stakeholders to understand and dispel moral, cultural or religious
 justifications for criminalisation or those based on the notion of punishment as a
 deterrent to suicide.

Next Steps

Anyone who is interested in further work on suicide prevention is encouraged to join the suicide prevention working group of the <u>Global Mental Health Action Network</u> or contact the <u>International Association for Suicide Prevention</u>.

Note

The methodology used for this report is included in the next section. The information provided here was gathered between January and June 2021 and is subject to change. The report's authors would warmly welcome any further updates on the situation in the countries listed that local partners can provide.



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APPENDIX 1 – COUNTRY SUMMARIES

This appendix contains summaries for 23 jurisdictions where suicide is still illegal. Due to limitations outlined in the Methodology, country summaries for Saudi Arabia and UAE could not be obtained.

Methodology

Initial research was carried out by an international law firm engaged by UnitedGMH from January to June 2021. UnitedGMH agreed on an initial scope with the law firm, which was to focus on the criminalisation of attempted suicide, specific to the person who has attempted to end their own life. It should be noted that this is distinct from abetment of suicide, which is a separate legal regime and is criminalised in a significantly larger number of jurisdictions. In abetment of suicide, persons connected to an individual's act of taking their own life may be charged with a crime.

Once the initial scope was determined, specific practical areas to investigate in connection with attempted suicide were agreed upon. These included:

- Details of the legislation in relation to attempted suicide, such as the minimum age
 of criminalisation, any distinction between consequences for juveniles and adults,
 diminished capacity, and any relevant penalties or imprisonment;
- Whether the same legislation covered "suicide" separately and any consequences;
- Case law in relation to attempted suicide;
- Details of how cases of prosecutions of attempted suicide, including which laws are typically relied upon and how frequently such cases are brought before the courts;
- Details of any appeals in relation to attempted suicide; and
- Challenges to suicide legislation, including test cases or campaigns, and the process of amending or repealing the legislation.

All research into the above focus areas was conducted on a desktop basis, and by consulting publicly available information. The findings were subject to the inherent limitations of this style of research, and it should also be noted that researchers were not legally qualified in the jurisdictions covered. It should also be noted that there were particular difficulties in relation to obtaining case law information. In many instances, researchers were generally relying on newspaper reports rather than law reports. One of the key findings to emerge from this style of research, was that there is very little information publicly available on the treatment of attempted suicide across the countries summarised in this Appendix.



AFGHANISTAN

Relevant legislation: Sharia Law

Date of law: 2021

Minimum age can be prosecuted: 12 years

Punishment: Undefined

Implementation of legislation: Insufficient data

Legislative repeal movement: No known movements or campaigns identified

The Taliban Government has disavowed the Penal Code 2017 which did not criminalise suicide (although it has not been formally repealed). The courts have been instructed to apply strict Sharia law. Sharia law is not codified in Afghanistan, but it appears that the Penal Code is not currently viewed as a source of law. Afghanistan's national suicide prevention strategy states that suicide is criminalised under their interpretation of Sharia law and calls for the decriminalisation of suicide⁶⁹, but it is not clear if suicide or attempted suicide would be treated as crimes by the courts currently and no data or evidence was available to confirm if any prosecutions for attempted suicide had taken place.

Impact on children

According to Article 5 of the Afghanistan Juvenile Code 2005, a Child under the age of 12 cannot be prosecuted for a criminal offence. However, any crimes committed by a Child under 12 can result in the parents having to compensate for any losses incurred, provided their negligence can be established. Children between the ages of 12 and 18 are tried in a Juvenile Court and the Courts have been advised to seek the minimum possible duration of confinement for the purposes of rehabilitation and re-education of the child.⁷⁰

Impact on families

As suicide and attempted suicide are not criminalized under the Penal Code, It is unclear how those acts would be treated by courts under Shariah Law as interpreted by the Taliban Government. From a cultural perspective, however, the act of suicide could bring shame to an individual's family because Sharia law prohibits suicide.

How to change the law

Currently there is no codified process in Afghanistan. Afghanistan does not have a legislative branch. Laws are announced by the executive branch, most often by decree of the Supreme Leader.

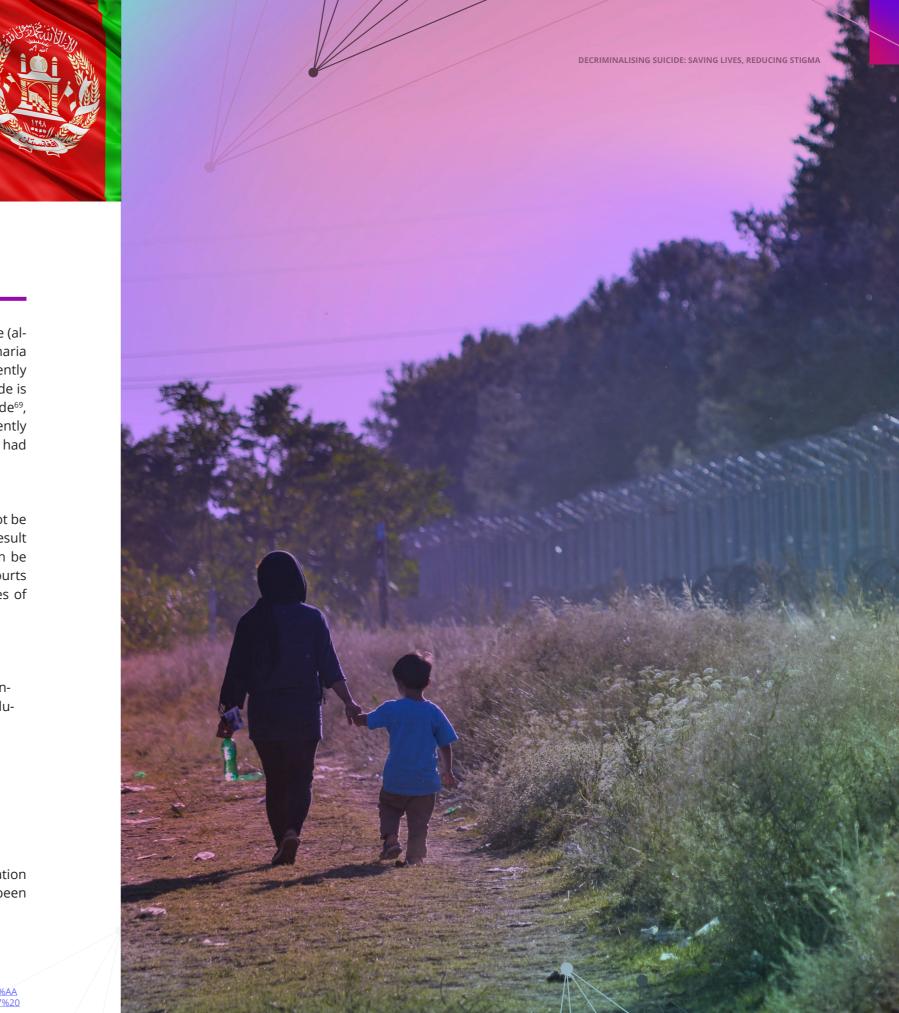
Progress on decriminalisation

Whilst the Afghanistan national suicide prevention strategy of 2019 calls for the decriminalisation of suicide, this predates the change in government resulting in Taliban rule, and there have been no known movements to decriminalise suicide in Afghanistan.



⁷⁰ Afghanistan (2005) - Juvenile Code: https://www.refworld.org/legal/legislation/natlegbod/2005/en/120825





THE BAHAMAS

Relevant legislation: Section 294 of the Penal Code

Date of law: 1924

Minimum age can be prosecuted: 13 years

Punishment: Up to two years' imprisonment

Implementation of legislation: Insufficient data

Legislative repeal movement: No known movements or campaigns identified



What is the legislation?

The law relating to suicide was initially enacted in 1924. Under Penal Code⁷¹ (Ch. 84) 1924 (as amended), section 294 provides for the offence of attempting suicide: "Whoever attempts to commit suicide is guilty of a misdemeanour." The punishment is up to two years' imprisonment and fines can also be imposed.⁷² There is insufficient data surrounding the number of prosecutions and criminal convictions over the past five years.

Impact on children

The law applies to children as young as 13 years old, although in practice there is no recent evidence of a child of 13 or a juvenile being prosecuted for attempted suicide.⁷³ It is possible to plead diminished capacity due to insanity or intoxication, if the person is intoxicated without their consent by the act of another person, or rendered, temporarily or otherwise, insane at the time of their suicide attempt.

Impact on families

The will of someone who has died by suicide may be questioned on the basis of testator capacity, which could impact on their family and friends. Under Section 4 of the Wills Act, 2002, a valid will can only be made by a person who is aged 18 years or over, and is of sound disposing mind. Therefore, if someone is deemed insane at the time of dying by suicide, then the will can be deemed invalid. Data released in 2019 showed men are five times more likely to die by suicide than women in the Bahamas. In a case relating to the death of a young man by suicide, his mother claimed entitlement of her son's life insurance policy.⁷⁴ The insurance company argued the payment was excluded under "risks not insured", which included suicide, attempted suicide, or intentional self-injury.

71 Commonwealth of The Bahamas, The Penal Code [accessed 6 December 2020] http://www.ilo.org/dvn/natlex/docs/ELECTRONIC/78675/84253/F1347548284/BHS78675.pdf

74 Commonwealth of the Bahamas in the Supreme Court, Civil Side 2001/CLE/GEN/669

https://www.bahamasiudiciary.com/wp-content/uploads/2020/01/ANTQINETTE-HIGGS-V-COLINA-FINANCIAL-SERVICES.pdf



The court held in favour of the mother on the basis that the death of her son was accidental. It did not address the possibility he had died by suicide. Therefore, the case indicates exclusion clauses in life insurance policies on grounds of suicide may be valid under Bahamian law.

How to change the law

The Bahamas is a common law jurisdiction and case law forms a binding precedent. This means that decisions made by a superior court take priority, and must be followed by all the lower courts. In the Bahamas, the highest court is the Court of Appeal, followed by the Supreme Court and the Magistrates' Court (listed here in descending order of priority). A charge of attempted suicide is likely to be heard in the Magistrates' Court, and then may be appealed in a higher court.

To change the law, campaigners would need to either seek to change the Constitution (which takes precedence over the Penal Code), or they could seek to take a test case to the Court of Appeal to set a binding precedent for future cases. To change the Constitution would mean working with the Law Reform and Revision Commission (the Commission) which reviews the laws of The Bahamas. It prepares revised editions of the existing laws with a view to the repeal and elimination of all obsolete or archaic laws and laws which are temporary in nature. A Bill would be introduced into Parliament by a Minister of the Government that proposed the change in law, and it would need to be passed by the House of Assembly and Senate and must be assented to by the Governor-General before it becomes law.

Progress on decriminalisation

A suicide task force commissioned by the Minister of Health in 2013 suggested tackling the stigma surrounding mental health was critically important in preventing suicide: "The Bahamian culture is both Christian and community based. As a result, suicide is a rather taboo topic, so much so that it is almost unheard of. No solutions or preventative efforts can be sought out if the problem (i.e., issue at hand) has not been identified. The only way to identify the problem is to know what to look for. Consequently, the general population needs to be made aware of the various signs and symptoms of suicidal intent."⁷⁵





⁷² The Penal Code does not set out a specific penalty for non-compliance with s. 294. In the absence of a specific penalty being set out s. 116(2) of the Penal Code states the following: "Where an offence is declared by this Code or by any other statute, to be a misdemeanour, and the punishment for it is not specified, a person convicted thereof shall be liable to imprisonment for two years"

⁷³ Reported in Caribbean National Weekly online (2020) https://www.caribbeannationalweekly.com/caribbean-breaking-news-featured/death-of-bahamian-ministers-son-ruled-as-suicide/

⁷⁵ Keva Bethell & David Allen, "Suicide in the Bahamas (2000-2013)" https://globaljournals.org/GJHSS_Volume14/4-Sui

BANGLADESH

Relevant legislation: Section 309 of the Penal Code 1860

Date of law: 1860

Minimum age can be prosecuted: 9 years with proof of sufficient maturity

of understanding; if no such proof, 12 years

Punishment: Up to one year imprisonment and/or unspecified fines

Implementation of legislation: Insufficient data

Legislative repeal movement: No known campaigns or movements identified

Bangladesh, officially the People's Republic of Bangladesh, is a country in South Asia with a population of more than 165 million.⁷⁶

What is the legislation?

The law covering suicide is over 150 years old. Under the Penal Code 1860 (the Penal Code),⁷⁷ Section 309 states that, "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".⁷⁸ The term "simple imprisonment" is the alternative, lesser form of imprisonment to "rigorous imprisonment" (being hard labour).

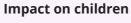
The Penal Code sets one year's imprisonment as a maximum punishment for attempts to die by suicide, however many judges view this as the standard sentence and impose it in every case. Fines can also be imposed, but these must not be excessive; someone may be imprisoned if they cannot pay the fine. In place of imprisonment, the court may make a probation order, requiring the offender to be under the supervision of a probation officer instead of sentencing them to prison. In practice, probation is not widely understood and seldom used.

It can be argued that someone had diminished responsibility if they had an "unsound mind", or they had diminished capacity due to involuntary intoxication. Thus, under these sections of the penal code, attempted suicide cannot be an offence. There is insufficient data surrounding the number of prosecutions and criminal convictions over the past five years.

76 World Bank, Population, total - Bangladesh, [accessed 18 August 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=BD

77 The Government of the People's Republic of Bangladesh, The Constitution. http://bdlaws.minlaw.gov.bd/act-367/section-24555.html
78 Md. Ershadul Karim (2018), "UPDATE: The Legal System of the People's Republic of Bangladesh" Hauser Global Law School Program (New York University School of Law)

79 Justice Sector Facility, UNDP Bangladesh (2015), "Criminal Justice in Bangladesh: A best practice Handbook for members of the criminal justice system" https://www.undp.org/content/dam/bangladesh/docs/Projects/jsf/Best%20Practice%20Handbook%20(Final%20Draft).pdf



An attempt at suicide cannot be a punishable offence for a child of less than 9 years old.⁸⁰ If a child is over the age of 9 but under the age of 12, it must be proved that the child had sufficient maturity of understanding of the consequences for this suicide attempt to be an offence. It is not clear how a child of 9 would be treated.⁸¹

Impact on families

Dying by suicide can invalidate the giving of gifts to friends and relatives (which is regulated by the Succession Act of 1925). Death by suicide could prompt enquiries into the soundness of the mind of the testator, and thus the validity of the will.⁸²

How to change the law

Bangladesh is a common law jurisdiction and thus case law does form binding precedent. In Bangladesh, attempted suicide is a criminal offence under the Penal Code. Amendments to, or the repeal of, legislation must undergo the same process as a new piece of legislation.

Progress on decriminalisation

The Ministry of Health and Family Welfare sponsored the Bangladesh Mental Health Act 2018 (the Mental Health Act), ⁸³ replacing the Indian Lunacy Act 1912. The new legislation sets out mental health care benefits and provides for involuntary treatment. However, concerns have been voiced about the adequacy of the Mental Health Act. The Mental Health Act punishes medical practitioners if found guilty of providing false certificates of mental illness, which some commentators believe could be viewed as discouraging practitioners from giving a mental health diagnosis. It does not address suicide decriminalisation at all.





⁸⁰ The Government of the People's Republic of Bangladesh, The Penal Code 1860, http://bdlaws.minlaw.gov.bd/act-11.html?hl=1

⁸¹ Daily Observer (2015), Juvenile justice system in Bangladesh Daily Observer https://www.observerbd.com/2015/07/13/99553.php#">https://www.observerbd.com/2015/07/13/99553.php# text=The%20Penal%20Code%3A%20According%20to,against%20his%2Fher%20criminal%20act.&text=It%20deals%20with%20both%20 children,in%20conflict%20with%20the%20law

⁸² Justice Sector Facility, UNDP Bangladesh (2015), "Criminal Justice in Bangladesh: A best practice Handbook for members of the criminal justice system" https://www.undp.org/content/dam/bangladesh/docs/Projects/jsf/Best%20Practice%20Handbook%20(Final%20Draft).pdf

⁸³ World Health Organisation (2020), Bangladesh: WHO Special Initiative for Mental Health – Situational Assessment https://www.who.int/docs/default-source/mental-health/special-initiative/who-special-initiative-country-report---bangladesh---2020.pdf?sfyrsn=c2122a0e.2

BRUNEI DARUSSALAM

Relevant legislation: Section 165 of the Syariah Penal Code (2013), Article 309

of Chapter 22 of the Penal Code (1951)

Date of law: 1951 and 2013

Minimum age can be prosecuted: Those below the age of mumaiyiz⁸⁴ cannot be prosecuted

Punishment: One year in prison and/or fine of up to BND 4,000

Implementation of legislation: Insufficient data

Legislative repeal movement: There is no anticipated change to suicide legislation,

but a major consultation took place to expand mental health legislation

Brunei Darussalam, officially the Nation of Brunei, the Abode of Peace, is a country on the island of Borneo in Southeast Asia, with a population of 453,600.85

What is the legislation?

Two parallel systems of law operate in Brunei: the common law system, based on English Acts and codified laws governed by the civil courts; and a second independent system of courts based on Sharia law. Section 165⁸⁶ of the Syariah Penal Code states: "Any person who attempts to commit or attempts to cause the commission of suicide is guilty of an offence and shall be liable on conviction to a fine not exceeding BND 4,000, imprisonment for a term not exceeding one year or both." This is applicable to both Muslims and non-Muslims. Article 309⁸⁷ of Chapter 22 of the Penal Code, which is 70 years old, states: "Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with imprisonment for a term not exceeding one year, fine or both."

Due to Brunei having a justice system allowing two different Penal Codes to be in force, legal principles are applied based on which code the authorities are pursuing convictions under. It is currently unclear how authorities will decide which system to prosecute under for commonly shared crimes. Parties are eligible to appeal court rulings, by submitting appeals within 14 days of the ruling, 88, 89 in both Syariah Penal Code and Penal Code systems. There is provision under both Penal Codes for diminished responsibility by way of insanity and intoxication. Under these sections, "persons of unsound mind" cannot be prosecuted. The defence for intoxication under both Penal Codes applies if it can be demonstrated that the person does not know the nature of the act, if it is right or wrong, or if the intoxicant was administered without their knowledge or against their will. There is insufficient data surrounding the number of prosecutions and criminal convictions over the past five years.

- The age at which a child can discern between right and wrong, and (the age at which) he or she knows of the differences between a man and a woman
- 85 Department of Economic Planning and Statistics, [accessed 16 July 2021] http://www.deps.gov.bn/SitePages/Population.aspx
- 86 Syariah Penal Code Order 2013 http://www.agc.gov.bn/AGC%20Images/LAWS/Gazette_PDF/2013/EN/s069.PDF
- 87 ILO, Laws of Brunei, Chapter 22, Penal Code 1951 https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/78238/83493/F1602044948/
- 88 Governmentof Brunei Darussalam, Chapter 184, Syariah Courts Act, s. (18) http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap184 pdf
- 89 Governmentof Brunei Darussalam, Chapter 184, Syariah Courts Act, s. (18)



There are some exceptions to the above laws. According to the Syariah Penal Code, "a child who has attained the age of being capable to differentiate a matter" can commit an offence. It goes on to state that a person who has not yet "attained the age of puberty", cannot be punished with specific laws; they can still be punished by others. The Penal Code states that an offence cannot be committed by someone under the age of 7, nor can it be committed by someone above the age of 7 years, and under the age of 12 who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion. The Government of Brunei has stated that children in conflict with the law are rarely brought before the courts, 2 and there is no evidence of a child being prosecuted under either the Syariah Penal Code, or the Penal Code.

Impact on families

There are no laws that address individuals who have died by suicide or their relatives.

How to change the law

Members of the Legislative Council can introduce any bill or propose any motion for debate or present any petition to the Legislative Council. However, the Sultan of Brunei enjoys absolute power by virtue of the State of Emergency which has existed since 1962, and is renewed biennially. As a result, the sultan has sole power to create new laws and amend existing laws.

Progress on decriminalisation

While there is no anticipated change to suicide legislation, leading up to the 2014 Mental Health Order, a major consultation took place to expand mental health legislation.⁹³ The Mental Health Order has played a role in destigmatising mental health, and providing structure to the provision of mental health support. The Attorney General has recently made calls for more awareness programs and cooperation between government agencies and non-governmental agencies to further destigmatise mental health, as well as more training programs on the Mental Health Order.⁹⁴ Meanwhile, the Ministry of Health launched a pilot mental health helpline project in 2019,⁹⁵ operated by health professionals. It received 1,300 calls within its first six months of operation.⁹⁶





⁹⁰ Sharia Courts Evidence Order 2001, s. 3(1)

⁹¹ Internal Commission of Jurists (2015), The International Commission of Jurists' Submission to the UN Committee on the Rights of the Child for the preparation of the List of Issues to be considered during the examination of the second and third periodic reports of Brunei Darussalam', 10 April 2015, 7

⁹² Sharon Owen (2015), 'Briefing on Brunei Darussalam for the Committee on the Rights of the Child, Presessional Working Group', June 2015, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/BRN/INT_CRC_NGO_BRN_19716_E.docx

⁹³ Ho, Hilda (2016), 'Brunei Darussalam's new Mental Health Order' *BJPsych International* 38-40 https://www.researchgate.net/publication/320888208_Brunei_Darussalam's_new_Mental_Health_Order.fulltext/5a3a948baca272563a7f5818/Brunei-Darussalams-new-Mental-Health-Order.pdf

⁹⁴ Dato Seri Paduka Haji Hairol Arni bin Haji Abdul Majid (2019), 'Speech by Yang Berhormat, Dato Seri Paduka Haji Hairol Arni bin Haji Abdul Majid Attorney General at the opening of legal year' 23 http://judiciary.gov.bn/Publication%20Document%20Library/Legal%20Year%202020.pdf.

⁹⁵ Ho, Hilda (2020), 'Suicide prevention in Brunei.' *BJPsych International* 17.2 (2020): 40-42. https://www.cambridge.org/core/services/aop-cambridge-core/content/view/42C8CD66984452A772DA59FCC88B734B/S2056474019000370a.pdf/div-class-title-suicide-prevention-in brunei-div.pdf

See also https://thescoop.co/2018/08/05/moh-developing-national-helpline-for-suicide-prevention/

⁹⁶ Ain Bandial (2019), Worrying climb in suicide rate requires urgent action, says health minister' *The Scoop* https://thescoop.co/2019/10/10/worrying-climb-in-suicide-rate-requires-urgent-action-says-health-minister/

GAMBIA

Relevant legislation: Section 206 of the Criminal Offences Code (1933), Section 364

of the Criminal Offences Code (1933)

Date of Law: 1933

Minimum age can be prosecuted: 7 years old

Punishment: Two years in prison and/or an unspecified fine

Implementation of legislation: Insufficient data

Legislative repeal movement: There is no anticipated change to suicide legislation

The Gambia, officially the Republic of the Gambia, is a country in West Africa, with a population of 2,468,569.

What is the legislation?

The Criminal Offences Code of The Gambia was enacted in 1933.⁹⁷ Section 206 of the Criminal Offences Code provides for the offence of attempting suicide: "Any person who attempts to kill himself is guilty of a misdemeanour."

Section 364 of the Criminal Offences Code defines an attempt to commit a crime:

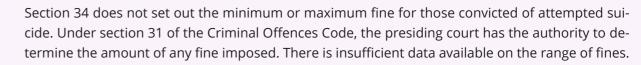
- "When a person, intending to commit an offence, begins to put his intention into execution
 by means adapted to its fulfilment and manifests his intention by some overt act, but does
 not fulfil his intention to such an extent as to commit the offence, he is deemed to attempt to
 commit the offence.
- It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from the further prosecution of his intention.
- It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence."
- Non-compliance with section 236 of the Criminal Offences Code is punishable by imprisonment for a maximum term of two years, a fine, or both.⁹⁸ Under section 34, the maximum custodial sentence for committing a misdemeanour is two years.

The Criminal Offences Code and Criminal Procedure Code, Act No. 26 of 1933,⁹⁹ do not contain information regarding the average length of sentences or the possibility of early release. Under section 34, a misdemeanour may also be punishable by a fine.

97 Criminal Offences Code of The Gambia https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=75289 accessed 11 October 2023.

98 The Criminal Offences Code does not proscribe a specific penalty for violations of s. 236. Under s. 34, when "no punishment is specially provided for any misdemeanour, it shall be punishable with imprisonment for a term not exceeding two years or with a fine or with both such imprisonment and fine."

99 Criminal Procedure Code, https://static1.squarespace.com/static/5a7c2ca18a02c7a46149331c/t/5f026035422753071298c64e/1593991246293/Criminal+Procedure+Code+%2C+Act+No.+26+of+1933.pdf accessed 10 October 2023.



Due to a lack of available data, the number of prosecutions brought for attempted suicide in the past five years, and the number of criminal convictions, is unknown. Under part VII of the Criminal Procedure Code 1960, decisions of district courts may be appealed within one month of the decision, ¹⁰⁰ however there is insufficient data relating to the number and success of these.

Impact on children

Section 12 of the Criminal Offences Code provides that children under the age of seven cannot be held criminally responsible for an act or omission under the code. A child under 12 cannot be criminally responsible for an act or omission unless the prosecution proves that they had capacity to know that they should not perform the act or make the omission at the time.

Impact on families

Suicide convictions may be used in other legal proceedings as evidence of mental ill health, although there are no reported judgments of this nature. For example, evidence of a guardian's attempted suicide conviction may be used in custody proceedings to establish that he or she is mentally unstable and so not suitable to look after children. No law codifies the effect of suicide on the will or estate of someone who ended their own life. Suicide attempts, or dying by suicide, cannot invalidate a will, but convictions of attempted suicide may be offered as evidence of unsound mind if an individual seeks to challenge the will in court.

How to change the law

The Gambian National Assembly, the country's legislative body, may introduce a bill that seeks to repeal or revise an existing law. So any revision to an existing law would occur under the procedures for introducing new legislation, set forth in the Standing Orders of the National Assembly of The Gambia.¹⁰¹

A bill may be introduced by the President, a minister, a Committee of the National Assembly, or a Member of the National Assembly.¹⁰² A bill must be introduced in the Gambia Gazette, the country's official public record, at least 14 days before it is introduced to the National Assembly.





¹⁰⁰ Criminal Procedure Code 1960, s. 325

¹⁰¹ Sections 62 – 79, Standing Orders of the National Assembly of The Gambia <u>https://www.assembly.gm/wp-content/uploads/2021/12/ Revised-Standing-Orders-of-the-National-Assembly-of-The-Gambia-2019-Edition-Amended-25th-June-2020.pdf≥ accessed 10 October 2023. 102 Section 62, Standing Orders.</u>

A bill has its first reading when the Clerk of the National Assembly reads aloud its short title. After the first reading, the National Assembly considers a bill in four stages:¹⁰³

- i. Second reading: Members engage in a general debate of the bill and can vote on the bill's broad principles.
- ii. Committee stage: A Select, Standing or Special Select Committee or a Committee of the Whole Assembly investigate the bill's details and reports its findings and opinion to the Assembly. A committee may recommend the inclusion of amendments, provided the amendments are relevant to the bill's subject matter and not inconsistent with agreed-upon clauses.¹⁰⁴
- iii. Consideration stage: Members of the Assembly consider and vote on the bill's detailed clauses and any amendments to the bill. The Assembly may amend the bill as long as the amendments are relevant to the subject matter of the related clause and are not inconsistent with any agreed-upon clause.¹⁰⁵
- iv. Third reading: The bill passes or is rejected with no further amendments.

After the bill receives approval from a majority of the members present, it is submitted to the President for final approval.¹⁰⁶

A member of the public may also attempt to encourage the amendment or repeal of an existing law by submitting a petition to the National Assembly. Members of the public may petition the National Assembly "on a matter of general public concern or interest in relation to its legislative powers or on an issue of public policy."¹⁰⁷ The Public Petitions Committee, a Standing Committee of the Assembly, will consider admissible petitions and if appropriate refer the petition to a minister, the Vice President, or the President, or to another committee.¹⁰⁸

Progress on decriminalisation

With regards to repealing or amending the relevant legislation, no test cases, campaigns, or government consultations were identified through this research.



¹⁰⁴ Sections 69 and 71, Standing Orders.

¹⁰⁸ Sections 125 and 128, Standing Orders.





¹⁰⁵ Section 72, Standing Orders.

¹⁰⁶ Section 75(4), Standing Orders.

¹⁰⁷ Section 126(1), Standing Orders.

GRENADA

Relevant legislation: Section 233 of the Criminal Code

Date of law: 1987

Minimum age can be prosecuted: 7 years

Punishment: Imprisonment of up to two years and/or a fine of XCD 4,000

Implementation of legislation: No cases found

Legislative repeal movement: Ongoing advocacy efforts led by the Caribbean coalition on

decriminalising suicide

Grenada is an island country in the Caribbean with a population of 114,621.

What is the legislation?

Suicide is covered in Chapter 72A of the Criminal Code.¹⁰⁹ Section 233 of the Criminal Code provides that "whoever attempts to commit suicide is guilty of a misdemeanour".

Under section 73(2), where the punishment for a misdemeanour is not specified (as is the case with Article 233), a person convicted of attempting suicide is liable to imprisonment for two years, or to a fine of XCD 4,000, or both.

Grenada is a common law jurisdiction that follows the binding precedents of the Eastern Caribbean Supreme Court, which is the final appellate court for Grenada and other Caribbean states. However, no case law relevant to the criminalisation of attempted suicide could be found.

Impact on children

Under section 50 of the Criminal Code, no crime can be committed by a child under seven years of age. Neither can a child between the ages of seven and 12 "who has not attained sufficient maturity of understanding to judge of the nature and consequences of his or her conduct in the matter in respect of which he or she is accused".

Impact on families

There is insufficient data available to suggest any impact of the law on families.

109 Criminal Code <chrome-extension://efaidnbmnnnibpcajpcg/clefindmkaj/https://laws.gov.gd/index.php?option=com_edocman&task=document.viewdoc&id=191<emid=193> accessed 11 October 2023.

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How to change the law

Under section 45 of the Constitution of Grenada:

In order to change the law, a bill repealing Section 233 of the Criminal Code would need to be passed in the house of representatives and the senate. It would then need to gain the Governor-General's assent on behalf of the King. If this occurs, the bill will be published in the official Grenada legal Gazette as a law. The law would not take effect until it is published in the Gazette, but Parliament can delay or backdate its effect.

Progress on decriminalisation

Grenada is a Small Island Developing State (SIDS) and attended the SIDS conference on NCDs and mental health in Bridgetown, Barbados, in June 2023. At the conference, countries agreed to: "Update health legislation in line with human rights norms including the decriminalisation of suicide and prohibition of coercive practices in the treatment of mental health conditions." ¹¹⁰

A coalition on the decriminalisation of suicide across the Caribbean was launched in May 2024, and included members from Grenada. Caricope Wellness, a Grenadian civil society organisation, is one of the coalition's secretariat members. It is working to mobilise other organisations in Grenada to advocate for the decriminalisation of suicide.¹¹¹



^{110 2023} Bridgetown Declaration on NCDs and Mental Health, https://www.who.int/publications/m/item/2023-bridgetown-declaration-on-ncds-and-mental-health

¹¹¹ The Guardian (2024), 'Campaign to decriminalise suicide in four Caribbean nations gains momentum'

JORDAN

Relevant legislation: Section 339 of the Penal Code

Date of law: Originally 1960 but amended in 2022 to include public suicide attempts

Minimum age can be prosecuted: 12 years

Punishment: Imprisonment of up to six months and/or a fine of 100 Jordanian dinars

Implementation of legislation: Approximately 900 cases since 2022

Legislative repeal movement: Ongoing advocacy efforts led by local organisations and a

community of mental health advocates

Jordan, officially the Hashemite Kingdom of Jordan, is a country in the Southern Levant region of West Asia, with a population of 11.5 million.

What is the legislation?

Suicide is criminalised in Penal Code 16 of 1960, which was amended by Law 10 of 2022. 112

Section 339 of the Penal Code provides for the offence of attempting suicide in a public place: "Whoever attempts to commit suicide in a public place... shall be punished by imprisonment for a period not exceeding six months and fine not exceeding one hundred dinars, or by one of these two penalties..."

Since the law came into force in 2022, judges have rarely resorted to imposing the maximum punishment in suicide cases. An average of two weeks to three months in prison has been the typical punishment, and/or a 20-40 Jordanian dinar fine. Those who cannot pay the fine are sent to prison.

Impact on children

Article 4 (b) of the 2014 Juvenile Law states that a child under the age of 12 cannot be criminally prosecuted. Our research has also failed to find any cases of children between the ages of 12 and 18 being prosecuted for attempted suicide.

Impact on families

There are no relevant provisions governing or prosecuting the families of the deceased.

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112 Jordanian Penal Code (2022), Article 2, https://qistas.com/ar/laws/info/97954/1/1/main?lang=1&v-

UNITED FOR GLOBAL MENTAL HEALTH

How to change the law

To issue a new law in Jordan that would decriminalise suicide, a draft law must be prepared and submitted by the Council of Ministers to the Federal National Council. The bill must be presented to the President of the Federation for approval, who then presents it to the Supreme Council for approval.

Once that approval is gained, then the law is published in the Official Gazette The law then comes into effect one month after the date of its publication in the Official Gazette, Jordan's public record, unless the law itself stipulates a different starting point.

Progress on decriminalisation

Although mental health advocates within Jordan are calling for reform, there has been little progress among relevant institutions towards decriminalising suicide.

KENYA

Relevant legislation: Section 226 of the Penal Code

Date of law: 1930

Minimum age can be prosecuted: 8

Punishment: Up to two years' imprisonment, and/or a fine

Implementation of legislation: Eight prosecutions or appeals were heard in relation to

attempted suicide between 2016 and 2020

Legislative repeal movement: There is effort to decriminalise suicide

Kenya, officially the Republic of Kenya, is a country in East Africa with a population of 53.8 million.¹¹³

What is the legislation?

In Kenya, Section 226 of the Penal Code criminalises suicide and is an offence as "any person who attempts to kill himself is guilty of a misdemeanour". It is punishable by up to two years in prison, and/or a fine. From the case information available through the online Kenyan Law Reports, it appears that eight prosecutions or appeals were heard in relation to attempted suicide between 2016 and 2020.

Although not a formal criminal sanction, individuals who are fingerprinted and listed in police databases for attempted suicide can subsequently struggle to obtain certain government documents such as the Certificate of Good Conduct. The police will only issue the Certificate of Good Conduct if an individual does not to have a criminal record, but a person will have a criminal record in this instance if they have been fingerprinted and listed in a police database for attempted suicide. The Certificate of Good Conduct is often required by employers, which may therefore make it more difficult for an individual to get jobs in certain institutions.

Individuals have a right to a fair hearing. This means individuals charged with a criminal offence have the right to be informed of the charge in a manner that they can understand, to be able to follow the proceedings, and to defend themselves, including by instructing legal counsel. Consequently, an individual can be found unable to stand trial if, as a result of mental illness, they are not able to access these rights. This was at issue in two recent cases on attempted suicide, J S K v Republic [2018]¹¹⁵ and Paul Isaac Okengo v Republic [2017],¹¹⁶ in which both defendants were found to have been too unwell to stand trial.

Diminished responsibility is accepted in Kenya, due to insanity. A person will not be criminally responsible for an act or omission if, at the time of the act or omission, they were either (i) incapable of understanding what they were doing; or (ii) incapable of knowing right from wrong, as a result of any disease affecting their mind.

Intoxication, which includes drugs and narcotics, may only form a defence to a criminal charge if the person did not know that their act or omission was wrong, or did not know what they were doing, and the defendant was either (i) intoxicated without their consent by the malicious or negligent act of another person; or (ii) rendered, temporarily or otherwise, insane at the time of their act of omission. An English case relating to attempted suicide, which predates Kenyan independence and so remains a legal precedent in Kenya, held that a women charged with attempted suicide was too drunk to form an intention to take her own life or do herself any grievous harm.¹¹⁷

Impact on children

The legislation distinguishes between the law applicable to children and juveniles, and the law applicable to adults. Section 14 of the Penal Code provides that a child below the age of 8 cannot be held criminally responsible for any act or commission. In practice this means that a child under the age of 8 cannot be prosecuted for attempted suicide. A person "under the age of 12 years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission, he had capacity to know that he ought not to do the act or make the omission". Based on research of the Kenyan Law Reports, 118 there appears to be no instances where a child under the age of 12 years old has been prosecuted for attempted suicide.

Impact on families

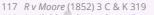
Any gift made in contemplation of death is invalid if the death is caused by suicide. This is defined as a gift made when the giver is imminently expecting death, either as a result of illness or immediate danger.¹¹⁹

How to change the law

Research did not provide guidance on this aspect.

¹¹⁶ Kenya Law (2015), Criminal Appeal 58 of 2015 http://kenyalaw.org/caselaw/cases/view/144775





¹¹⁸ Available online at http://kenyalaw.org/caselaw/





¹¹³ World Bank, Population, total - Kenya, [accessed 18 August 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?loca-

The Kenya Police Service states that: "The finger prints of the Kenyan seeking a good conduct certificate are run through the system of criminal records. In cases where the prints have no record, the person will be issued with a certificate," see: http://www.kenyapolice.go.ke/pages/faqs.html#:~:text=A%20certificate%20of%20good%20conduct%20means%20that%20the%20particular%20Kenyan.of%20issuance%20of%20the%20rertificate)

¹¹⁵ Kenya Law (2015), Criminal Appeal 36 of 2015 http://kenyalaw.org/caselaw/cases/view/159781/

Progress on decriminalisation

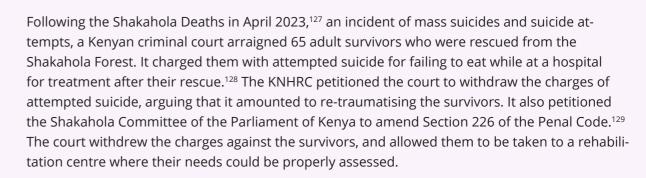
Kenya has a Mental Health Policy for 2015-2030, developed by the Ministry of Health with support from the WHO.¹²⁰ However, although one of the stated policy objectives is that "Mental Health Legislation shall be revised to conform to the constitutional requirements and implement other health-related laws", ¹²¹ this policy does not contain any express proposals to decriminalise attempted suicide. The Kenyan government, in cooperation with a number of local NGOs, ran a public consultation on the Mental Health (Amendment) Bill 2018, ¹²² which was debated between May and June 2019. In 2020, the Kenyan Ministry of Health's Taskforce on Mental Health produced a report calling for the government to "amend or repeal [...] discriminatory and derogatory laws" and quoted findings from stakeholders emphasising the need to "amend the law to decriminalise suicide". ¹²³ It has also urged the Kenyan Government to declare mental health to be a national emergency. ¹²⁴

On World Suicide Prevention Day 2020, the Kenyan National Human Rights Commission (KNHRC)¹²⁵ called upon the legislature to decriminalise attempted suicide through the repeal of section 226 of the Penal Code, and reiterated its previous calls for the fast-tracking of the Mental Health (Amendment) Bill.

In March 2022, the KNHRC and the Coalition Action for Preventative Mental Health in Kenya (CAMPHK) filed a petition served upon the Attorney General, the Director of Public Prosecution, the Cabinet Secretary of Health, and the National Council for Persons with Disabilities to amend Section 226 of the Penal Code, which criminalises attempted suicide.¹²⁶

120 Ministry of Health (2015), 'Kenya Mental Health Policy 2015-2030: Towards Attaining the Highest Standard of Mental Health' https://mental.health.go.ke/download/kenya-mental-health-policy-2015-2030/

126 Southern Africa Litigation Centre, accessible at: https://www.southernafricalitigationcentre.org/2023/05/08/kenya-challenge-to-of-fence-of-attempted-suicide/, last accessed 8 December 2023.



The National Assembly received a public petition (No.13 of 2024) in August 2024 from Dr Lukoye Atwoli, Professor of Psychiatry and Dean at the Medical College of East Africa, the Agha Khan University, calling for repeal of section 226 of the Penal Code.¹³⁰





¹²¹ Ministry of Health, 'Kenya Mental Health Policy 2015-2030' https://publications.universalhealth2030.org/uploads/Kenya-Mental-Health-Policy.pdf

¹²² Kenya Gazette (2018), 'Mental Health (Amendment) Bill 2018', http://www.parliament.go.ke/sites/default/files/2018-12/Mental%20 Health%20%28Amendment%29%20Bill%2C%202018.pdf

¹²³ Taskforce on Mental Health (2020), Mental Health and Wellbeing: Towards Happiness & National Prosperity https://mental.health.go.ke/download/mental-health-and-wellbeing-towards-happiness-national-prosperity-a-report-by-the-taskforce-on-mental-health-in-ken ya/

¹²⁴ Ministry of Health (2020), 'Mental Health Taskforce urges government to declare mental health a National Emergency' https://www.health.go.ke/mental-health-taskforce-urges-government-to-declare-mental-health-a-national-emergency-nairobi-tuesday-july-7-2020/
125 Dominic Kabiru (2020), 'The World Suicide Prevention Day: 'Working Together To Prevent Suicide' Kenya National Commission on Human Rights https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1106/The-World-Suicide-Prevention-Day-%E2%80%9CWorking-Together-To-Prevent-Suicide

¹²⁷ See the Final Report from the Shakahola Committee, accessible at: http://www.parliament.go.ke/sites/default/files/2023-10/FINAL%20 REPORT-AD%20HOC%20COMMITTEE%20ON%20SHAKAHOLA.pdf, last accessed 8 December 2023.

¹²⁸ KNHR: Re-Victimization of the Victims of the Shakahola Tragedy Through Criminal Charges, accessible at: https://www.knchr.org/ Articles/ArtMID/2432/ArticleID/1159/Press-Release-RE-VICTIMIZATION-OF-VICTIMS-OF-THE-SHAKAHOLA-TRAGEDY-THROUGH-CRIMINAL-CHARGES, last accessed 8 December 2023.

¹²⁹ Parliament of Kenya: Decriminalise suicidal tendencies, KNHR tells Senate Shakahola Committee, accessible at: <a href="http://www.parliament.go.ke/decriminalise-suicidal-tendencies-knchr-tells-senate-shakahola-committee#:~:text=The%20Kenya%20National%20Commission%20on,on%20individuals%20who%20try%20suicide, last accessed 8 December 2023.

¹³⁰ Conveyance of Public Petition No.13/2024 - The National Assembly Thirteenth Parliament (3rd Session) - Kenya 2024

MALAWI

Relevant legislation: Section 229 of the Penal Code

Date of law: 1999

Minimum age can be prosecuted: 10

Punishment: Up to two years in prison with the possibility of hard labour

Implementation of legislation: Insufficient data

Legislative repeal movement: No known movements or campaigns identified

Malawi, officially the Republic of Malawi, is a country in East Africa with a population of 19.13 million.¹³¹

What is the legislation?

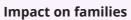
Attempted suicide falls under Section 229 of the Penal Code and provides for the offence of attempting suicide: "Any person who attempts to kill himself shall be guilty of a misdemeanour." ¹³²

There is a maximum of two years in custody with the possibility of hard labour.¹³³ If the sentence is for less than three months and the offender is employed, they can apply to the court to serve time around their employment to avoid hardship. Under Section 34 of the Penal Code, fines may be imposed alongside imprisonment or as a standalone punishment. The amount of the fine that can be given is unlimited but cannot be excessive.

Due to a lack of available data, the number of prosecutions brought for attempted suicide in the past five years, and the number of criminal convictions, is unknown.

Impact on children

It is possible for children as young 10 years old to be prosecuted for attempted suicide. Under section 14(2) of the Penal Code, a person "under the age of 14 years is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission, he had capacity to know that he ought not to do the act or make the omission". Based on the law reports, we are not aware of any examples of a child between the ages of 10 and 14 being prosecuted.



There are no laws which relate to those who have died by suicide, nor their families, and there appears to be no evidence that death by suicide should invalidate a trust or will. There are no provisions in the Penal Code or the Deceased Estates (Wills, Inheritance and Protection) Act 2011¹³⁴ invalidating a person's will if they die by suicide. That said, death by suicide may open up questions around the testator's capacity if the will was made in the period leading up to their death as, under Section 5(1) of DEWIPA, a valid will can only be made by a person of "sound mind". 135

How to change the law

Amendments to existing legislation, or the repeal and re-enactment of the provisions of legislation, must undergo the same legislative process as a new piece of legislation.¹³⁶

Section 48(1) of the Constitution vests all legislative powers of the Republic of Malawi in Parliament. Section 58 provides that Parliament may delegate to the Executive or the Judiciary the power to make subsidiary legislation, provided that such legislation does not substantially and significantly affect the fundamental rights and freedoms recognised by the Constitution. Under Section 132 of the Constitution, there shall be "a Law Commission which shall have the power to review and make recommendations relating to the repeal and amendment of laws and which shall have such powers and functions as are conferred on it by this Constitution and any Act of Parliament".

Section 66 of the Constitution states: "The National Assembly shall be a directly elected Chamber which shall have power, subject to this Constitution, to (a) receive, amend, accept or reject Government Bills and Private Bills; (b) initiate Private Member's Bills on the motion of any member and amend, accept, or reject all Private Member's Bills."

Section 49 of the Constitution states: "An Act of Parliament shall be a Bill which has

- (a) been laid before the National Assembly;
- (b) been passed in the National Assembly by a simple majority or such other majority as is otherwise required by this Constitution in respect of any particular Bill; and
- (c) been assented to by the President in accordance with this Chapter."

Progress on decriminalisation

With regards to repealing or amending the relevant legislation, no test cases, campaigns, or government consultations were identified through this research.





¹³¹ World Bank, Population, total - Malawi, [accessed 18 August 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=MW

¹³² Malawi Legal Information Institute (2014), Penal Code https://malawilii.org/mw/consolidated legislation/701

¹³³ Section 34 and Section 27(1). Attempted suicide, under Section 229 of the Penal Code, is categorised as a misdemeanour and no specific punishment is provided: "Any person who attempts to kill himself shall be guilty of a misdemeanour"

¹³⁴ Malawi Legal Information Institute (2011), Deceased Estates (Wills, Inheritance and Protection) Act, 2011

https://malawilii.org/mw/legislation/act/2011/14

¹³⁵ Section 5(1) of DEWIPA: "Subject to this Act, a person who is of sound mind and is not a minor may dispose of all or any of his or her property after his or her death by will"

¹³⁶ Redson Edward Kapindu (2019), UPDATE: Malawi Legal System and Research Resources

GlobaLex, https://www.nyulawglobal.org/globalex/Malawi1.htm

¹³⁷ Redson Edward Kapindu (2019), UPDATE: Malawi Legal System and Research Resources

MALDIVES

Relevant legislation: Penal Code Section 113

Date of law: Law No.6 of 2014

Minimum age can be prosecuted: 15 years

Punishment: Up to 1 years imprisonment

Implementation of legislation: Insufficient data

Legislative repeal movement: No known movements or campaigns identified

The Maldives, officially the Republic of Maldives, and historically known as the Maldive Islands, is a country and archipelagic state in South Asia in the Indian Ocean, with a population of 528,128 people.

What is the legislation?

In the Maldives, suicide is criminalized under national legislation. The Penal Code of the Maldives (Law No. 6/2014) is the only legislation that includes provisions that criminalize suicide attempts and actions that incite or assist in suicide.

Section 113 of the Penal Code of the Maldives outlines that a person commits an offense if he knowingly aids, solicits another to commit suicide or attempts to commit suicide. Attempting Suicide is classified as a Class 1 Misdemeanour which pursuant to Section 92 of the Penal Code of the Maldives warrants imprisonment for not more than 1 year. Maldives is a common law jurisdiction and thus case law does form binding precedent. However, there is no data available on case law in relation to attempted suicide/suicide.

Impact on children

Those under 15 years old are automatically presumed immature, while those under 18 are generally presumed so unless the prosecution proves otherwise. For individuals 18 or older, the burden shifts to them to prove their immaturity. If excused, those under 18 are referred to Juvenile Court, while those 18 or older remain accountable under Islamic Sharia.

A person is excused from the offence if they lack the maturity of an adult, and lacks substantial capacity and, as a result, cannot fully understand, appreciate, or control their actions.

Impact on families

There is insufficient data available around the potential impact of this legislation on families.

How to change the law

An existing law can be amended or repealed by a Bill passed by a three quarters majority of the total membership of the People's Majlis, the Parliament of the Maldives. The Bill passed by the Parliament shall come into force upon obtaining written assent of the President.

If the President does not assent to the Bill amending/repealing the law passed by the People's Majlis within fifteen days of receipt, the President shall inform the People's Majlis specifying the reasons thereof. Where the President does not inform the People's Majlis of the reasons thereof within fifteen days of receipt the President shall be deemed to have assented to the Bill.

Progress on decriminalisation

With regards to repealing or amending the relevant legislation, no test cases, campaigns, or government consultations were identified through this research.





MYANMAR

Relevant legislation: The Lunacy Act, Section 309 of the Penal Code

Date of law: 1912

Minimum age can be prosecuted: 7 years old

Punishment: One year imprisonment, possible fine (unlimited)

Implementation of legislation: Insufficient data

Legislative repeal of movement: Limited evidence of movement for decriminalisation

Myanmar is a country in Southeast Asia with a population of 54 million.¹³⁸

What is the legislation?

The legislation criminalising suicide is the Lunacy Act of 1912. In Myanmar, Section 309 of the Penal Code makes it an offence to: "[attempt] to commit suicide, and [do] any act towards the commission of such offence". 139 The Criminal Procedure Code sets out the procedure according to which such offences are "investigated, inquired into, tried and otherwise dealt with". 140

The maximum custodial sentence for such an offence is one year of "simple imprisonment" (as opposed to "rigorous imprisonment", defined as imprisonment "with hard labour"). 141 The individual may also be fined. There is no maximum limit on fines, but they may not be "excessive". 142

The number of prosecutions brought for attempted suicide over the past five years, and the number of criminal convictions, is unknown. Successful prosecutions may be appealed, according to article 19 of the 2008 Constitution. However, the Criminal Procedure Code places some restrictions on this, 143 and there is insufficient data to determine how long after the trial first appeals are typically heard.

Individuals are also considered to be of "unsound mind" if they do not understand the nature of what they are doing or that what they are doing is "wrong or contrary to the law" at the time of the act.¹⁴⁴ The Criminal Procedure Code sets out the procedure in these cases. For those found to have committed the offence but who have been acquitted due to an "unsound mind", the magistrate or court may order for them to be detained in safe custody or as they see fit. Another exception is made for individuals who were intoxicated at the time of the act, provided that the intoxicating substance was given to them without their knowledge or against their will.¹⁴⁵ Due to a lack of available data, the number of prosecutions brought for attempted suicide in the past five years, and the number of criminal convictions, is unknown.

- 138 World Bank, Population, total Myanmar, [accessed 30 July 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=MM
- 139 Penal Code https://www.burmalibrary.org/docs6/MYANMAR PENAL CODE-corr.1.pdf
- 140 Code of Criminal Procedure http://www.asianlii.org/mm/legis/code/cocp1898209.pd
- 141 Penal Code, s. 53
- 142 Penal Code, s. 63
- 143 Criminal Procedure Code, s. 412 144 Penal Code, s. 84
- 145 Penal Code, s. 85



Impact on children

The legislation makes some exceptions to how the offence is dealt with. Attempted suicide is not considered to be an offence for children under 7,146 or for children between the ages of 7 and 12 who are deemed not mature enough to understand the consequences of their actions.¹⁴⁷

Impact on families

There is insufficient data available around the potential impact of this legislation on families.

How to change the law

Existing laws can be repealed or amended by the Pyidaungsu Hluttaw (National Parliament).¹⁴⁸ This is made up of two Hluttaws: The Pyithu Hluttaw (representatives elected at township level and representatives of the Defence Services¹⁴⁹) and the Amyotha Hluttaw (representatives elected at regional and state level and representatives of the Defences Services¹⁵⁰). Union level executive bodies can submit Bills on matters they administer included in the Union Legislative List to the Pyidaungsu Hluttaw. Submitted Bills may be initiated and discussed at either of the two Hluttaws, 151 (except those under the exclusive legislative power of the Pyidaungsu Hluttaw¹⁵²).

If a Bill is approved by both Hluttaws, it is sent to the president. This is returned with his signature or comment within 14 days. If it is not returned during the 14-day period, it becomes a law. 153 The Pyidaungsu Hluttaw may accept the president's comment and resolve to amend the Bill or approve it as it is without accepting his comment.154





¹⁴⁶ Penal Code, s. 82 and The State Law and Order Restoration Council Law No. 9/93 (the Child Law), s.28(a)https://www.burmalibrary

¹⁴⁷ Penal Code, s. 83 and Child Law, s. 28(b)

¹⁴⁸ Constituteproject.org, Myanmar's Constitution of 2008, art. 446 https://www.constituteproject.org/constitution/Myanmar 2008.

¹⁴⁹ Defence Services" is stated to be the main armed force for the defence of the Union of Myanmar (2008 Constitution, art. 337)

^{150 2008} Constitution, art. 74. The maximum numbers of representatives of the Defence Services who may be elected to the Pyithu Hluttaw and Amyotha Hluttaw are set out in art. 109 and art. 141, respectively.

^{151 2008} Constitution, art. 101

¹⁵² Bills relating to national plans, annual budgets and taxation may only be submitted by the Union Government and fall under the exclusive legislative power of the Pyidaungsu Hluttaw

^{153 2008} Constitution, art. 105

^{154 2008} Constitution, art. 106

Progress on decriminalisation

In December 2016 the Myanmar Ministry of Health and Sports launched a five-year National Health Plan (2017-2021) to ensure access to essential health services for the entire population, including basic essential mental health care services. This includes "depression, including suicide prevention and perinatal depression".

A December 2016 report by the Association of Southeast Asian Nations (ASEAN) on mental health systems in ASEAN countries¹⁵⁶ also references the objectives of the Myanmar National Health Policy. This includes "[to] promulgate new rules and regulations in accord with the prevailing health and health-related conditions as and when necessary". It also references the aim of developing "a Mental Health Law appropriate to current situations of Myanmar and international human rights issues" to replace the Lunacy Act of 1912, which remains in force. A new mental health Bill has been under discussion by union level ministries and agencies since 2013, but has yet to be put before the National Parliament.

The newly formed Pakistan Mental Health Coalition (PMHC) is actively working with religious, civil society and political stakeholders to repeal Section 325 and decriminalise suicide.



¹⁵⁵ Myanmar Ministry of Health and Sport (2016), 'Myanmar National Health Plan: 2017–2021' https://www.aidsdatahub.org/sites/default/files/resource/myanmar-national-health-plan-2017-2021.pdf

¹⁵⁶ ASEAN (2016), 'ASEAN Mental Health Systems' https://asean.org/storage/2017/02/55.-December-2016-ASEAN-Mental-Health-Systems.



NIGERIA

Relevant legislation: Section 327 of the Criminal Code, Section 231 of the Penal Code,

and Section 235 of the Lagos Criminal Law

Date of law: 1960 (Penal Code), 1916 (Criminal Code) **Minimum age can be prosecuted:** 7 to 10 years old

Punishment: One year imprisonment, possible fine (unlimited)

Implementation of legislation: Insufficient data on number of attempted prosecutions.

Frequent media reports on people being charged for attempted suicide

Legislative repeal movement: A campaign to repeal exists, although no test cases brought to

court yet

Nigeria is a country in West Africa with a population of more than 206 million.¹⁵⁷

The most populous country in Africa, Nigeria has a mixed legal system with four distinct sources of law: English law, common law, customary law, and Sharia law. Case law forms binding precedents as a source of Nigerian law. The Common law operates in the southern states, and at the federal level, Sharia law is applicable to Muslim residents in the 12 northern states as well as non-Muslim residents from any of the other states who agree to be bound by them. This research does not focus on Sharia law.

What is the legislation?

The legislation criminalising suicide is 60 years old. Attempted suicide is an offence under Section 327 of the Criminal Code, Section 231 of the Penal Code, and Section 235 of the Lagos Criminal Law. ¹⁶⁰ Only attempted suicide is an offence in Nigeria, with no laws specifically addressing individuals who have died by suicide. A person charged with the offence of attempted suicide in Nigeria is first tried in the Magistrates' Court. A case may be appealed in the higher courts, but the appeal must commence from a decision of a magistrate within 30 days after the judgment was given. ¹⁶¹

There is insufficient official data available for the number of prosecutions of attempted suicide in the past five years. However, there are frequent reports in the local media of survivors of attempted suicide being arrested and tried for attempting suicide, although not all cases lead to conviction. In 2018, Senator Melaye, a Nigerian politician, was charged before a Magistrates' Court in Abuja with attempted suicide. 162



In late 2018, Mr Ugokwe, 25 years of age, was arrested, jailed, and charged with attempted suicide. The magistrate at Sabo Magistrates' Court dismissed the case in April 2017, after being satisfied that Mr Ugokwe had a guarantor to look after his welfare if he were to be released.¹⁶³

Impact on children

Depending on the legal code, the minimum age of criminality is either 7 or 10 years, meaning that no child under those ages can be prosecuted for attempted suicide, and additional leniency provisions are made for those under the age of 12. However, it is still possible for children under the age of 18 years to be prosecuted for attempted suicide.

Impact on families

Both the Criminal and Penal Codes carry a maximum of one year imprisonment for attempted suicide, the Penal Code provides the option for fines instead, or as well, with no maximum fine specified. Under the Lagos Criminal Law, a person convicted of attempted suicide must be subject to a hospitalisation order made by the court.

How to change the law

The legislative power in Nigeria is shared by the National Assembly and the state legislatures. 164 The National Assembly exercises its legislative power through the adoption of Bills in both the House of Representatives and the Senate. A Bill may originate in either of the houses. There are three categories of Bills: an Executive Bill, a Member's Bill, or a Private Bill. Although anyone may initiate a Bill, only a member of the National Assembly may introduce it on the floor of the House of Representatives or the Senate.

Progress on decriminalisation

There is a movement to repeal attempted suicide legislation in Nigeria. The Centre for Health Ethics Law and Development (CHELD) advocates for the reform of the law against attempted suicide in Nigeria. Through this Project, CHELD has provided legal support and representation, appearing before courts and obtaining the release of persons who have attempted suicide from prisons. In the southern states of Nigeria (other than Lagos), a bill to amend the Criminal Code Act Cap C38, Laws of the Federation 2004, passed a second reading on 15 February 2022. In the bill seeks to amend the punishment for the offence of attempted suicide from an imprisonment term of one year, to compulsory counselling and community service for a period not less than six months. However, there has been no mention of this bill since spring 2022, and it does not appear that it has progressed any further through the legislative process, so it has not yet been passed into law.





¹⁵⁷ World Bank, Population, total - Nigeria, [accessed 18 August 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=NG
158 Practical Law (2021), Legal systems in Nigeria: overview https://uk.practicallaw.thomsonreuters.com/w-018-0292?transitionType=Default8 socious Pofes (2021).

¹⁵⁹ Namely, Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Zamfara, and Yobe

¹⁶⁰ Ministry of Justice, Lagos Criminal Law http://lagosministryofjustice.org/wp-content/themes/moj/documents/CRIMINAL_CONDUCT.pdf

¹⁶¹ Magistrates' Court Law of the Lagos State https://isochukwu.files.wordpress.com/2017/04/magistrates-court-law-of-lagos-state.pdf
162 I Nnochiri and J Erunke (2018), 'Attempted suicide: Melaye docked on stretcher, granted N90m bail' https://www.vanguardngr.

com/2018/05/attempted-suicide-melaye-docked-stretcher-granted-n90m-bail/

¹⁶³ CNN.com (2018), 'Locked up for trying to take his own life, in a country where it's a crime to attempt suicide' https://edition.cnn.com/2018/12/30/health/imprisoned-suicide-illegal-nigeria-intl/index.html

¹⁶⁴ Library of Congress, https://www.loc.gov/law/help/national-parliaments/nigeria.php

¹⁶⁵ CHELD: https://cheld.org/suicide-prevention-project/

¹⁶⁶ HB 1601, Criminal Code (Amendment) Bill 2021, accessible at: https://placbillstrack.org/upload/HB1601.pdf, last accessed: 8 December 2023

PAPUA NEW GUINEA

Relevant legislation: Section 311 of the Criminal Code Act

Date of law: 1974

Minimum age can be prosecuted: 7 years old

Punishment: One year imprisonment and/or a fine of up to PGK 2,000

Implementation of legislation: Insufficient data

Legislative repeal movement: No known movements or campaigns identified

Papua New Guinea, officially the Independent State of Papua New Guinea, is a country in Oceania with a population of 8.9 million.¹⁶⁷

What is the legislation?

The legislation criminalising suicide is more than 45 years old. Section 311 of the Criminal Code Act 1974¹⁶⁸ provides for the offence of attempting suicide: "A person who attempts to kill himself is guilty of a misdemeanour." Punishment for attempting suicide is a custodial sentence of one year, and/or a fine of up to PGK 2,000. According to Papua New Guinea's legal system, the Constitution of Papua New Guinea 1975¹⁶⁹ states that the Constitution and the Organic Laws are the supreme law of the land. The Criminal Code is not an Organic Law and is therefore construed according to the Constitution.¹⁷⁰ Any provision of the Criminal Code that contradicts the Constitution is therefore void.

There are provisions in the Criminal Code for diminished responsibility by way of insanity and intoxication. In Papua New Guinea's law, there is a presumption that any person is of sound mind at any time that comes into question. If this is rebutted, insanity can constitute a defence against criminal charges, if: a person was in a mental state whereby they do not have capacity to understand what they are doing; cannot control their actions; do not know that they ought not to do the act; or are suffering from delusions on specific matters. While medical doctors are able to give evidence, their opinions do not bind the court.¹⁷¹ Regarding intoxication, a person can only use this as a valid defence if it can be proven that the intoxication was unintentional, and that they either partially or completely lost the use of their mental faculties, and powers of judgement. Any intentional intoxication invalidates this defence.

167 World Bank, Population, total - Papua New Guinea, [accessed 18 August 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?lo

168 Pacific Islands Legal Information Institute, Papua New Guinea Consolidated Legislation,

Criminal Code Act http://www.paclii.org/pg/legis/consol_act/cca1974115/

169 Pacific Islands Legal Information Institute, Constitution of the Independent State of Papua New Guinea

170 Articles 10 and 11(1) of the Constitution

171 Magistrates' Manual, Chapter 5.25.2



There is insufficient data on the number of prosecutions for attempted suicide in the past five years, although the number of prosecutions brought is likely to be low, if not non-existent. Since the 1970s, it has been the policy of the Office of the Public Prosecutor to exercise its discretion not to prosecute offences of attempted suicide. In two specific cases, 172 173 wilful murder charges were bought against defendants (in relation to murders of their children followed by attempted suicide), but charges of attempted suicide were not prosecuted. Convicted persons have a right to appeal both convictions and sentencing in either the National Court, or the Supreme Court.

Impact on children

The Criminal Code distinguishes those of an "immature age", as children under the age of 7 years. Anyone under the age of 7 cannot be held criminally responsible, and anyone under the age of 14 years will not be criminally responsible unless it can be proven that at the time of the criminal act, they have the capacity to know that they should not carry out the act.

Impact on families

There are no laws which relate to those who have died by suicide, nor their families.

Progress on decriminalisation

There do not appear to be any current campaigns calling for decriminalisation of suicide, nor do there appear to be plans for government reviews of the legislation. The WHO-led Pacific Islands Mental Health Network, of which Papua New Guinea is a member, does not appear to have put forward any policies or campaigns to date in relation to the decriminalisation of suicide, 174 and other NGOs working in the area, while having a focus on destigmatising mental health issues, do not appear to appear to be working towards suicide decriminalisation. 175 176





¹⁷² Pacific Islands Legal Information Institute, PGNC 276; N4988 (19 January 2011) http://www.paclii.org/cgi-bin/sinodisp/pg/cases/ PGNC/2011/276.html?stem=&synonyms=&query=attempted%20suicio

¹⁷³ Pacific Islands Legal Information Institute, PGLawRp 689; [1979] PNGLR 536 http://www.paclii.org/cgi-bin/sinodisp/pg/cases/PGLaw-Rp/1979/689.html?stem=&synonyms=&query=suicide#disp17

¹⁷⁴ Frances Hughes (2009), "Mental Health in the Pacific: the role of the Pacific Island Mental Health Network" 15(1) Pacific Health Dialog

¹⁷⁵ WHO (2013), 'WHO proMIND: Profiles on Mental Health in Development: Papua New Guinea' https://apps.who.int/iris/han-

¹⁷⁶ Mental Health Innovation Network, 'Mental Health Awareness for the People of Papua New Guinea' [5 January 2021] https://www

QATAR

Relevant legislation: Article 304 of the Penal Code

Date of law: 2004

Minimum age can be prosecuted: 14 years old

Punishment: Fine of up to QAR 3,000

Implementation of legislation: No prosecutions between 2016 and 2020 **Legislative repeal movement:** No known movements or campaigns identified

Qatar, officially the State of Qatar, is a country in West Asia with a population of approximately 2.9 million.¹⁷⁷

What is the legislation?

The legislation criminalising suicide is 17 years old. Under Law No. 11 of 2004 Issuing the Penal Code (the Penal Code)¹⁷⁸, the offence is defined by Article 304.

The maximum amount payable as a fine for committing an offence under Article 304 of the Penal Code is significantly greater than the monthly minimum wage in Qatar (as of March 2021).¹⁷⁹

No offence will have been committed if the person accused is in a state of unconsciousness or suffering from insanity or infirmity of the mind; in a state of intoxication as a result of substances given to him against his will or without his knowledge; or due to any other reason which leads one to believe that the offender has lost their reason and is not criminally liable.

Zero prosecutions were brought for offences under Article 304 of the Penal Code between 2016 and 2020.

Impact on children

Under the Juvenile Law, ¹⁸⁰ children aged under 14 years old who commit an offence are not subject to normal penalties, but may instead be liable for other punishments. However, if a juvenile older than 14 years but under 16 years of age commits an offence punishable by a custodial sentence, the court may sentence them to imprisonment for up to half of the statutory limit. Under Article 304 of the Penal Code, a fine of up to QAR 3,000 may be imposed on an offender who attempts suicide, in addition to receiving a custodial sentence.

The Juvenile Law provides that children under the age of 14 years old will not be subject to this penalty, while juveniles older than 14 but less than 16 years old may be fined an amount up to half of the statutory limit, being QAR 1,500 in the case of attempted suicide.

Impact on families

While there is no evidence of legal consequences on families, suicide is generally regarded as being prohibited by Islam and so stigma and social judgement can follow.

How to change the law

The Penal Code is not subordinate to the Constitution, so far as the provisions of the Constitution are concerned, and should not be void to the extent it contradicts the Constitution. The Emir (the executive authority) and the Municipal Council (the legislative authority) may in exceptional circumstances issue new laws and/or appeal or amend existing legislation if they consider that following the existing provisions of the Penal Code would be contrary to the interests of the state or inconsistent with the principles and values of governance established under the Constitution.

Progress on decriminalisation

With regards to repealing or amending the relevant legislation, no test cases, campaigns, or government consultations were identified through this research.

¹⁸⁰ Juvenile Law http://www.gcc-legal.com/LawAsPDF.aspx?opt&country=3&LawID=2880 (only available in Arabic)





¹⁷⁷ World Bank, Population, total - Qatar, https://data.worldbank.org/indicator/SP.POP.TOTL?locations=QA

¹⁷⁸ Al Meezan, Law No. 11 of 2004 Issuing the Penal Code

https://www.almeezan.qa/LawArticles.aspx?LawTreeSectionID=265&lawId=26&language=en

¹⁷⁹ ILO, National Minimum Wage Law - Qatar, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/legaldocument/wcms 754880 ndf

SAINT LUCIA

Relevant legislation: Chapter 3.01. Criminal Code

Date of law: 2004 (revised in 2005)

Minimum age can be prosecuted: 12 years old

Punishment: Two- year imprisonment or fine of up to XCD 2,000 **Implementation of legislation:** No evidence of prosecutions Legislative repeal movement: Limited movement to repeal



What is the legislation?

The legislation criminalising suicide is 17 years old. The Criminal Code states that "a person who ... attempts to commit suicide is liable on conviction on indictment to imprisonment for two years". ¹⁸² Fines of up to XCD 2,000 may also be imposed instead of a custodial sentence. ¹⁸³

Additionally, the legislation says¹⁸⁴ that the accused will be seen as mentally ill at the time of the act if a mental disorder¹⁸⁵ prevented them from knowing the nature, consequences, or illegality of the act, or if they acted under the influence of a delusion which makes them unfit for punishment.¹⁸⁶

If an individual appears to be mentally ill, the court can order a hearing before a jury to determine whether this is the case. If the jury decides they are mentally ill, they will be seen as unfit for trial. If there is evidence that the individual was mentally ill at the time of the offence, the jury may determine that they should not be held legally responsible for their actions. This will lead to a special verdict, meaning that the individual was guilty of the act but was mentally ill at the time. In either of these cases the Court may order the person to be detained in safe custody and dealt with as seen fit. Is

The court is not required to pass a custodial sentence on a mentally disordered person and can deal with the offender in the manner considered most appropriate. Intoxication (including by narcotics or drugs) can also be a defence if the individual did not know what they were doing or that the act was wrong, and if they were intoxicated without their consent or were mentally ill as a result of intoxication.¹⁹⁰

- 181 World Bank, Population, total St. Lucia, https://data.worldbank.org/indicator/SP.POP.TOTL?locations=LC
- 182 Government of St. Lucia, Criminal Code, Section 94(b) the http://www.govt.lc/media.govt.lc/www/resources/legislation/Criminal%20 Code.pdf
- 183 Section 775(5) of the Criminal Code
- 184 Section 27 of the Criminal Code
- 185 Defined in Section 6(1) the Criminal Code as mental illness, arrested or incomplete development of mind, psychopathic disorder and any other disorder or disability of mind, except intoxication
- 186 Defined in Section 6(1) of the Criminal Code as the High Court or a district court as the case may be, in the exercise of its criminal jurisdiction, and includes the judge or a magistrate
- 187 Section 1018 of the Criminal Code
- 188 Section 1019 of the Criminal Code
- 189 Section 1020 of the Criminal Code
- 190 Section 28 of the Criminal Code



If the individual can prove this,¹⁹¹ they are discharged. The court also has discretion to deal with the individual as it sees fit. In Saint Lucia individuals have a right to appeal convictions¹⁹² based on certain grounds.¹⁹³ There is a limit of 15 days for bringing an appeal after the court's decision¹⁹⁴ and the appeal must then be served within 21 days of the decision.¹⁹⁵ There is a lack of data around the number and success of appeals brought forward.

In this research, prosecutions for attempted suicide were not found. Instead, individuals who attempted suicide have been sent to mental health facilities or returned to their families after hospital stays. ¹⁹⁶ There was a reported case of an arrest for murder and attempted suicide in 2021, but no evidence has been found that this led to a prosecution for attempted suicide. ¹⁹⁷

Impact on children

The legislation makes a distinction for children, stating that children under 12 are not criminally responsible for any act that they commit, ¹⁹⁸ and that children between 12 and 16 are criminally responsible unless they are insufficiently mature to understand and appreciate the nature and consequences of the act. ¹⁹⁹ Research based on Saint Lucia Law Reports has not found any instances of child or juvenile prosecution for attempted suicide. ²⁰⁰

Impact on families

There are no laws which relate to those who have died by suicide, nor their families.

How to change the law

Existing legislation is amended following the same process as for proposing a new law. Draft legislation may be introduced in either the Senate or the House in the form of a Bill. If introduced to the House, the Bill must be passed by a majority of members of the House. It can pass without needing approval from the Senate if it is adopted by the House in two successive sessions, provided it has been sent to the Senate at least a month before the end of the session, and that six months has passed between each adoption by the House. The House may suggest amendments before the second reading of the Bill by the Senate.^{201, 202} If introduced to the Senate, a Bill must be passed by a majority in the Senate and a majority in the House. It is considered to be rejected by the Senate if its amendments are not adopted by the House.

- 191 Section 28(2)(a) of the Criminal Code
- 192 Section 720 of the Criminal Code
- 193 Sections 729 and 730 of the Criminal Code 194 Section 724(1)(b) of the Criminal Code
- 195 Section 727 of the Criminal Code
- 196 St Lucia Star (2017), Teen Nearly Dies After Ingesting Weed Killer, https://stluciastar.com/teen-fights-life-suicide-attempt/
- 197 St Lucia Times (2012), 'Teenager arrested for attempted murder and suicide', https://stluciastar.com/teenager-arrested-for-attempted-murder-and-suicide/
- 198 Section 26(1) of the Criminal Code
- 199 Section 26(2) of the Criminal Code
- 200 Eastern Caribbean Supreme Court, Archives, https://www.eccourts.org/category/saint-lucia-high-court-judgments/
- 201 The Senate of the Republic of France, St. Lucia Senate, http://www.fao.org/faolex/results/details/en/c/LEX-FAOC132835/
- 202 FAO, The Constitution of Saint Lucia Chapter III, Part 2, section 50

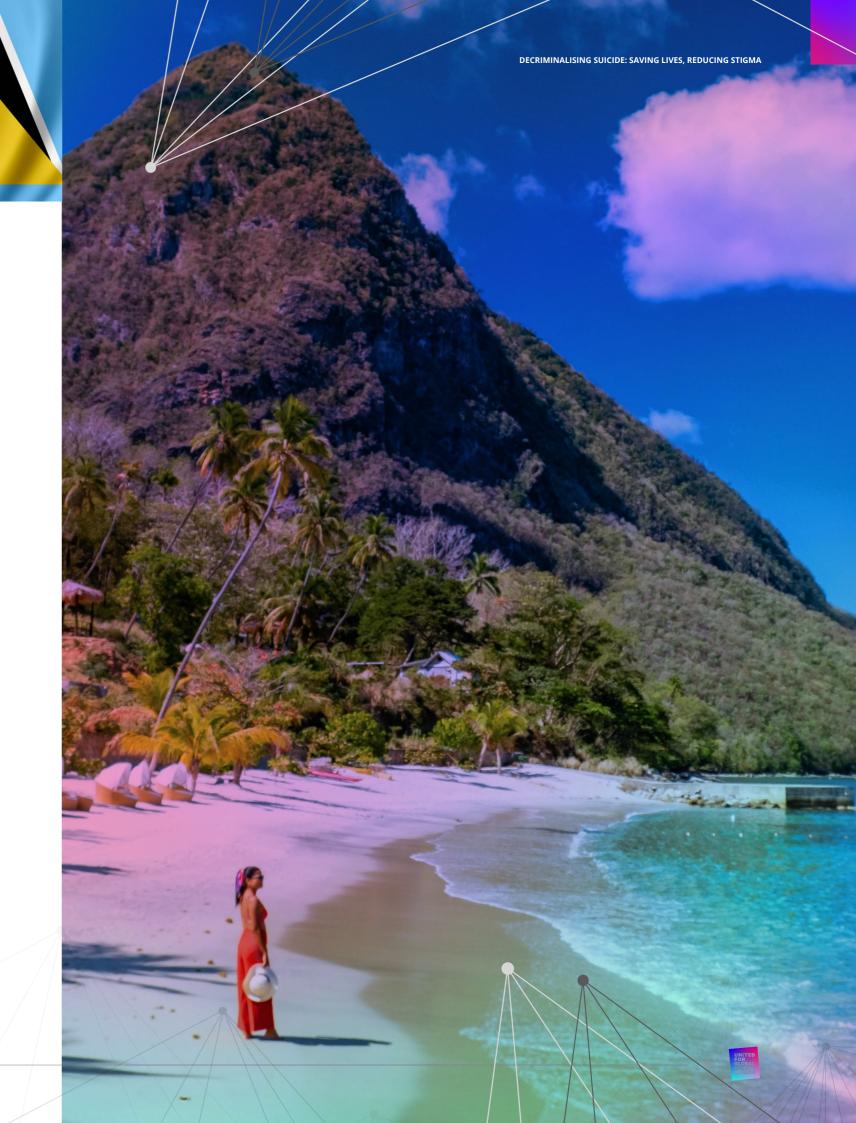


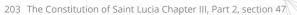


Bills passed by the Senate and the House are passed to the Governor General, who must assent for the Bill to become law and be published in the Official Gazette. No law made by Parliament can come into operation until it has been published in the Official Gazette, but Parliament may postpone a law from coming into operation, and it may make laws with retrospective effect.²⁰³

Progress on decriminalisation

There have been some challenges to the suicide legislation. In 2020 an event was organised by the Royal Saint Lucia Police Force (in collaboration with other partners) to discuss domestic violence, child abuse and suicide. At the event, the Minister for Equity, Social Justice, Local Government and Empowerment, Lenard "Spider" Montoute, noted that he believes it is time to revisit the law that criminalises attempted suicide. The Gros Islet MP also asserted that life is the most prized possession. He stated that "to attack the person who needs help, so to speak, is not the answer – support is what is required, and I think a different approach has to be taken", and that he would support legislative reform on the issue.





²⁰⁴ St Lucia Times (2020) https://stluciatimes.com/montoute-wants-law-that-criminalises-attempted-suici



SIERRA LEONE

Relevant legislation: Common Law as per section 74 of Courts Act No.31 of 1965

Date of law: 1880

Minimum age can be prosecuted: 14 years

Punishment: Unspecified imprison sentence and/or fines

Implementation of legislation: Insufficient data

Legislative repeal movement: An advocacy campaign led by the Mental Health Coalition Sierra

Leone

Sierra Leone, officially the Republic of Sierra Leone, is a country in West Africa with a population of 8,668,539.²⁰⁵

What is the legislation?

Attempted suicide is an offence under the common law, and is therefore prosecuted as a criminal offence in Sierra Leone.

Sierra Leone is a former colony of the UK, and its system of law is largely influenced by and in some cases adopted wholesale from that of the UK prior to 1961, the year Sierra Leone gained independence. While the 1961 Suicide Act of England and Wales decriminalised the act of suicide in England and Wales, the offence of attempted suicide has remained part of the common law of Sierra Leone.

Furthermore, the Courts Act No. 31 of 1965, specifically section 74, states that the common law, equity principles, and statutes that were applicable in England as of 1 January 1880, are also applicable in Sierra Leone. This means that the law against attempted suicide, as it was recognised in the UK in January 1880, was also incorporated into Sierra Leone's legal system.

As common law is a body of unwritten laws based on legal precedents established by the courts, no prescribed penalties could be found.

Impact on children

Section 70 of the Child Rights Act of 2007 provides that "in any judicial proceedings in Sierra Leone, a child shall not be held to be criminally liable for his actions if he is below the age of fourteen years."

Impact on families

There are no legal impacts on families of the laws criminalising suicide. However, it is likely that churches and mosques will refuse to allow the religious burial rights to be performed on the diseased within their premises.



In Sierra Leone, changing or removing an existing law involves a series of steps that culminate in the creation of a new law. This process begins with the proposal of a bill. Any citizen can propose ideas for a bill, but only an MP or a government minister can officially introduce it to Parliament.

There are two types of bill: a government bill introduced by a minister and a private members' bill introduced by an MP. Each bill must have an accompanying memorandum that outlines its purpose and rationale. This memorandum is signed by the minister for government bills or by the MP for private member bills.

Here are the steps for passing a bill into law:

- Stage 1: Before a bill is introduced to Parliament, it must be published in the Gazette, Sierra Leone's official public record. A notice must also be published in the Gazette, indicating the bill's publication and its forthcoming introduction to Parliament. There is a mandatory waiting period of at least nine days after this publication before the bill can be introduced, giving the public time to become aware of and respond to the proposed legislation.
- Stage 2: Before the formal legislative process begins, there may be a confidential discussion about the bill involving MPs and the minister or MP responsible for the bill. Other stakeholders may be invited to participate if their input is deemed necessary.
- Stage 3: The bill is formally introduced to Parliament with a motion for its first reading.
- Stage 4: During the second reading, the Clerk of Parliament reads the bill's title aloud, and MPs debate its general principles and merits.
- Stage 5: The bill undergoes a detailed examination during the Committee Stage, which may
 include public hearings. The bill is then presented to the Committee of the Whole House of
 Parliament.
- Stage 6: The bill is read for the third time, during which any errors or amendments are addressed. The bill, with all its revisions, is then passed by Parliament.
- Stage 7: The President must sign the bill for it to become law. If the President refuses to sign, the bill is returned to Parliament with reasons for the refusal. Parliament can still make the bill law with a two-thirds majority vote.
- Stage 8: Once the bill is either signed by the President or passed with the requisite two-thirds majority by Parliament, it becomes law upon its publication in the Gazette.

Progress on decriminalisation

A campaign to decriminalise suicide has started, led by the Mental Health Coalition Sierra Leone, which is already engaged in developing the new mental health bill. Key stakeholders, including MPs and government officials are being engaged with the aim of either influencing the mental health bill or tabling a new bill to decriminalise suicide.

205 Worldometer - Sierra Leone Population https://www.worldometers.info/world-population/sierra-leone-population/





SOMALIA

Relevant legislation: Article 437 of the Penal Code

Date of law: 1962

Minimum age can be prosecuted: 14 years old

Punishment: Up to five years' imprisonment or a fine of up to SOS 10,000

Implementation of legislation: Insufficient data

Legislative repeal movement: Limited movement to repeal

Somalia, officially the Federal Republic of Somalia, is a country in East Africa with a population of 15.9 million.²⁰⁶

What is the legislation?

The legislation criminalising suicide is 59 years old. The Penal Code makes attempted suicide an offence, stating: "Whoever attempts to cause his own death by committing an act sufficient to cause it, shall be punished with imprisonment up to five years or fine up to Sh. So. 10,000."207

The punishment for attempted suicide may be more severe for an individual who makes themselves incapable of understanding for the purpose of committing an offence or to provide themselves with an excuse.²⁰⁸ Article 55 also states that punishment will be increased for offences committed in a "state of drunkenness by habitual drunkards".

There are some additional exceptions:

- According to the Penal Code, those who lack capacity to understand the act will not be found guilty of a criminal act.²⁰⁹
- Individuals will also not be found guilty if another person made them incapable of making their own choice - instead the second person will be found responsible.²¹⁰
- If an individual's state of mind reduced their ability to understand the act, they will still be found liable, but their punishment will be reduced.²¹¹
- · Individuals who have reduced ability to understand the act due to drunkenness (from accident or force majeure) will not be found liable, and the punishment may be reduced.²¹²
- The court can decide whether intoxication (from alcohol or narcotic drugs) means the individual had total or partial mental deficiency, reducing their ability to understand the act.²¹³
- The Penal Code also states that a deaf or dumb person who was not able to understand the act as a result of their infirmity will not be deemed liable.²¹⁴

206 World Bank, Population, total - Somalia [accessed 18 August 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SO

207 Refworld, Penal Code 1962, Article 437 of the Penal Code, Decree no 5/1962, Article 437.

https://www.refworld.org/docid/4bc5906e2.html

208 Article 49 of the Penal Code

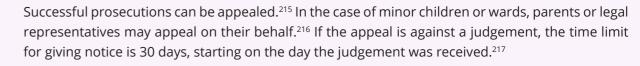
209 Article 47 of the Penal Code 210 Article 48 of the Penal Code

211 Article 51 of the Penal Code

212 Article 53 of the Penal Code

213 Article 57 of the Penal Code

214 Article 58 of the Penal Code



There is a lack of data around the number of prosecutions for attempted suicide, and how many of these led to criminal convictions, over the past five years.

Impact on children

Children under the age of 14 cannot be held criminally responsible, and therefore cannot be prosecuted for attempted suicide.²¹⁸ Those aged 14-18 can be convicted if they are considered to have capacity to understand the act, although their sentence will be reduced due to their age.²¹⁹ In this case there will be no additional penalties, such as restrictions on the individual's ability to vote, to receive state allowances, or to work in certain professions.

Impact on families

There is insufficient data on wider consequences for those who have died by suicide, or their families.

How to change the law

The House of the People of the Federal Parliament has the power to pass, amend or reject legislation. This is the lower house of the Federal Parliament, and includes professionals and university graduates.²²⁰ There is a lack of further information around how the process for passing, amending, or rejecting legislation works.

Progress on decriminalisation

There are limited efforts to challenge the existing legislation in Somalia. Meanwhile in Somaliland, the autonomous but not officially recognised state in Western Somalia, individuals who attempt suicide are consistently jailed. A group of volunteer lawyers work to provide these people with legal counsel and to get released from jail to receive treatment.²²¹





²¹⁵ Nuhanovic Foundation, Article 209(1) of the Criminal Procedure Code (Legislative Decree No: 1 of 1 June 1963) http://www.nuhanovic

²¹⁶ Article 209(3) of the Criminal Procedure Code

²¹⁷ Article 214 of the criminal Procedure Code

²¹⁸ Article 59 of the Penal Code

²¹⁹ Article 60 of the Penal Code

²²⁰ Somali Federal Government, Somali Federal Parliament, [accessed 18 August 2021] https://www.somalia.gov.so/parliament/

²²¹ Mishara BL, Weisstub DN. The legal status of suicide: A global review. Int J Law Psychiatry. 2016 Jan-Feb;44:54-74. doi: 10.1016/j. ijlp.2015.08.032. Epub 2015 Sep 13. PMID: 26375452. Since this review Sri Lanka has repealed suicide legislation

SOUTH SUDAN

Relevant legislation: The Penal Code Act 2008

Date of law: 2008

Minimum age can be prosecuted: Children under 12 cannot be tried for any offence

Punishment: Up to one year imprisonment, and/or fines (no limit)

Implementation of legislation: Insufficient data

Legislative repeal movement: Some challenge to the legislation

South Sudan, officially the Republic of South Sudan, is a country in East Africa with a population of 11.2 million.²²²

What is the legislation?

The legislation criminalising suicide is 13 years old. According to the Penal Code, "whoever attempts to or engages in any act towards committing suicide, commits an offence". ²²³ As a result, attempted suicide punishable by up to one year in prison. A fine may also be issued, and there is no limit on this in the legislation.

The courts may recommend special treatment, depending on the nature of the offence, the history of the individual, and whether special treatment is necessary and appropriate.²²⁴ However, there is a lack of public information around what this looks like. There is also a possibility of probation, depending on the length of the sentence, and the history, age, character, and circumstances of the individual.²²⁵ The individual may also be issued with a warning. There is an exception for those considered either unable to appreciate the nature of the act, or unable to control their actions due to permanent or temporary insanity or mental illness.²²⁶ Additionally, an individual cannot be found guilty if they could not understand the nature of their actions or control their actions due to intoxication, provided they were intoxicated against their will or without their knowledge.²²⁷

There is a lack of data around the number of prosecutions brought for attempted suicide over the past five years and the number of criminal convictions as a result. However, one publication reported seven cases of attempted suicide between October and December 2012, and 31 cases between January and March 2013.²²⁸

Successful prosecutions can be appealed,²²⁹ although there is a lack of data around the number and success of these. The time limit for bringing an appeal is 15 days after the sentencing.²³⁰

- 222 World Bank, Population, total South Sudan [accessed 30 July 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SS
- 223 Penal Code Act 2008, which came into force on 22 August 2008. https://wipolex.wipo.int/en/text/250684
- 224 Section 253 of the Code of Criminal Procedure Act 2008, The Criminal Procedure Code http://www.gurtong.net/LinkClick.aspx?filetick-et=HwVixTfxA0Y%3D&tabid=342
- 225 Section 284 of the Criminal Procedure Code
- 226 Section 34 of the Penal Code
- 227 Section 24 of the Penal Code
- 228 South Sudan National Police Service, 'Quarterly Crime Statistics January March 2013' http://www.undp.org/content/dam/southsu-dan/library/Reports/southsudanotherdocuments/SS-CSR_Q1_2013.pdf Note, the quarterly report published by the South Sudan National Police Service seems to have discontinued after the quarterly
- 229 WIPO, Article 123 of the Transitional Constitution https://www.wipo.int/edocs/lexdocs/laws/en/ss/ss013en.pdf
- 230 Section 263 of the Criminal Procedure Code



Children under the age of 12 cannot be tried for any offence.²³¹ Children aged 12-14 will be assumed to be criminally liable unless proved to be incapable of fully understanding and intending the act.²³² Courts cannot pass a sentence of imprisonment on those under 16 years of age.²³³

Impact on families

There do not appear to be any statutory or legal consequences for families.

How to change the law

Amendments to legislation must go through the same process as new legislation. This means it should be introduced into the National Legislature as a Bill and tabled by the National Legislative Assembly. ²³⁴ Once introduced, a Bill will have its first reading to the National Legislative Assembly. It is then submitted for a second reading, for general deliberation and approval in principle. This is followed by a third reading for detailed deliberation and any amendments. It is then submitted for the final reading, at which point it is passed section by section, and then as a whole. It requires a simple majority to pass, ²³⁵ and then has 30 days to receive the President's assent and be signed into law. If assent is not given within 30 days and no reason is given, the Bill is signed into law regardless. If assent is withheld, the Bill is reintroduced into the National Legislative Assembly, which may amend it, or pass the Bill with a two-thirds majority of the National Legislature.

Progress on decriminalisation

There has been some limited challenge to the current legislation, although it tends to focus on wider calls for improved mental health care. For example, in 2016, according to Amnesty International, a joint open letter was sent to the National Legislative Assembly of South Sudan asking for amendments to the Penal Code to conform with international law.²³⁶ It was signed by Amnesty International, Community Empowerment for Progress Organization, Human Rights Development Organization, Soweto Community Based Organization, Assistance Mission for Africa, End Impunity Organization, Jonglei Development Agency and South Sudan Law Society. The draft amendment is not available online, but research suggests that the amendments in this letter did not cover the criminalisation of attempted suicide. In 2021 Amnesty International produced a report on the impact on mental health of South Sudan's conflict, calling for an improvement to "the availability, accessibility and quality of mental health services across the country", and to "provide reparations for psychological harm".²³⁷

The report also showed that individuals with mental health conditions considered a danger to themselves or others, often end up arbitrarily detained in prison, even without committing any crime. They may be transferred to prison from medical facilities or taken directly to prison by family members. The report detailed the situation in May 2016, when there were 66 male and 16 female inmates in Juba Central Prison categorised as mentally ill, and over half had no criminal files. Some had been brought in by family members due to them being suicidal.²³⁸

- 231 Section 20 of the Penal Code
- 232 Section 31 of the Penal Code
- 233 Section 9 of the Penal Code
- 234 WIPO, Article 83 of the Transitional Constitution
- 235 Article 76 of the Penal Code
- 236 Amnesty International (2016), 'South Sudan: Joint Open Letter to the National Legislative Assembly on the Penal Code (Amendment) Bill 2016'. https://www.amnesty.org/en/documents/afr65/3365/2016/en/
- 237 Amnesty International (2016), 'Our Hearts Have Gone Dark' The Mental Health Impact of South Sudan's Conflict', https://www.amnesty.org/download/Pocuments/AFR6532032016FNGLISH PDF
- 238 Amnesty International (2016), 'Our Hearts Have Gone Dark' The Mental Health Impact of South Sudan's Conflict'





SUDAN

Relevant legislation: Penal Code 1930

Date of law: 1930

Minimum age can be prosecuted: 10 years old **Punishment:** Up to one year imprisonment and/or fine

Implementation of legislation: Insufficient data **Legislative repeal movement:** Insufficient data

Sudan, officially the Republic of the Sudan, is a country in Northeast Africa with a population of 42.8 million.²³⁹

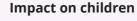
What is the legislation?

The legislation criminalising suicide is 90 years old. Section 261 of the Penal Code punishes attempted suicide "with imprisonment for a term which may extend to one year or with fine or with both."²⁴⁰ There is no maximum fine specified.

Prosecutions can be brought forward to the County Judge under Section 254(2) of the Criminal Code, against matters decided by a magistrate if they are considered to have granted excessive punishment.²⁴¹

Section 50 of the Penal Code also provides for diminished capacity due to unsoundness of mind. This applies if a person was unable to understand the nature of their acts or control them due to permanent or temporary insanity or mental infirmity, at the time of the act (although there is a "presumption of sanity" under section 11 of the Penal Code). Intoxication may also form a defence to a criminal charge If the person did not know their act was wrong, did not know what they were doing, and they were either intoxicated without consent or rendered insane at the time of the act. The "insanity" component does not need to result from mental illness in this instance, if the person is incapable of knowing what they are doing due to intoxication.

There is a lack of data around specific decisions, number of prosecutions brought forward, or number of criminal convictions over the past five years.



There is some exception to this, as the legislation distinguishes between adults and children. Section 49 of the Penal Code provides that children under 10 cannot be held criminally responsible for any act or omission, therefore they cannot be prosecuted for attempted suicide. Under Section 49 (b), a child aged 10-14 "who has not attained sufficient maturity of understanding to judge the nature and consequences of such act" is not criminally responsible. No instances of child prosecution were found as part of this research.²⁴²

Impact on families

There is insufficient data available around the legislation's impact on families.

How to change the law

The legal process for amending or repealing an existing law relies on the Sudanese Parliament, which has the power of amending and operating laws. However, insufficient data was identified on how laws can be changed.

Progress on decriminalisation

With regards to repealing or amending the relevant legislation, no test cases, campaigns, or government consultations were identified through this research.

²⁴¹ Note that, as per s.18 of the Criminal Code, attempted suicide is a matter covered under the original jurisdiction of a Court of a Magistrate





²³⁹ World Bank, Population, total - Sudan [accessed 30 July 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SD

²⁴⁰ ILO, Laws of new Sudan, Penal Code https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/75718/78931/F440057801/SDN75718.pdf

TANZANIA

Relevant legislation: Penal Code 1981

Date of Law: 1981

Minimum age can be prosecuted: 10 years old

Punishment: Up to 2 years imprisonment, and/or a fine

Implementation of legislation: Insufficient data **Legislative repeal movement:** None found

Tanzania, officially the United Republic of Tanzania, is a country in East Africa with a population of 59 million.²⁴³

What is the legislation?

The legislation criminalising suicide is 40 years old. In Tanzania suicide is criminalised or illegal under Penal Code 1981 (the Penal Code).²⁴⁴ Section 217 of this Penal Code provides for the offence of attempting suicide that, "any person who attempts to kill himself is guilty of a misdemeanour", which is punishable with two years' imprisonment, or a fine, or both.

There are exceptions for those considered to be insane at the time of the offence. A person will not be criminally responsible for an act or omission if, at the time of doing the act or making the omission, that person is, through any disease affecting his mind (a) incapable of understanding what he is doing; (b) incapable of appreciating that he ought not to do the act or omission; or (c) does not have control of the act or omission.

Intoxication, which includes a state produced by drugs and narcotics, constitutes a defence if the person charged at the time of the act or omission did not understand what they were doing and (a) the state of intoxication was caused without the person's consent by the malicious negligent act of another person; or (b) the person charged was, as a result of the intoxication, rendered insane, temporarily, or otherwise at the time of such act or omission.

One prosecution was brought in relation to attempted suicide between 2016 and 2020 in the District Court of Meatu at Meatu. This led to a conviction and the defendant was sentenced to two years in prison. There is insufficient data available to determine whether this was the only prosecution and/or criminal conviction of attempted suicide in the past five years.

Impact on children

The legislation distinguishes between the law applicable to children and juveniles, and the law as applicable to adults. Section 15 of the Penal Code provides that a person "under the age of 10 years is not criminally responsible for any act or omission". In practice, this means that a child under the age of 10 cannot be prosecuted for attempted suicide. It also provides that a person "under the age of 12 years is not criminally responsible for an act of omission, unless it is proved that at the time of doing the act or making the omission, he had the capacity to know that he ought not to do the act or make the omission". Based on research of the Tanzanian Law Reports, ²⁴⁵ there are no instances where a child aged 10 or 11 years of age has been prosecuted for attempted suicide.

Impact on families

No additional consequences of the legislation on families could be found.

How to change the law

There was insufficient data identified on how laws can be changed.

Progress on decriminalisation

With regards to repealing or amending the relevant legislation, no test cases, campaigns, or government consultations were identified through this research.

243 World Bank, Population, total - Tanzania, [accessed 30 July 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TZ 244 ILO. Penal Code https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/59637/104199/F-1839757965/TZA59637.pdf





DECRIMINALISING SUICIDE: SAVING LIVES, REDUCING STIGMA

TONGA

Relevant legislation: Section 100 of the Criminal Offences Act 1926

Date of law: 1926

Minimum age can be prosecuted: Those under 7 cannot be deemed to have committed an

offence

Punishment: Up to three years' imprisonment Implementation of legislation: Insufficient data

Legislative repeal movement: Limited evidence of attempts to change the legislation

Tonga, officially the Kingdom of Tonga, is a country in Oceania with a population of 104,000.²⁴⁶

What is the legislation?

In Tonga the legislation criminalising suicide dates back to 1926. The Criminal Offences Act states that "every person who attempts to commit suicide shall be liable to imprisonment for any period not exceeding three years".247

While the maximum custodial sentence is three years, sentences may be suspended. This means it is not immediately imposed, the individual is placed on probation, and the sentence may be dismissed.²⁴⁸ Individuals also have the right to appeal successful prosecutions²⁴⁹ provided they give written notice within 28 days of the decision,²⁵⁰ and pay a prescribed fee.²⁵¹

There are also exceptions for those considered to be insane at the time of the offence.²⁵² This means that they are suffering from a mental disease that prevents them from understanding the physical nature of their act, or that it was wrong. If the person is affected by delusions as a result of their illness, they will be judged according to the facts as they understood them (as a result of their delusions).²⁵³ Courts also have the right to consider an individual's mental disability when sentencing.²⁵⁴ Intoxication (included from narcotics and drugs) can be a defence if the person did not know what they were doing or that their act was wrong, and if they were intoxicated without their consent, or were rendered insane at the time of the act.²⁵⁵

246 World Bank, Population, total - Tonga, [accessed 30 July 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TO

any successful prosecutions in Tonga's courts. There is some evidence that suicide attempts have been prosecuted, but these seem to have resulted in referral to mental health professionals.²⁵⁷

Intoxication may also be taken into account when deciding whether the defendant actually intend-

ed to take their own life.²⁵⁶ Despite attempted suicide being an offence, research does not show

Impact on children

The legislation makes a distinction for children. Those under the age of 7 cannot be considered to have committed an offence,²⁵⁸ and neither can those aged 7-12 unless they have attained sufficient maturity of understanding to be aware of the nature and consequences of [their] conduct in regard to the Criminal Offences Act.²⁵⁹ Research from the Tonga Law Reports did not find any prosecution of those aged 7-12 for attempted suicide.

Impact on families

The legislation criminalising attempted suicide does not have any direct impact on families.

How to change the law

Amendments to legislation go through the same processes as new legislation, whereby the King and Legislative Assembly of Tonga (composed of the representatives of nobles, representatives of the people and all members of the Cabinet) enact laws. A member of the Legislative Assembly may introduce a Bill. The Legislative Assembly must agree on a Bill which has been read and voted on three times, before it is submitted to the King for his sanction. This then becomes law upon publication.²⁶⁰ The Rules of the Procedure of the Legislative Assembly of Tonga provide further detail on this process.261

Progress on decriminalisation

There is limited evidence for calls to change this legislation. Dr Mapa Puloka, a psychiatrist in Tonga, has spoken about an organisation known as "Suicide Prevention Tonga"262 but there is no information about this available online. In an interview with Radio New Zealand in December 2016, he also stated that he did not support those "who try to decriminalise [attempted suicide]" but did not state who these people were.²⁶³ He said that although police would charge people, the psychiatric unit at Vaiola Hospital in the Tongan capital Nuku'alofa cooperates very well with the magistrate or the Supreme Court on this issue, and that they are "very lenient and always make sure that the punishment is for treatment".264





²⁴⁷ Criminal Offences Act 1926, Cap. 10.9. (revised 2016), https://ago.gov.to/cms/images/LEGISLATION/PRINCIPAL/1924/1924-0010/Crimi-

²⁴⁸ Section 24(3) of the Criminal Offences Act

²⁴⁹ Section 74(1) of the Magistrates' Court Act 2016, Cap. 07.36 https://ago.gov.to/cms/images/LEGISLATION/PRINCIPAL/1918/1918-0002/ MagistratesCourtAct 2.pdf> accessed 3 February 2021

^{250 75(1)} of the Magistrates Court Act

²⁵¹ Section 75(2) of the Magistrates' Court Act

²⁵² Section 7(1) of the Criminal Offences Act

²⁵³ Section 17(2) of the Criminal Offences Act

²⁵⁴ See Fa'asso v R (1996) TLR; Taufa v R [AC 17/04] https://ago.gov.to/cms/phocadownload/Judgement/2016/CR/Rex%20v%20Tevita%20

Ahoafi%20CR%20103%20of%202013%20Sentence.pdf?zoom_highlight=mental+health+act#search=%22mental%20health%20act%22 255 Section 21 of the Criminal Offences Act

²⁵⁶ Section 21(4) of the Criminal Offences Act

²⁵⁷ Radio New Zealand (2016), 'Man charged with attempted suicide in Tonga' https://www.rnz.co.nz/international/pacific-news/320520/

²⁵⁸ Section 16(1) of the Criminal Offences Act

²⁵⁹ Section 16(2) of the Criminal Offences Act

²⁶⁰ UNESCO. Constitution of Tonga, Article 56 http://www.unesco.org/education/edurights/media/docs/c2de08d12823b0d

⁵²d3184ae754ed6d914d7254c.r

²⁶¹ Available for download on the Parliament of Tonga website (20 February 2017) https://www.parliament.gov.to/parliamentary-busiess/documents/file/244-rules-of-procedure-of-the-legislative-assembly-of-ton

²⁶² Radio New Zealand (2016), Tonga psychiatrist backs attemped suicide law https://www.rnz.co.nz/international/programm /201828288/tonga-psychiatrist-backs-attempted-suicide-law

²⁶³ Radio New Zealand (2016), 'Tonga psychiatrist backs attemped suicide law'

²⁶⁴ Radio New Zealand (2016), 'Tonga psychiatrist backs attemped suicide law'

TRINIDAD AND TOBAGO

Relevant legislation: Section 100(1) of the Summary Courts Act

Date of law: 1918

Minimum age can be prosecuted: 18 years

Punishment: Imprisonment of up to five years or 20,000 T&T Dollars

Implementation of legislation: Insufficient data available

Legislative repeal movement: Ongoing advocacy efforts led by the Caribbean coalition on

decriminalising suicide

Trinidad and Tobago, officially the Republic of Trinidad and Tobago, is the southernmost island country in the Caribbean, with a population of 1,538,200 people.

What is the legislation?

The legislation criminalising suicide is in the Summary Courts Act.²⁶⁵ Attempted suicide is a common law offence and the offence itself does not originate from legislation.

Under item 31 of the Second Schedule to the Summary Courts Act, 'attempted suicide' is listed. Section 100(1) of the Summary Courts Act provides that attempted suicide is an indictable offence: "The following provisions of this section shall have effect where an adult appears or is brought before a Court on a complaint charging him with any of the indictable offences specified in the Second Schedule."

So, while the Summary Courts Act confirms that attempted suicide is an indictable offence, it does not legislate for how it should be dealt with by the courts or punished in a context other than trial by a summary court.

Under section 100(5) of the Summary Courts Act, a person summarily convicted of attempted suicide is liable to a fine of 20,000 T&T dollars or imprisonment for five years.

Intoxication may also be taken into account when deciding whether the defendant actually intended to take their own life.²⁶⁶ Despite attempted suicide being an offence, research does not show any successful prosecutions in Tonga's courts. There is some evidence that suicide attempts have been prosecuted, but these seem to have resulted in referral to mental health professionals.²⁶⁷

Impact on children

Section 100 of the Summary Courts Act (which sets out the summary court procedure for attempted suicide) applies only to adults, so children cannot be prosecuted for attempted suicide.

265 Summary Courts Act < https://agla.gov.tt/downloads/laws/4.20.pdf > accessed 14 November 2023

266 Section 21(4) of the Criminal Offences Act

267 Radio New Zealand (2016), 'Man charged with attempted suicide in Tonga' https://www.rnz.co.nz/international/pacific-news/320520/



There is insufficient data available to suggest any impact of the law on families.

How to change the law

The process for amending legislation in Trinidad and Tobago is the same as for introducing new legislation. The first step involves introducing a bill to Parliament.²⁶⁸

New bills can be introduced by:

- Members of Parliament: Members of the House of Representatives and the Senate can propose amendments or repeals to existing laws.
- Government ministers: Ministers within the Cabinet, particularly the minister responsible for the area covered by the bill, can propose changes to laws relating to their respective ministries.
- Special Select Committees: In certain cases, parliamentary committees, such as Special Select Committees, may be involved in proposing changes to laws, especially for issues that require in-depth analysis and deliberation.²⁶⁹

Once introduced, a bill then passes through the following stages:

- First reading: The bill is introduced, and its name and the minister responsible are read out. It is a formal stage.
- Second reading: The minister in charge of the bill presents its principles and purposes, followed by a debate. Members debate the bill, propose amendments, and discuss its provisions.
 After the debate, a vote is taken, and if the majority is in favour, the bill proceeds to the committee stage.²⁷⁰
- Committee of the Whole: The bill is examined in detail, clause by clause, and amendments are considered.
- Report from Committee of the Whole: The bill's progress in the committee is reported to the House
- Third reading: A final vote on the bill is held. No further amendments can be proposed at this stage.

The final stage is Presidential Assent. Once the proposal passes both Houses of Parliament, it requires the formal assent of the President of Trinidad and Tobago to become law. The President's Assent marks the point at which the amendment becomes legally effective.²⁷¹

UNITE FOR GLOBA MENTA HEALT

²⁶⁸ https://www.ttparliament.org/about/the-process-of-lawmaking/ <accessed 12 October 2023>

²⁶⁹ https://www.ttparliament.org/about/the-process-of-lawmaking/ <accessed 12 October 2023>

²⁷⁰ Assuming the amendment does not affect the Constitution, in which case a two thirds majority is required.

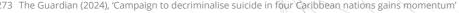
²⁷¹ https://www.ttparliament.org/about/the-process-of-lawmaking/ <accessed 12 October 2023>

Progress on decriminalisation

Trinidad and Tobago is a Small Island Developing State (SIDS) and attended the SIDS conference on NCDs and mental health in Bridgetown, Barbados in June 2023. At the conference countries agreed to "Update health legislation in line with human rights norms including the decriminalisation of suicide and prohibition of coercive practices in the treatment of mental health conditions."272

A coalition on the decriminalisation of suicide across the Caribbean was launched in May 2024, including stakeholders from Trinidad and Tobago. Mindwise Project, a civil society organisation from Trinidad and Tobago, has formed one of the secretariat members of the coalition and is working to mobilise other stakeholders in the country to advocate for the decriminalisation of suicide.²⁷³







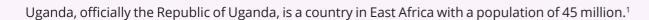


UGANDA

Relevant legislation: Penal Code Act 1950

Date of law: 1950

Minimum age can be prosecuted: Not specified Punishment: Up to two years' imprisonment Implementation of legislation: Insufficient data Legislative repeal movement: None identified



What is the legislation?

In Uganda, under the Penal Code Act of 1950 (Section 210), attempted suicide is punishable by imprisonment for a period of two years.²

An individual's right to protection of personal liberty, where they are reasonably suspected to be of unsound mind, may preclude individuals from protection in relation to those who attempt suicide. This is deemed to be for the purpose of the care or treatment of that person or the protection of the community.

There are exceptions for those considered to be insane. A person is not criminally responsible for an act or omission if, at the time of doing the act or making the omission they are, through any disease affecting their mind, incapable of understanding what they are doing or of knowing what they ought not to do. Intoxication may form a defence if by reason of the intoxication the person charged, at the time of the act or omission complained of, did not know that the act or omission was wrong or did not know what they were doing and (a) the state of intoxication was caused without their consent by the malicious or negligent act of another person; or (b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

No direct case law can be found on Ugandan databases in relation to attempted suicide. There are, however, some references to case examples in a journal article on Uganda's attempted suicide laws.³

- 1 World Bank, Population, total Uganda [accessed 30 July 2021] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=UG
- 2 ULII, Uganda Penal Code https://ulii.org/ug/legislation/consolidated-act/120
- 3 Emma Charlene Lubaale (2017), The Crime of Attempted Suicide in Uganda: The Need for Reforms to the Law' https://www.



1. Case of Innocent Muhangi (June 2013)⁴

Mr Muhangi was charged with the offence of attempting suicide in accordance with the penal laws of Uganda. Mr Muhangi confessed he wanted to commit suicide due to a delay in releasing important exam results. He was found guilty by a magistrate, convicted, and sentenced to a jail term of six months.

2. Case of Kalisti (June 2007)⁵

Mr Kalisti had been arrested for the alleged theft of two mobile phones. While in detention at a police station he attempted suicide. In court he testified that he was depressed on account of being detained for a crime he did not commit. Mr Kalisti was given a prison sentence (the length of sentence unknown).

Impact on children

The law does not distinguish between children, juveniles, and adults.

Impact on families

No specific impact on families as a result of the legislation were identified.

How to change the law

There was insufficient data identified on how laws can be changed.

Progress on decriminalisation

In May 2023, a petition was launched in the Constitutional Court to nullify Section 210 of the Penal Code Act which criminalises attempted suicide, reasoning that it is inconsistent with the Constitution as it imposes criminal sanctions on people who attempt suicide on the basis of their mental disability and subjects them to "torture and cruelty". There has not been any decision on the petition as of December 2023.





⁴ The New Vision (2013), 'Jail Time for Suicide' https://www.newvision.co.ug/news/1330902/jail-suicide

⁵ The New Vision (2013), 'Suicide Cases on the Rise – Survey, The New Vision' https://www.newvision.co.ug/news/1220532/suicide-rise-survey

^{6 &#}x27;Citizens petition court over criminalising attempted suicide' (Monitor, 1 May 2023), accessible at: https://www.monitor.co.ug/uganda/news/national/citizens-petition-court-over-criminalising-attempted-suicide-4218680, last accessed 8 December 2023.

Decriminalising Suicide: SAVING LIVES, REDUCING STIGMA

SEPTEMBER 2024

