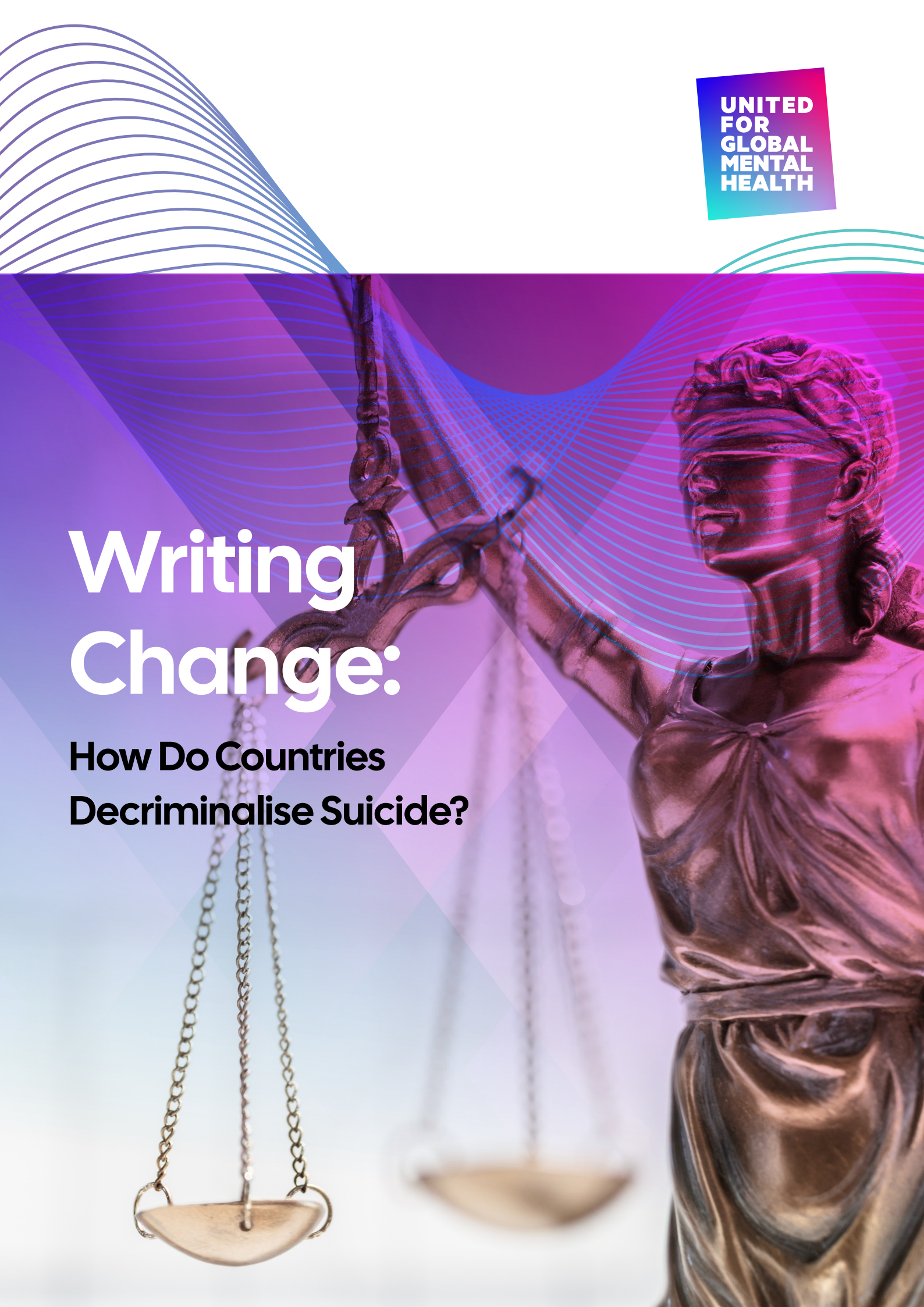




Writing Change:

**How Do Countries
Decriminalise Suicide?**

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When advocating to decriminalise suicide, sometimes people might ask:
“Which approach should we use?” and “How would we actually word this in our laws?”

There is no single or correct path to suicide decriminalisation. Below are some examples showing how different countries have successfully drafted or proposed decriminalisation through Mental Health Acts, Standalone Suicide Prevention Acts, Ammendments to Penal Codes and Judicial Rulings.

Below we present five strategies, with example wording.

STRATEGY 1: Decriminalising through a Mental Health Care Act



This strategy involves **adding a specific clause into a broader mental health act**. Importantly, this needs to be an Act to make it legally binding. Updates in a mental health policy or strategy document only will not decriminalise and cannot stop the police or courts. This strategy works best if a Mental Health Act is being developed or reviewed in your country. In **an Eastern Caribbean Country**, the following phrasing has been proposed for inclusion in their forthcoming mental health act:

“Notwithstanding anything contained in section XX of the Criminal Code of XX, any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished for misdemeanor. The Government shall have a duty to provide care, treatment and rehabilitation to a person, having severe stress and who attempted to commit suicide, to reduce the risk of recurrence of attempt to commit suicide.”

The provisions cover:

- **Non-Criminalization & Immunity:** Protecting individuals who attempt suicide from arrest, prosecution, or criminal sanctions.
- **Presumption of Distress & Duty of Care:** Ensuring anyone in crisis is recognized as needing care and psychosocial support rather than punishment.
- **Standards of Treatment:** Mandating that law enforcement and healthcare workers treat individuals with dignity, compassion, and respect.
- **Protection Against Criminal Records:** Preventing suicide attempts from appearing on criminal records or being used as a basis for discrimination in employment, housing, or healthcare.
- **National Mandates:** Requiring national health authorities to implement targeted suicide prevention strategies, public awareness campaigns, and workforce training.
- **Protections Regarding Abettors:** Maintaining clear criminal liability for anyone who aids, abets, coerces, or incites another person to attempt suicide.

STRATEGY 2: Decriminalising through a Standalone Suicide Prevention Act



This strategy involves **developing a standalone Suicide Prevention Act** that overturns the existing criminalising legislation. This strategy might be a good fit when a country wants to **tackle suicide directly as a dedicated public health priority**, rather than integrating it into broader mental health law reform. This usually involves having a section which explicitly states which provisions it repeals and replaces.

For example, In **Guyana**, the [Suicide Prevention Act](#) states:

Section 38. Repealing Specific Provisions

- (1) *The legislation hereby strikes out Section 96 as contained within the Criminal Law (Offences) Act.*
- (2) *The legislation hereby strikes out Section 203 as contained within the Summary Jurisdiction (Offences) Act.*

STRATEGY 3: Decriminalising through Amending the Penal Code



This strategy involves directly amending or repealing specific sections within a country's existing penal code or criminal offences act that explicitly criminalise attempted suicide. Importantly, this directly strikes the offence from criminal law, ensuring that law enforcement and courts no longer have any legal basis to arrest, prosecute, or penalise individuals who attempt suicide. This strategy works best if a broader penal code review is underway, or when there is strong parliamentary support to repeal historical or colonial-era laws.

Ghana decriminalised suicide through the passing of the [Criminal Offences \(Amendment\) Act, 2023](#).

- **The Original Law:** Section 57(2) of Ghana's Criminal Offences Act (1960) previously treated attempting suicide as a misdemeanour (a punishable crime).
- **The Change:** The 2023 Amendment Act completely removed Section 57(2), meaning attempting suicide is no longer a criminal offense in Ghana.



STRATEGY 4: Decriminalising through Overriding Common Law



Sometimes suicide is criminalised through common law (judge-made precedents passed down over time), and not in a penal code. This strategy involves passing legislation to abolish or override an existing common law offence. This strategy works best in countries that rely heavily on common law traditions, ensuring that historical court precedents can no longer be used to arrest or prosecute individuals.

In **Zambia**, suicide was decriminalised by passing the [Suicide Act \(1967\)](#).

- **The Original Law:** Under common law rules inherited from historical legal tradition, attempting suicide was treated as an unwritten criminal offence.
- **The Change:** Section 3 of the *Suicide Act* explicitly abolished this rule, stating that “*the rule of law whereby it is an offence against the common law for a person to kill himself is hereby abrogated*”. This formally ensured that attempting suicide is no longer a crime under Zambian law.

STRATEGY 5: Decriminalising through Judicial Ruling (Constitutional Challenge)



In this strategy, you take the law to court so a judge can strike it down. If you win, the government can no longer enforce that specific provision but it does not remove it from the law and repeal is still needed. Policymakers can be forced to initiate reforms quicker, but it does not necessarily mean that the police stop using that law immediately. This strategy might be a good fit if you are facing slow legislative negotiations and delays but governments may be reluctant to collaborate with you and the process gives them little incentive to initiate suicide prevention efforts as there is no law or policy compelling them to do so.

In **Kenya**, the law was decriminalised by having the High Court Judge [declare the colonial-era law unconstitutional](#):

“It is my finding that applying the purpose and effect principle of constitutional interpretation, Section 226 of the Penal Code offends Article 27 of the Constitution by criminalising a mental health issue thereby endorsing discrimination on the basis of health which is unconstitutional. It indignifies and disgraces victims of suicide ideation for actions that are beyond their mental control.”

Choosing the right legislative strategy depends on your country’s specific legal system, ongoing political reforms, and parliamentary support. Whether through mental health acts, penal code amendments, standalone laws, or constitutional challenges, the goal remains the same: decriminalising suicide so that individuals experiencing a mental health crisis receive compassion, dignity, and care instead of punishment.

For further guidance, technical assistance, or adaptable advocacy toolboxes to support your national campaign, [please reach out to our team](#)

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