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The Case for Decriminalization of Attempted Suicide in Kenya:
Lessons from Comparative Experience

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The Case for Decriminalization of Attempted Suicide in Kenya: Lessons from Comparative Experience

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Abstract

This paper posits a persuasive case for the decriminalization of attempted suicide in Kenya by synthesizing insights from the experiences of other jurisdictions that have successfully navigated similar legal transformations. Emphasizing the detrimental effects of colonial legacies, the problematic implications of treating suicide as a criminal act, and the global trend toward decriminalization, this paper seeks to underscore the urgency for change in Kenya. The comprehensive analysis not only delves into the historical context but also explores the existing legal and policy landscape surrounding attempted suicide in Kenya. Drawing parallels with the legal frameworks of Ghana, India, and Malaysia, the paper extracts invaluable lessons that Kenya can incorporate into its legal reform efforts. Through a meticulous examination of judicial decisions, legislative amendments, and policy changes, this piece aspires to provide a robust argument for decriminalization, aligning with evolving global perspectives on mental health and human rights.

Key Words: *Attempted Suicide, Decriminalization, Kenya, Comparative Law, Mental Health, Legislation, Judiciary, Prosecution, Ghana, India, and Malaysia.*

1.0 Introduction

In recent years more so after the Covid-19 pandemic when everything had slowed and most people were grounded within their respective homes and localities, there has been a growing global recognition of the complex intersection between mental health, societal perceptions, the economic times and the existing legal frameworks within different jurisdictions

Kenya included.¹ The status quo on the recognition of mental health and different aspects of life ends up prompting a re-evaluation of established norms surrounding suicide-related legislation.

This article delves into the compelling case for the decriminalization of attempted suicide in Kenya. In the end, the study delves into the complex web of historical ramifications, potential legal ramifications, and gradual changes in perceptions of mental health throughout the world.

This discussion aims to explore the various facets of the debate against the backdrop of Kenya's current legal framework, which criminalizes attempted suicide. It emphasizes the importance of adopting a compassionate and knowledgeable approach that is in line with modern views on mental health and human rights. By relying on a comparative approach and learning from other countries that have effectively undergone comparable legal changes, this investigation seeks to clarify possible reform paths and the benefits that decriminalization might bring about for Kenya's society's general comprehension of mental health issues.

2.0 Brief Context on Criminalization and Decriminalization of Suicide

The rates of attempted suicide in the countries that penalize their citizens for attempted suicide are high and vary widely depending on the status of the country.² However, according to data from the 2023 World Health

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¹ SP Thomas, 'Lived Experiences during the Covid-19 Pandemic' (2020) 41 *Issues in Mental Health Nursing* 661.

² KC-C Wu and others, 'Criminalisation of Suicide and Suicide Rates: An Ecological Study of 171 Countries in the World' (*BMJ open*, 17 February 2022).

Organization (WHO) estimates that at least 700,000 people die every year due to suicide.³ Additionally, with every suicide committed, many people attempt suicide within the general population. The suicide and attempted suicide do not only affect the individuals but also their community, families, and entire countries due to the long-lasting effects of being left and affected by the suicide.

In a 2019 study by WHO suicide is the fourth overall cause of death among young adults who are aged 15 to 29 years globally.⁴ Suicide is arguably a public health concern however the same can be prevented with timely evidence-based strategies as well as low-cost interventions decriminalization of attempting suicide is a step towards an end to discrimination against persons experiencing mental illness.⁵ One of the imperative mitigation measures for tackling the mental health crisis would be the decriminalization of attempted suicide.⁶

With the established backdrop this section delves deeper into the historical aspect of criminalizing suicide emphasizing the colonial heritage that led to the birth of the legal norms governing death by suicide. In dissecting the historical trajectory of the criminalization and subsequent push for decriminalization of suicide, it is imperative to acknowledge the profound influence of colonial legacies, the problematic

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8860012/> accessed 9 December 2023.

³ MA Joseph, *Discrimination against the Mentally Ill* (Greenwood, An Imprint of ABC-CLIO, LLC 2016).
³ 'Suicide' (World Health Organization) <https://www.who.int/news-room/fact-sheets/detail/suicide#:~:text=Key%20facts,suicide%20in%20the%20general%20population.> accessed 10 December 2023.

⁴ Ibid.

⁵ MA Joseph, *Discrimination against the Mentally Ill* (Greenwood, An Imprint of ABC-CLIO, LLC 2016).

⁶ KC-C Wu and others, 'Criminalization of Suicide and Suicide Rates in the World' [2020] SSRN Electronic Journal.

implications associated with treating suicide as a criminal act, and the global momentum toward a more enlightened approach.

2.1 Colonial Heritage

The colonial era is the source of the criminalization of suicide in many countries, including Kenya.⁷ Legal systems from the past that were put in place during colonial authority frequently had a moralistic perspective on suicide, characterizing it as a wicked deed and making it a crime in a bid to ensure that the governed do not engage in any related element of committing or assisting suicide.⁸ The paternalistic approach that aimed to govern and control society behavior based on Eurocentric norms was represented in these laws, which were created under colonial ideology.⁹ The punitive measures attached to suicide were steeped in a worldview that failed to consider the nuanced complexities of mental health and individual struggles.¹⁰

Kenya's legal system was influenced by Victorian sensibilities as a result of its long history of British colonial administration.¹¹ The law

⁷ (*Anti-suicide laws in nine African countries: Criminalization ...*)
<https://www.wcp.umes.edu/ajcs/wp-content/uploads/sites/20/2023/06/VOL9.-ADINKRAH-FINAL.pdf> accessed 11 December 2023.

⁸ GMHAN, 'Leading the Fight for Suicide Decriminalisation in Kenya' (13 December 2023) <https://gmhan.org/news/leading-the-fight-for-suicide-decriminalisation-in-kenya#:~:text=The%20origins%20of%20the%20criminalization,imposed%20by%20an%20outside%20force> accessed 13 December 2023.

⁹ Ibid

¹⁰ Bosch, S. E., Teeselink, L. L., & Senne, T. (2021) 'The Influence of Work-Family Balance on Health and Well-Being: A Longitudinal Study Among Dutch Employees', *Frontiers in Psychology*, [https://www.frontiersin.org/articles/10.3389/fpsyg.2021.621569/full] accessed 13 December 2023

¹¹ Sandra F. Joireman, 'The Evolution of the Common Law: Legal Development in Kenya and India' (2006) Political Science Faculty Publications 68

criminalizing suicide was first entrenched in Kenya within the 1930 penal code which was the same in Britain, however in Britain, the same was decriminalized in 1961 an amendment that was not implemented in colonial Kenya.¹² During this time the provisions were later cascaded down to the Penal Code, which was formulated and implemented, and Section 226 specifically made suicide illegal, sustaining the stigma attached to mental health issues.¹³

Section 226 is still in operation as read together with section 36 of the penal code classifies attempted suicide as a misdemeanor punishable by two years imprisonment or a fine or both.¹⁴ Progress toward a more sympathetic understanding has been hampered by the colonial heritage, which not only presented suicide as a criminal offense but also contributed to a larger communal attitude that confused mental health difficulties with moral flaws.¹⁵

2.2 Problematic Implications

The 'strict' prohibition has serious and harmful ramifications for people who are struggling with mental health issues.¹⁶ Instead of tackling the underlying causes of mental health problems, criminalization feeds the

<http://scholarship.richmond.edu/polisci-faculty-publications/68> accessed 13 December 2023.

¹² (*Anti-suicide laws in nine African countries: Criminalization ...*)
<https://wwwcp.umes.edu/ajcjs/wp-content/uploads/sites/20/2023/06/VOL9.-ADINKRAH-FINAL.pdf> accessed 11 December 2023.

¹³ Section 226 of the Penal Code, Kenya.

¹⁴ Section 36 of the Penal Code, Kenya.

¹⁵ Ongeru L and others, 'Sociocultural Perspectives on Suicidal Behaviour at the Coast Region of Kenya: An Exploratory Qualitative Study' (*BMJ open*, 6 April 2022) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8987750/>> accessed 29 December 2023

¹⁶ B Lew and others, 'Decriminalizing Suicide Attempt in the 21st Century: An Examination of Suicide Rates in Countries That Penalize Suicide, a Critical Review' (2022) 22 *BMC Psychiatry*.

stigma, preventing people from having honest conversations and preventing them from getting the care and assistance they need. This punitive strategy makes people feel even more alone and ashamed, which impedes mental health advocacy and feeds false beliefs into society.¹⁷

Furthermore, criminalization unfairly burdens people who have escaped suicide attempts.¹⁸ Their suffering is exacerbated when they become engaged in legal processes rather than receiving the required care and assistance in the form of therapy and counseling.¹⁹ The consequences also affect families, who could be subject to social disapproval or legal action, which discourages people from asking for help.²⁰

Ethical questions are raised by the criminalization of suicide from the standpoint of human rights.²¹ It violates a person's right to autonomy and exacerbates the pain of those who are already in difficult circumstances.²² Instead of acting as deterrence, the legal consequences sometimes make people's problems worse and prolong a painful cycle.²³

2.3 Progressive Move towards Decriminalization

Globally, there is a growing trend of decriminalizing suicide as countries review their legal systems to move away from punishing measures and

¹⁷ Ibid.

¹⁸ Wu KC-C and others, 'Criminalisation of Suicide and Suicide Rates: An Ecological Study of 171 Countries in the World' (*BMJ open*, 17 February 2022) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8860012/#:~:text=Results,CI%20%E2%88%920.04%20to%200.61.>> accessed 29 December 2023

¹⁹ Ibid 18

²⁰ Ibid 19

²¹ World Health Organization, 'Mental Health Atlas 2020' (2020) https://cdn.who.int/media/docs/default-source/mental-health/9789240078796-eng.pdf?sfvrsn=7ad97429_1&download=true accessed 17th December 2023.

²² Ibid

²³ Ibid 21

toward more humane ones.²⁴ Decriminalization is consistent with public views that value compassion and understanding for those who are struggling with mental health issues.²⁵ Kenya has made great progress in the last four years toward putting mental health first, which is a break from the conventional method of treating mental health issues.²⁶

In June 2019, a pivotal moment occurred when former President Uhuru Kenyatta declared, "Depression has today become a common phenomenon and it affects persons from all walks of life and ages."²⁷ After this realization, several significant things happened, such as the creation of a task force on mental health, whose main suggestion was to classify mental disease as an epidemic-level national emergency.

But amid this emergency, a serious problem surfaced: the startling rise in suicide attempts and fatalities. According to Section 226 of the Penal Code, attempting suicide in Kenya is a crime that carries a possible sentence of up to two years in jail or penalties. The judicial system disproportionately impacted people with psychosocial and intellectual problems, resulting in their extended incarceration without charge or trial in Mathari Mental Hospital, which was more severe than the Penal Code's punishment for the same offense.

²⁴ United for Global Mental Health, 'Suicide Decriminalisation' (n.d.) <https://unitedgmh.org/knowledge-hub/suicide-decriminalisation/> accessed 17th December 2023

²⁵ Ibid

²⁶ Southern Africa Litigation Centre, 'Kenya: Challenge to Offence of Attempted Suicide' (2023) <https://www.southernafricalitigationcentre.org/2023/05/08/kenya-challenge-to-offence-of-attempted-suicide/> accessed 17th December 2023

²⁷ IK Comms, 'Mental Health for Police Officers Needs Proper Legislation and Collaboration to Combat. - ICJ Kenya' (ICJ Kenya - International Commission of Jurists, 30 August 2021) <https://icj-kenya.org/news/mental-health-for-police-officers-needs-proper-legislation-and-collaboration-to-combat/> accessed 11 December 2023

Fast forward to 2023, Chief Justice Martha Koome led the effort to introduce the Penal Code (Amendment) Bill in 2023, which accelerated the decriminalization process. The proposed amendment aimed to overturn the categorization of attempted suicide as a crime by repealing Section 226 of the Penal Code.²⁸ The goal of the amendment was to prohibit the practice of accusing survivors in court and perhaps imprisoning them. The National Assembly Speaker, Moses Wetangula, received a proposal from Chief Justice Koome that called for the whole removal of Section 226.²⁹ The suggestion emphasized how critical it is to remove punitive measures that worsen the situation of survivors and to harmonize legal frameworks with a more sympathetic understanding of mental health issues.

In 2023, the Kenya National Human Rights Commission (KNHRC) joined the reform movement by pushing for the decriminalization of suicide attempts by the Adhoc Committee on the Proliferation of Religious Organizations.³⁰ The Commission claimed that criminalizing suicide attempts and enforcing prison sentences would make matters worse.³¹ Rather, they highlighted the need for treating mental health issues

²⁸ M Vugutsa, 'Jail Sentences to Be Removed for Attempted Suicide – Switch News' (*Switch News – Latest News, Entertainment, Kenya, Africa and World News*, 25 October 2023) <https://news.switchtv.ke/2023/10/jail-sentences-to-be-removed-for-attempted-suicide/> accessed 11 December 2023

²⁹ U Admin, 'Leading the Fight for Suicide Decriminalisation in Kenya' (*Global Mental Health Action Network*, 9 September 2022) <https://gmhan.org/news/leading-the-fight-for-suicide-decriminalisation-in-kenya#:~:text=In%20Kenya%2C%20attempted%20suicide%20as,36%20of%20the%20Penal%20Code> (accessed 11 December 2023).

³⁰ Decriminalise Suicidal Tendencies, KNCHR Tells Senate Shakahola Committee (*Parliament of Kenya*) <http://www.parliament.go.ke/decriminalise-suicidal-tendencies-knchr-tells-senate-shakahola-committee> (accessed 9 December 2023).

³¹ *Ibid.*

through medical treatment, claiming that those who attempted suicide were suffering from mental disorders that needed to be supported and cared for.

These progressive initiatives and calls for reform represent a collective effort to humanize the discourse surrounding suicide, prioritize mental health care, and ultimately decriminalize attempted suicide for the community's overall well-being as Kenya embarks on this transformative journey towards a more inclusive and enlightened perspective on mental health.

3. The Current Law and Practice in Kenya Relating to Attempted Suicide

The existing legal provisions in Kenya for attempted suicide are a complicated web of laws, policies, court rulings, and prosecutorial discretion. A thorough investigation of this section is necessary due to the complex interplay of various factors that influence how people who attempt suicide are treated.

3.1 Legislation on Attempted Suicide and Suicide

3.1.1 Penal Code - Section 226

Section 226 of the Penal Code, which has its roots in Kenya's colonial past, makes attempting suicide a crime. According to Section 36 of the Penal Code, attempted suicide is now considered a misdemeanor and is subject to fines, jail time, or both. It has long been controversial to classify attempted suicide as a criminal act since this raises worries about the stigmatization and harsh punishment of those who are struggling with mental health issues.

3.1.2 Mental Health Act - Section 3

An essential part of Kenya's legislative system addressing mental health is the Mental Health Act. The Act's Section 3 delineates the tenets that

underpin mental health treatment, with a particular focus on the significance of advancing individuals' mental health. A legal incongruity where criminalization and a legislative focus on mental health coexist is highlighted by the comparison of Sections 226 of the Penal Code and 3 of the Mental Health Act.

3.1.3 Succession Act

A further level of legal complexity is introduced by the Succession Act, which goes beyond the Penal Code and the Mental Health Act. This Act permits a person who is found to have committed suicide to have their will discounted in section 31 (f) (i), which invalidates a gift given in contemplation of death by suicide.³² The interaction between mental health laws and succession laws highlights the complex relationships between legal frameworks and how they may affect people and their families.

3.1.4 Penal Code (Amendment) Bill, 2021

The Penal Code (Amendment) Bill, which was just submitted, is a major step in the right direction toward modernizing the law to address mental health issues. Chief Justice Martha Koome led the effort to modify the Penal Code to remove Section 226. The goal was very clear: in line with Section 3 of the Mental Health Act, legalize attempted suicide to make it easier to provide care and support to suicide survivors.³³

3.2 Policy Guidelines on Suicide

³² Section 31 (f) (i) of the Succession Act.

³³ D Kabiru, 'Press Release: The World Mental Health Day: "Mental Health Is a Universal Human Right"' (*Kenya National Commission on Human Rights*, 10 October 2023)

<https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1171/Press-Release-The-World-Mental-Health-Day-%E2%80%9CMental-Health-Is-a-Universal-Human-Right%E2%80%9D> (accessed 11 December 2023).

3.2.1 Ministry of Health Suicide Prevention Strategy 2021 – 2026

By implementing the Suicide Prevention Strategy for the years 2021 to 2026, the Ministry of Health has made significant progress in addressing suicide. This policy framework concentrates on prevention, intervention, and post-vention techniques to fully address the problems related to suicide. The plan demonstrates a dedication to a proactive and all-encompassing approach to mental health. The strategy is a global call to assist persons who have attempted suicide or are on the verge of committing suicide.

3.3 Judicial Practice Relating to Attempted Suicide

3.3.1 *Frankline Munene Mbau v Republic* [2013] eKLR

Judicial practices regarding attempted suicide were brought to the fore in the case of *Franklin Munene Mbau v Republic* [2013] eKLR. This case shed light on the legal consequences faced by individuals attempting suicide under Section 226 of the Penal Code, prompting legal discourse on the appropriateness of criminalization and its alignment with constitutional rights. Franklin entered a guilty plea to trying to kill himself in violation of Penal Code section 226.³⁴ In his defense, he cited his father's frustrations and problematic family dynamics as the reasons behind his suicide attempt.

The magistrate found him guilty and sentenced him to two years in jail without considering the aforementioned factors. The sole relief obtained once the case was appealed was the replacement of probation for the original sentence.³⁵ In Frankline's instance, mental health care rather than incarceration was necessary. As a result, many people who are

³⁴ *Frankline Munene Mbau v Republic* [2013] eKLR.

³⁵ *Ibid.*

contemplating suicide are terrified to ask for medical help at all for fear that doing so would give them a free pass to jail.

3.3.2 Kenya National Human Rights Commission v Attorney General

The case of *Kenya National Human Rights Commission v. Attorney General* provided a major legal challenge to the prosecution of attempted suicide. In that instance, a petition was filed arguing that Section 226 of the Penal Code infringes upon the rights of those who are dealing with mental health issues and should be decriminalized.³⁶ The regional importance of this issue was highlighted by the notable parallel filing of a similar suit before the Uganda Constitutional Court (*Sarah Tushemereirwe and John Mary Kimuraheebwa v AG*).

3.4 Prosecutorial Practice

3.4.1 Decision Not to Charge

The way that prosecutors handle suicide attempts has changed significantly over the years. In some cases, the choice to drop charges against someone who has tried to take their own life is a reflection of how mental health is perceived in society today.³⁷ In keeping with the global trend of seeing mental health as a public health problem rather than a criminal one, this strategic choice highlights the need for more compassionate and rehabilitative approaches while acknowledging the failure of criminalization.

³⁶ (*Critical analysis of section 226 of Kenya penal code: A case for urgent ...*) <https://www.iprjb.org/journals/index.php/IJLP/article/download/1402/1519/4215> (accessed 11 December 2023).

³⁷ C Ombati, 'Why ODPP Not Keen to Charge Those Who Attempt to Die by Suicide' (*The Star*, 30 October 2023) <https://www.the-star.co.ke/news/realtime/2023-10-30-why-odpp-not-keen-to-charge-those-who-attempt-to-die-by-suicide/> accessed 11 December 2023.

A possible shift in direction is indicated by the confluence of policy efforts, judicial and prosecution procedures, and legislative modifications as Kenya works through the complexity of its legal framework around attempted suicide. These events highlight the urgent need for a humane, comprehensive approach to mental health that places a high value on treatment, support, and the defense of human rights.

4. The Case for Decriminalizing Attempted Suicide in Kenya: Lessons from Comparative Experience

The arguments and calls for decriminalizing attempted suicide in Kenya are based on the understanding that attitudes toward human rights, mental health, and the need to promote a more caring and restorative environment are changing on a worldwide scale. Taking cues from international experiences, we examine significant legislative modifications and court rulings that highlight the revolutionary effects of decriminalization. The goal of the comparative study within this section is to offer Kenya useful information while it considers changing its current legal system.

4.1 Ghana

4.1.1 Criminal Offences (Amendment) Act 2023

Ghana, in a landmark move, reformed its legal landscape through the Criminal Offences (Amendment) Act 2023. Section 1 of this amendment repealed Section 57(2) of the Criminal Offences Act, 1960, thereby decriminalizing attempted suicide. Additionally, Section 2 expanded the interpretation of 'mental disorder' within the Mental Health Act, of 2012, facilitating enhanced access to mental healthcare services for survivors of suicide attempts. This dual-pronged reform signifies a holistic approach, moving beyond mere decriminalization to ensure comprehensive support for mental health.

4.1.2 Lessons for Kenya

Ghana's approach offers Kenya invaluable lessons. By repealing the specific criminalization of attempted suicide, Ghana acknowledges that legal frameworks should align with the understanding that mental health challenges require medical attention rather than punitive measures. Kenya can draw inspiration from Ghana's broader interpretation of "mental disorder", emphasizing the importance of facilitating comprehensive mental healthcare services for survivors.

4.2 India

4.2.1 Judicial Recognition of Mental Health

India's journey toward recognizing the importance of mental health is exemplified in judicial decisions. In cases such as *P. Rathinam v Union of India*,³⁸ *Maruti Shripat Dubal v State of Maharashtra*,³⁹ and *State v Sanjay Kumar Bhatia*,⁴⁰ the judiciary played a pivotal role in acknowledging the significance of mental health.

These decisions contributed to a paradigm shift, recognizing mental health challenges as valid concerns warranting legal protection. The Indian Penal Code has since been amended in its section 124(1) to ensure that persons who attempt suicide are exempted from punishment based on the presumption that they are suffering from mental health unless proven otherwise.⁴¹

4.2.2 Enactment of the Mental Health Act, 2017 - Section 115

India further solidified its commitment to mental health by enacting the Mental Health Act, of 2017. Section 115 of this legislation signifies a

³⁸ [1994] AIR 1844.

³⁹ [1987] 1 BomCR 499.

⁴⁰ [1986] 10 DRJ 31.

⁴¹ Section 124(1) of the Indian Penal Code.

comprehensive legal framework that addresses the rights of individuals facing mental health challenges.⁴² The inclusion of such provisions underscores the need for a nuanced legal approach that safeguards the rights and well-being of individuals grappling with mental health issues.⁴³

4.2.3 Lessons for Kenya

Kenya can learn from the Indian judiciary's recognition and the ensuing legislative actions. Kenya may move toward a legislative framework that not only decriminalizes attempted suicide but also aggressively addresses the larger mental health landscape by emphasizing the protection of mental health rights through legislation.

4.3 Malaysia

4.3.1 Penal Code (Amendment) (No. 2) Act, 2023

The recent law changes in Malaysia are an example of a comprehensive strategy to address issues connected to suicide. The Penal Code (Amendment) (No. 2) Act, 2023, demonstrates a commitment to addressing issues leading to suicidal inclinations by introducing important reforms, including the criminalization of the abetting of suicide.⁴⁴ The Act also represents a thorough legal reaction by introducing modifications to the Mental Health Act and the Criminal Procedure Code.

⁴² 'Mental Healthcare Act, 2017' (India Code, 1 January 1970) <https://www.indiacode.nic.in/handle/123456789/2249#:~:text=India%20Code%3A%20Mental%20Healthcare%20Act,Go!&text=Long%20Title%3A,connected%20therewith%20or%20incidental%20thereto.> (accessed 11 December 2023).

⁴³ R Ranjan and others, '(De-) Criminalization of Attempted Suicide in India: A Review' (2014) 23 *Industrial Psychiatry Journal* 4.

⁴⁴ CodeBlue, 'Dewan Rakyat Passes Amendments to Mental Health Act' (CodeBlue, 26 May 2023) <https://codeblue.galencentre.org/2023/05/24/dewan-rakyat-passes-amendments-to-mental-health->

4.3.2 Lessons for Kenya

Kenya should take a cue from Malaysia's approach, especially in acknowledging the significance of addressing issues that contribute to attempted suicide in addition to the act itself. Making aiding and abetting suicide illegal emphasizes the necessity for a comprehensive legal system that takes into account the larger social context and aids in suicide case prevention and intervention. Furthermore, the implementation of a crisis intervention framework demonstrates Malaysia's dedication to preventative mental health measures.

5. Conclusion

Overall, this paper synthesizes the key findings from the comparative analysis, emphasizing their collective impact on the argument for decriminalization in Kenya. Based on the study it's evident that decriminalizing suicide in Kenya just like other jurisdictions that have followed the same route is likely to decrease the overall suicide rates in Kenya, which are relatively high. The rationale for the decreased rates of suicide is that the persons at risk are likely to seek help from the community of professionals who will be able to help work through preventing suicide.

The study reiterates the importance of aligning legal frameworks with contemporary understandings of mental health and its nexus to human rights. Kenya is at a turning point in its legal reform process about attempted suicide. The transforming force of legislative and judicial measures is exemplified by the experiences of Ghana, India, and Malaysia. Kenya can set the stage for a legal system that supports people

[act/#:~:text=On%20Monday%2C%20the%20Dewan%20Rakyat,both%20%E2%80%94%20from%20the%20Penal%20Code.](#) (accessed 11 December 2023).

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with mental health issues in a way that is more caring, understanding, and rights-focused by taking cues from these comparative viewpoints.

Additionally, the potential positive effects on suicide prevention efforts and the overall well-being of individuals grappling with mental health challenges are highlighted, leaving readers with a compelling case for urgent legal reform in Kenya.

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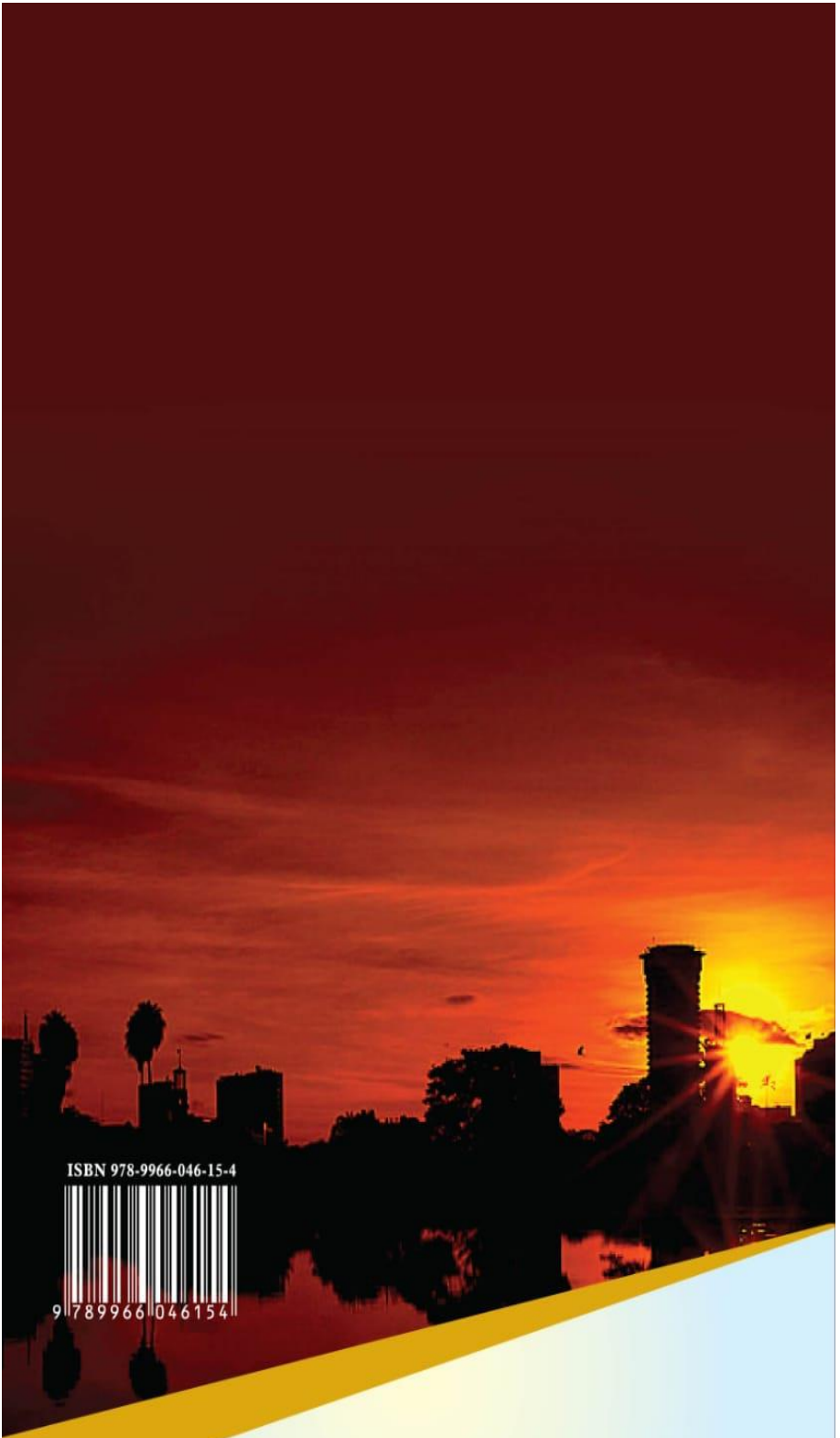
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