

Suicide decriminalised in Kenya with milestone ruling

Langue Anglais

On 9 January 2025, High Court Judge Lawrence Mugambi declared that Section 226 of the Kenyan Penal Code, which makes suicide a criminal offence, is unconstitutional.

The criminalisation of suicide in many countries, including Kenya, is a legacy of the colonial era. Section 226 punished individuals for “attempting suicide” with up to two years in prison.

It was found to violate constitutional guarantees of dignity, equality, and the right to the highest attainable standard of health. This ruling sets an important precedent which other nations in Africa may follow. It is being celebrated as a major milestone and victory by mental health advocates, who have long called for changes to the law to recognise suicide as a mental health issue and not a crime.

Charity Muturi* was a leading petitioner in this landmark case, working closely with NCD Alliance Kenya. She argued that decriminalizing suicide was an important step to ensuring that people living with mental health disorders are able to seek care when it is needed. Two months prior to the ruling, Charity herself died by suicide.

“We welcome this landmark ruling to decriminalise suicide in Kenya and believe it is a critical step towards shifting societal perceptions and challenging stigma around suicide. Charity’s life and work are a call to action for each of us to confront stigma and ensure survivors of suicide attempts are treated with dignity and compassion.”- Dr Catherine Karakezi, Executive Director of NCD Alliance Kenya.

While this ruling can be considered a victory, there is work that remains to be done. NCD advocates continue to call on Kenya to shift to a human rights-centred approach, integrating mental health into primary healthcare systems, and guarantee accessible, affordable, and comprehensive support for all.

**Charity Muturi was a passionate mental health advocate who worked closely with the NCD Alliance as a member of the Our Views, Our Voices Global Advisory Committee, campaigning to put people first in the NCD response globally. Despite her own struggles with mental health, Charity was dedicated to fighting for systems change,*

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including to ensure that suicide in Kenya is not treated as a crime but as a public health issue that requires a compassionate mental health system. This ruling is an important legacy of Charity's advocacy work.

Charity also worked closely with NCD Alliance Kenya at the national level to advance mental health policies as part of the Kenya Mental Health Taskforce and worked tirelessly to ensure people with lived experience can play an active role in policy and decision-making processes that affect their health.

Charity is sadly missed by the NCD Alliance team and many others. She made great contributions to improving life for all Kenyans living with mental health conditions. Her legacy and memory will live on.

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