



POLICY BRIEF ON
**DECRIMINALIZING
ATTEMPTED
SUICIDE IN
NIGERIA**

**Nigerian
Mental
Health**



Decriminalize
Attempted
Suicide
in Nigeria

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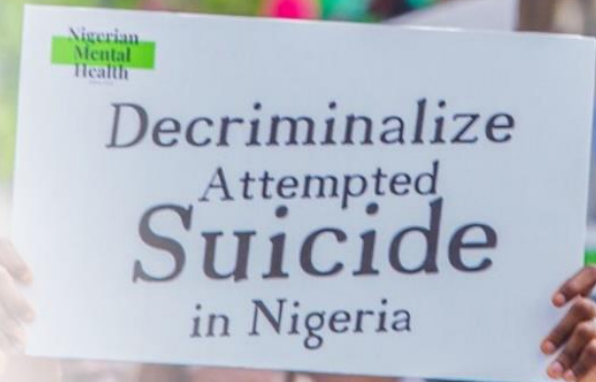
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Our deepest appreciation goes to the numerous organizations whose engagements have played an integral role in shaping the insights and contributing to the advocacy of this policy brief and campaign for decriminalization of suicide in Nigeria.


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The primary aim of this policy brief is to advocate for the decriminalization of attempted suicide in Nigeria. Our goal is to drive legislative and societal change, ultimately transforming suicide from a criminal offense to a public health concern.

Executive Summary

In December 2022, 40 of Nigeria's leading mental health organizations called for the decriminalization of attempted suicide in Nigeria to strengthen implementation of the recently adopted National Mental Health Act. Nigerian government should immediately repeal these statutes because they are colonial, ineffective, increase suicide (especially among women), contravene global decriminalization trends, reduce reliable national suicide data, legally discriminate against those with mental health conditions, stigmatize, and violate human rights provisions of international accords the country has acceded to. Suicide should be treated as a public health issue, not a judicial one. Individuals who attempt to take their life need support, not jail. Government should not prohibit behavior that will deter people from seeking help in moments of acute crisis but instead adopt alternative evidence-based approaches proven effective for reducing suicide.



Introduction

On December 30, 2022, President Muhammad Buhari made history by signing the National Mental Health Bill 2021 into law, marking a major milestone in Nigeria’s efforts to improve support for psychosocial well-being.¹ The new Mental Health Act is the first legislative reform adopted in the field since the country’s Independence.

The regulation establishes human rights protections for those with mental health conditions, such as banning discrimination in housing, employment, medical, and other social services. It guarantees that those receiving treatments have the right to participate in the formulation of their medical plans and cannot have forced treatment, seclusion, or other methods of restraint — common practices in mental health facilities² — without appropriate safeguards. It also improves care, enhances the management of medical services, and enshrines dignity and access to information. Previous legislation was outdated and inhumane, based on a regulatory regime that had colonial origins.

For this Administration to consolidate gains made by the Mental Health Act in advancing human rights and affirming the disability community, it is important that it enact other critical regulatory reforms for those with mental health conditions. An important one would be decriminalizing attempted suicide, defined as when someone harms themselves with the intent to end their life but does not die due to their action.³ Currently, attempted suicide is illegal according to Nigeria’s Criminal and Penal Codes and penalizes citizens with a one-year jail term.

Coordinated by Nigerian Mental Health, the largest multidisciplinary network of mental health practitioners, thought leaders, and organizations actively leading efforts to improve psychosocial well-being in the country, 40 mental health-focused organizations signed an Open Letter calling for this legal change. These organizations include the four leading professional bodies in the field — the Association of Psychiatrists in Nigeria, the National Association of Clinical Psychologists, the Association of Medical Social Workers of Nigeria, and the Association of Psychiatric Nurses of Nigeria — who recommend that government repeals the legal penalties and criminal sanction for those who attempt suicide to encourage help-seeking behavior that will ensure effective dispensation of the Mental Health Act.⁴

¹ Ileyemi, Mariam. “Buhari Signs Mental Health Bill after Two Failed Attempts.” *Premium Times Nigeria*, Premium Times, 11 Jan. 2023, <https://www.premiumtimesng.com/news/headlines/575072-buhari-signs-mental-health-bill-after-two-failed-attempts.html>.

² Sharma, Kriti. “Living in Chains”. *Human Rights Watch*, 2020. <https://www.hrw.org/report/2020/10/06/living-chains/shackling-people-psychosocial-disabilities-worldwide#:~:text=Human%20Rights%20Watch%20research%20in,in%20government%20run%20rehabilitation%20centers>.

³ Center For Disease Control. “Facts about Suicide.” *CDC.gov*, 12 Jan. 2023, <http://cdc.gov/suicide/facts/index.html>.

⁴ Nigerian Mental Health — “PRESS RELEASE: 40 CSOs Encourage Presidential Assent of National Mental Health Bill”. *Nigerianmentalhealth.org*, <https://static1.squarespace.com/static/63438980e505485cb3299aad/t/63934ecc2552f5c65142bac/1670598348916/National%2BAssembly%2BPasses%2BMental%2BHealth%2BBill%2Bto%2BPresident%2BFinal%2BPress%2BRelease.pdf&sa=D&source=docs&ust=1674128755165751&usq=AOvVaw33jKE3Va7wEV4zzONJdaXL>. Accessed 19 Jan. 2023.

Government officials and policymakers should act immediately to support the successful implementation of the Mental Health Act and its principal objective to support psychologically vulnerable citizens during suicidal ideations and other sensitive situations. Suicide is a significant public health issue and remains a leading cause of death worldwide.^{5,6} Every year, more people die due to suicide than HIV, malaria - or any violent death, even homicide, war, or terrorist attack.^{5,7} According to the World Health Organization (WHO), Nigeria has the most incidences of depression in Africa.⁸ As a result, the country ranks 15th in global suicide rates, with an estimated age-standardized suicide rate of 17.3 persons per 100,000 people.^{9,10} This statistic makes Nigeria the country with the seventh-highest suicide rate in Africa. Decriminalizing attempted suicide can help reverse this trend by ensuring that citizens do not fear prosecution if they exhibit suicidal behavior. This will enable them to receive early interventions from their community and mental health professionals, now empowered by the new Mental Health Act, to prevent the scourge of suicide.

Nigeria Criminizes Attempted Suicide

Attempted suicide, also known as "nonfatal suicidal behavior," "failed suicide attempt," "nonfatal suicidal attempt," or "parasuicide," is regarded as a crime in a limited number of nations,¹¹ including Nigeria. Section 327 of the country's Criminal Code Act criminalizes attempted suicide. Section 327¹² stipulates: 'Any person who attempts to kill himself is guilty of a misdemeanour, and is liable to imprisonment for one year'. Nigerian law also criminalizes the aiding and abatement of suicide.¹³

Also, Section 231 of the Northern Nigeria Penal Code^{14,15} prescribes that: "Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with imprisonment for a term which may extend to one year or with fine or with both."

⁵ World Health Organization. "One in 100 Deaths Is by Suicide." *WHO.int*, <https://www.who.int/news/item/17-06-2021-one-in-100-deaths-is-by-suicide>. Accessed 31 Jan. 2023.

⁶ Antoon A. "SUICIDE AND HUMAN RIGHTS: A Suicidologist's Perspective." *Harvard.edu*, p. 1. <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2014/04/8-Antoon.pdf>. Accessed 31 Jan. 2023.

⁷ World Health Organization. "Suicide In The World: Global Health Estimates, *WHO.int*, p. 6. <https://apps.who.int/iris/bitstream/handle/10665/326948/WHO-MSD-MER-19.3-eng.pdf>. Accessed 31 Jan. 2023.

⁸ World Health Organization. "Depression and Other Common Mental Disorders: Global Health Estimates." *WHO.int*, p. 17. <https://apps.who.int/iris/bitstream/handle/10665/254610/WHO-MSD-MER-2017.2-eng.pdf?sequence=1>. Accessed 31 Jan. 2023.

⁹ "Africa's First Independent Fact-Checking Organisation." *Africa Check*, <https://africacheck.org/who-we-are>. Accessed 19 Jan. 2023.

¹⁰ Motunrayo. "Nigeria Ranked '15th in the World' for Suicide - but Lesotho Tops African List." *Africa Check*, 10 July 2019, <https://africacheck.org/fact-checks/reports/nigeria-ranked-15th-world-suicide-lesotho-tops-african-list>.

¹¹ Ndour, Pape Abdou. "Anti-suicide laws in nine African countries: Criminalization, prosecution and penalization." *Wathi.org*, 29 Nov. 2019, <https://www.wathi.org/anti-suicide-laws-in-nine-african-countries-criminalization-prosecution-and-penalization/>.

¹² JURIST. "Section 327 of the Criminal Code Act in Nigeria. Attempting to Commit Suicide." *Jurist.Ng*, https://jurist.ng/criminal_code_act/sec-327. Accessed 19 Jan. 2023.

¹³ JURIST. "Section 326 of the Criminal Code Act in Nigeria. Aiding Suicide." *Jurist.Ng*, https://jurist.ng/criminal_code_act/sec-326. Accessed 22 Jan. 2023.

¹⁴ Opejobi, Seun. "Psychologist Counters Lawyer on Criminalization of Attempted Suicide in Nigeria." *Daily Post Nigeria*, 23 Mar. 2022, <https://dailypost.ng/2022/03/23/psychologist-counters-lawyer-on-criminalization-of-attempted-suicide-in-nigeria/>.

¹⁵ "Penal Code Law Compressed." *Gov.Ng*, <https://moj.ig.gov.ng/wp-content/uploads/2021/02/PENAL-CODE-LAW-compressed.pdf>. Accessed 19 Jan. 2023.

Although some allege that there are no prosecutions for this crime, which is inaccurate. For instance, in Lagos, there is a documented case by CNN¹⁶ of a young Nigerian man detained and subjected to a lengthy legal process in 2017 after an attempt on his life. Section 235 of the Lagos Criminal Law, indicates a person convicted of attempted suicide must be subject to a hospitalization order made by the court.¹⁷ Additionally, Punch newspaper reported about Solomon Okon, a jobless man, held by the police for more than a month for allegedly drinking poison after receiving a letter terminating his employment.¹⁸ Nigeria's current legal regime, which makes attempted suicide a criminal offense, is causing the country unfavorable domestic and international media attention.

The decriminalization of suicide and suicide attempts is a critical step that governments can take in their efforts to prevent suicide, as outlined in WHO's Comprehensive Mental Health Action Plan 2013–2030,¹⁹ adopted by the Sixty-sixth World Health Assembly in May 2013.²⁰

Suicide is Not a Crime

Criminalizing attempted suicide should be eliminated immediately because it no longer serves the nation. There are many reasons why the law should be repealed:

- **Colonial** - The criminalization of attempted suicide has a long history and has been impacted by various causes, such as politics, colonization, and religion. Spiritual and religious viewpoints first influenced suicide prohibition initiatives. As an illustration, Saint Augustine's early writings interpreted the Christian injunction "thou shall not kill" (the sixth commandment) to encompass ending one's own life, which led many people who attempted suicide to be excommunicated from the church and many who died by suicide to be buried outside of consecrated grounds.^{21,22} These grave sites were often put at road junctions so that beggars would trample on them¹³ or disgracefully on highways while the deceased possessions would be forfeited to the crown.²³ This was the prominent rationale behind the criminalization of suicide in many Judeo-Christian countries. Similarly, according to Sharia Law (an ethical framework that

¹⁶ Busari, Stephanie. "Locked up for Trying to Take His Own Life, in a Country Where It's a Crime to Attempt Suicide." *CNN*, Dec. 2018, <https://www.cnn.com/2018/12/30/health/imprisoned-suicide-illegal-nigeria-intl/index.html>.

¹⁷ Law Nigeria. "Lagos State Criminal Law." *Lawnigeria.com*, 2 Mar. 2018, <https://laws.lawnigeria.com/2018/03/02/lagos-state-criminal-law/>.

¹⁸ Akinkuotu, Eniola. "Police Detain Jobless Youth for Attempted Suicide, Court Grants N200,000 Bail." *Punch Newspapers*, Punch Newspaper, 30 Sept. 2020, <https://punchng.com/police-detain-jobless-youth-for-attempted-suicide-court-grants-n200000-bail/>.

¹⁹ <https://www.who.int/publications/item/9789240031029>

²⁰ https://apps.who.int/gb/ebwha/pdf_files/WHA66-REC1/WHA66_2013_REC1_complete.pdf

²¹ Talbot, Marianne, and TPM: The Philosophers' Magazine. "Assisted Dying." *The Philosophers Magazine*, no. 68, 2015, pp. 38–42, <https://doi.org/10.5840/tpm2015689>.

²² McLaughlin, Columba. "Suicide-Related Behaviour: Understanding, Caring and Therapeutic Responses". *John Wiley & Sons*, 2007, p. 24. <https://books.google.at/books?id=I2FJRbkdC8C>.

²³ Fenton, Justin. "Attempting suicide is not a crime under Maryland law. But an Eastern Shore man was convicted of it." *Baltimoresun.com*, <https://www.baltimoresun.com/news/crime/bs-md-suicide-criminal-charge-20180222-story.html>. Accessed 22 Jan. 2023.

guides many Islamic states' legal procedures), suicide is considered a sin in the Islamic tradition.²⁴

The interplay of religion and politics led to the crime evolving from a crime against faith to a crime against the state. According to British Common Law, one had no right to end one's life because it belonged to the state,²⁵ and a suitable punishment for this could be death by hanging.²⁶

Most countries and territories where attempted suicide is prohibited are former British colonies. In fact, out of the approximately 18 countries that still criminalize attempted suicide, only one is not a product of British colonization or a current Commonwealth (an association headed by Charles the III, King of the United Kingdom) country, Lebanon.²⁷ Writ large existing anti-suicide laws are a part of the body of rules imposed on society in each of these nations during the time of colonial rule. Despite achieving political independence, several of United Kingdom's former colonies still have legal systems that criminalize and punish non-fatal suicidal behavior. For instance, Maryland, a state in America, still allows prosecution of attempted suicide under English Common laws in place before the United States became independent in 1776.²⁸



²⁴ Lester, David. "Suicide and Islam." *Archives of Suicide Research: Official Journal of the International Academy for Suicide Research*, vol. 10, no. 1, 2006, pp. 77–97, <https://doi.org/10.1080/13811110500318489>.

²⁵ "Suicide Decriminalisation." *United for Global Mental Health*, 25 May 2022, https://unitedgmh.org/knowledge-hub/suicide-decriminalisation/?utm_campaign=SuicideDecrimReport&utm_medium=referral&utm_source=vip&utm_content=SuicideDecrimReport.

²⁶ Holt, Gerry. "When Suicide Was Illegal." *BBC*, BBC News, 3 Aug. 2011, <https://www.bbc.com/news/magazine-14374296>.

²⁷ See Appendix 1 on page 5.

²⁸ Fenton, Justin. "Attempting Suicide Is Not a Crime under Maryland Law. But an Eastern Shore Man Was Convicted of It." *Baltimoresun.com*, 23 Feb. 2018, <https://www.baltimoresun.com/news/crime/bs-md-suicide-criminal-charge-20180222-story.html>.

APPENDIX 1

#	NAME OF COUNTRY	REGION	COLONIZATION STATUS	COMMONWEALTH STATUS
1.	Bahamas	North America	Yes	Yes
2.	Bangladesh	Asia	No (formerly region called Bengal part of "British India" and partitioned by Britain into modern Bangladesh in 1947)	Yes
3.	Brunei (formerly British Borneo)	Asia	Yes	Yes
4.	Gambia	Africa	Yes (by the British & the French)	Yes
5.	Kenya	Africa	Yes	Yes
6.	Lebanon	Asia	No	No
7.	Malawi (formerly Nyasaland)	Africa	Yes	Yes
8.	Myanmar (formerly Burma)	Asia	Yes	No
9.	Nigeria	Africa	Yes	Yes
10.	Papua New Guinea (formerly British New Guinea or Papua Territory)	Oceania	Yes	Yes
11.	Qatar	Asia	Yes	No
12.	Saint Lucia	North America	Yes	Yes
13.	Somalia	Africa	Yes	No
14.	South Sudan	Africa	No (formerly part of Sudan, which was colonized by the British)	No (launched a bid to join)
15.	Sudan	Africa	Yes	No
16.	Tanzania (formerly Tanganyika Territory)	Africa	Yes	Yes
17.	Tonga	Oceania	Yes	Yes
18.	Uganda	Africa	Yes	Yes

Only country not a product of British colonization or a current Commonwealth member country.

Sources: United For Global Mental Health Report 2020,²⁹ The British Empire Website,³⁰ Commonwealth Member Country Directory,³¹ BBC Country Timelines Directory³²

The United Kingdom abolished this law under the Suicide Act of 1961 after Nigeria gained independence in 1960. However, post-colonial Nigeria still upholds this British-era criminalization of attempted suicide. Like this imperialist law, the historical roots of Nigeria's general mental health regulatory framework date back over a century ago to 1916. Starting as an ordinance in the British colonial period, the statute became codified as a law called the Lunacy Act of 1958.³³ The country has now adopted the new Mental Health Act, which replaces the colonial Lunacy Act. It is now time to do the same with the other major imperialist legal vestiges in the mental health field and end the criminalization of attempted suicide. The law is a product of an imposed ancient

²⁹"Suicide Decriminalisation." United for Global Mental Health, 25 May 2022, <https://unitedgmh.org/knowledge-hub/suicide-decriminalisation/>.

³⁰ "Entering and Exiting the British Empire." Britishempire.co.uk, <https://www.britishempire.co.uk/timeline/colonies.htm>. Accessed 18 Feb. 2023.

³¹ Commonwealth. "Member Countries." <https://thecommonwealth.org/our-member-countries>.

³² BBC. "Country Profile Timeline" https://www.bbc.co.uk/search?q=country+profile+timeline&d=news_gnl.

³³ Asonye, Chime. "Mental Health Legislation Could Help Nigeria Survive COVID-19." *CNBC Africa*, 29 July 2020, <https://www.cnbc.com/2020/mental-health-legislation-could-help-nigeria-survive-covid-19/>.

doctrine, not a reflection of current cultural and religious beliefs. It harkens to a time when mental health was sorely misunderstood, and those with mental health conditions were abused.

- **Ineffective** - Nigerians continue to die due to suicide despite the law. Nigeria still remains one of the epicenters of suicide in the world, with a World Health Organization current age-standardized suicide estimate of 17.3 per 100,000, which is higher than the global (10.5 per 100,000) and Africa (12.0 per 100,000) estimates.³⁴ The law has failed because the criminalization of suicide does not address the root causes that precipitated the suicidal behavior. According to the Centers for Disease Control and Prevention, many who attempt suicide have a mental health issue, mostly depression.³⁵ This precarious psychological state is exacerbated by criminal prosecution. A qualitative study reviewing 20 attempted suicide prosecutions reported by media in Ghana, Nigeria's West African neighbor, concluded that legal proceedings heightened the suicidal persons' risk of depression and anxiety and elevated their probability of death.^{36,37} Rather than being offered the support they need, those who attempted to take their life are arrested and usually subjected to extortion from judicial, medical, or security personnel along with their family members.

Additional research supports that legal sanctions are inappropriate. A report³⁸ by United for Global Mental Health, a leading mental health advocacy organization, notes that criminalizing suicide does not deter people from committing suicide based on surveys carried out in countries that have criminalized attempted suicide and those that have decriminalized attempted suicide. The report recommends alternative mechanisms,³⁹ verified by the World Health Organization (WHO), to prevent suicide, such as improved psychosocial support services or controlling access to pesticides (e.g., sniper) which individuals often use when trying to take their life.

- **Increases suicide, particularly among women** - The World Health Organization (WHO) highlights that the act of criminalizing suicide serves as a deterrent, dissuading individuals from seeking help for their mental well-being—whether it be from their family, friends, the broader community, or healthcare professionals. Also, punitive

³⁴ World Health Organization. "Suicide in the World: Global Health Estimates." *WHO.int*, p. 20.

<https://apps.who.int/iris/bitstream/handle/10665/326948/WHO-MSD-MER-19.3-eng.pdf>. Accessed 22 Jan. 2023.

³⁵ Center For Disease Control. "Suicide Is a Leading Cause of Death." *CDC.gov*, p. 1. https://www.cdc.gov/suicide/pdf/NCIPC-Suicide-FactSheet-508_FINAL.pdf. Accessed 19 Jan. 2023.

³⁶ Wu, Kevin Chien-Chang, et al. "Criminalisation of Suicide and Suicide Rates: An Ecological Study of 171 Countries in the World." *BMJ Open*, vol. 12, no. 2, 2022, doi:10.1136/bmjopen-2021-049425.

<https://bmjopen.bmj.com/content/12/2/e049425%23xref-ref-7-1&sa=D&source=docs&ust=1675152911640986&usg=AOvVaw3CwacQils9FgrXx-o8z-zm>

³⁷ Adinkrah, Mensah. "Criminal Prosecution of Suicide Attempt Survivors in Ghana." *International Journal of Offender Therapy and Comparative Criminology*, vol. 57, no. 12, 2013, pp. 1477–1497, doi:10.1177/0306624X12456986.

https://pubmed.ncbi.nlm.nih.gov/22923775/&sa=D&source=docs&ust=1675152911641146&usg=AOvVaw30RaGyP3lYDFDgo5hg_huC

³⁸ "Suicide Decriminalisation." *United for Global Mental Health*, 25 May 2022. <https://unitedgmh.org/knowledge-hub/suicide-decriminalisation/>.

³⁹ World Health Organization. "Prevention of Mental Disorders." *WHO.int*, pp. 51-52.

https://apps.who.int/iris/bitstream/handle/10665/43027/924159215X_eng.pdf?sequence=1&isAllowed=y. Accessed 19 Jan. 2023.

measures not only fail to provide support to individuals who have potentially attempted suicide but also act as a barrier for their family members and caregivers to seek help on their behalf. This isolation and lack of support can elevate the risk of further suicide attempts and suicides.⁴⁰ According to the organization, no data or case reports indicate that decriminalization increases suicides; in fact, it concludes that suicide rates tend to decline in countries after decriminalization.

Did you know?

Out of 54 nations on the Continent, Nigeria is one of only nine African countries that still criminalizes attempted suicide.

The first study to systematically examine the association between the criminalization of suicide and suicide rates on a global scale was published in 2022 by *BMJ Public Health*, a British Medical Association-owned, open-access, peer-reviewed journal. It found that suicide rates were higher in countries with criminal punishment of the act, especially among women.⁴¹ These findings held even when the Human Development Index (HDI), majority religious affiliations, and the national unemployment rate were all controlled for in countries. Adverse effects were specifically statistically significant for women in non-Muslim countries and nations with lower HDI, such as Nigeria, which has an HDI index that places it in the bottom quarter of the world.⁴² The authors reasoned that criminalization of suicidal behavior not only reduces a suicidal women's willingness to receive help but also pushes them *to use more lethal means to inflict self-harm* to avoid criminal prosecution or the social stigma commonly faced thereafter. As a result, laws criminalizing attempted suicide and a non-supportive, patriarchal culture have a disparate gendered impact of increased suicide risk among women.

- **Contrary to global trends:** According to WHO, at the beginning of the nineteenth century, most countries worldwide had laws that provided for punishment, including jail sentences, for people who attempted suicide.⁴³ However, in the last 50 years, the situation has changed significantly. Most, but not all, countries have decriminalized suicide. To date, approximately 18 countries globally still regard attempted suicide as a crime; they include Bahamas, Bangladesh, Brunei, **Gambia, Kenya**, Lebanon, **Malawi**, Myanmar, **Nigeria**, Papua New Guinea, Qatar, Saint Lucia, Somalia, **South Sudan, Sudan, Tanzania**, Tonga, and **Uganda** (African countries bolded).⁴⁴

⁴⁰ World Health Organization. "Preventing Suicide: A Global Imperative". *WHO.int*, 2014, p. 54.

<https://www.who.int/publications/i/item/9789241564779>

⁴¹ Wu, Kevin Chien-Chang, et al. "Criminalisation of Suicide and Suicide Rates: An Ecological Study of 171 Countries in the World." *BMJ Open*, vol. 12, no. 2, 2022, doi:10.1136/bmjopen-2021-049425.

<https://bmjopen.bmj.com/content/12/2/e049425#ref-7>.

⁴² The Global Economy. "Human Development by Country, around the World." *Theglobaleconomy.com*, https://www.theglobaleconomy.com/rankings/human_development/. Accessed 31 Jan. 2023.

⁴³ World Health Organization. "Preventing Suicide: A Global Imperative". *WHO.int*, 2014, p 51.

<https://www.who.int/publications/i/item/9789241564779>

⁴⁴ Wikipedia contributors. "Suicide Legislation." *Wikipedia, The Free Encyclopedia*, 20 Nov. 2022, https://en.wikipedia.org/w/index.php?title=Suicide_legislation&oldid=1122842959.

Other international accords have continued to make mental health a priority and call for changes in national policies toward suicide. In 2021 at the Seventy-fourth World Health Assembly, 194 nations,⁴⁵ including Nigeria, made a commitment to decriminalizing suicide as a result of endorsing the World Health Organization Mental Health Action Plan 2020–2030, which asked for the implementation of human rights-oriented policies and laws to address suicide.⁴⁶ In addition, the suicide mortality rate was made an indicator of target 3.4 of the Sustainable Development Goals (SDGs): to reduce by one-third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being.⁴⁷ The SDGs are considered the world’s global blueprint for development that all 191 UN Member States have agreed to achieve by 2030.⁴⁸

The tide on global suicide policy has changed to an improved understanding of it as a critical development challenge. The leading nations in the world, as represented by the Group of Twenty (G20) – the primary forum for international socioeconomic cooperation and influence comprised of the largest global economies, including both industrialized and developing nations – have all abolished this crude legal regime. Nigeria must take a stand as the giant of Africa to expunge the criminalization of attempted suicide, a dying global practice.

- **Reduced Data** - statistics on the number of suicide attempts are likely to be highly untrustworthy in nations where attempting suicide is criminal. WHO posits that given the sensitive and illegal nature of suicidal behavior in some countries, the result is under-reporting and misclassification for issues related to suicide – more than many other causes of death. The wrong assignment of suicide death manifests in many ways to erroneously reporting it as accidental deaths, deaths of undetermined intent or unknown cause, or other inaccurate classifications.

Globally, the availability and quality of data on suicide and suicide attempts are poor. Only 80 WHO Member States of 183 have good-quality vital registration data that can be used directly to estimate suicide rates.⁴⁹ Nigeria is not one of these countries.⁵⁰

⁴⁵ “WHO Countries”. *Archive.org*, <https://web.archive.org/web/20040821102654/http://www.who.int/countries/en/>. Accessed 23 Jan. 2023.

⁴⁶ World Health Organization. “Comprehensive Mental Health Action Plan 2013–2030”. *WHO.int*, 2021. <https://www.who.int/publications/i/item/9789240031029>

⁴⁷ World Health Organization. “SDG Target 3.4 Non-Communicable Diseases and Mental Health.” *WHO.int*, https://www.who.int/data/gho/data/themes/topics/sdg-target-3_4-noncommunicable-diseases-and-mental-health. Accessed 31 Jan. 2023.

⁴⁸ Gigliotti, Massimo, et al. “The Sustainable Development Goals.” *Encyclopedia of Ecology*, Elsevier, 2019, pp. 426–431. <https://www.who.int/data/gho/data/themes/sustainable-development-goals#:~:text=The%20United%20Nations%20Sustainable%20Development,achieve%20by%20the%20year%202030>

⁴⁹ World Health Organization. “Suicide Data Quality.” *WHO.int*, <https://www.who.int/teams/mental-health-and-substance-use/data-research/suicide-data-quality>. Accessed 23 Jan. 2023.

⁵⁰ World Health Organization. “Data Quality of Age Standardized Suicide Rates 2019”. *WHO.int*, https://www.who.int/images/default-source/departments/mental-health/suicide/map_suicide_2019.png?sfvrsn=b406e967_5. Accessed 23 Jan. 2023.

Improved surveillance, monitoring of suicide and suicide attempts, and a regulatory environment that facilitates these efforts are required for effective suicide prevention strategies. Cross-national differences in the patterns of suicide and changes in the rates, characteristics, and methods of suicide, highlight the need for Nigeria to improve the comprehensiveness, quality, and timeliness of its suicide-related data. This includes vital registration of suicides, hospital-based registries of suicide attempts, and nationally representative surveys collecting information about self-reported suicide attempts. Criminalization leads to an under-reporting of suicide and suicide attempts, resulting in an inaccurate picture of the scale of the problem and less urgency in devoting resources needed to deal with the challenge. The removal of legal penalties for attempted suicide facilitates the gathering of precise prevalence data, providing a foundation for effective planning and the execution of suitable suicide prevention strategies. Indeed, the precision and quality in reporting suicide attempts and suicides are pivotal, considering that suicide is a multifaceted public health concern demanding collaborative efforts from various sectors, including health, education, agriculture, justice, and humanitarian affairs, among others.

A past suicide attempt is one of the strongest predictors of completing suicide.⁵¹ Also, for every completed suicide, there are more than 20 suicide attempts.⁵² These global statistics demonstrate the correlation between attempted suicide, the completion of the fatal act, and the importance of precise information to understand the true extent of the problem. WHO recommends that “all nations should review their legal provisions in relation to suicide to ensure they do not deter people from seeking help.”⁵³

- **Discriminatory:** Criminalizing suicide is unfair and prejudicial against individuals with mental health conditions.⁵⁴ Instead, statutes governing attempted suicide should model other substantive bodies of Nigerian law where mental health is at issue.

One example is the *insanity defense*, which is in the Criminal and Penal Codes of both the Southern and Northern States. It absolves an individual of criminal liability if they are found to be in a state of “mental disease or natural mental infirmity” at the time of the act.

⁵¹ Mayo Clinic. “Suicide Attempt a Stronger Predictor of Completed Suicide than Previously Thought.” *Science Daily*, Sept. 2016, <https://www.sciencedaily.com/releases/2016/09/160912161259.htm>.

⁵² “Suicide Prevention.” *WHO.int*, <https://www.who.int/health-topics/suicide>. Accessed 19 Jan. 2023.

⁵³ *WHO.int*, “Preventing Suicide”, p.51. <https://www.euro.who.int/en/publications/abstracts/preventing-suicide-a-global-imperative/preventing-suicide.-a-global-imperative-pdf.-3.750-kb>. Accessed 24 Jan. 2023.

⁵⁴ Researchgate.net, “Treatment not prosecution: the decriminalization of attempted suicide in Nigeria in relation to mental health issues.” https://www.researchgate.net/publication/342165624_TREATMENT_NOT_PROSECUTION_THE_DE_CRIMINALIZATION_OF_ATTEMPTED_SUICIDE_IN_NIGERIA_IN_RELATION_TO_MENTAL_HEALTH_ISSUES. Accessed 19 Jan. 2023.

According to Section 28 of the Criminal Code:

A person is not criminally responsible for an act or omission if, at the time of doing the act or making the omission, he is in such a state of mental disease or natural mental infirmity as to deprive him of the capacity to understand what he is doing or of the capacity to control his actions or of capacity to know that he ought not to do the act or make the omission.

Similarly, Section 51 of the Penal Code provides:

Nothing is an offense which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act or that he is doing what is either wrong or contrary to the law.

Sections 28 and 51 of the Criminal and Penal Codes (above) establish that those facing psychological vulnerabilities or mental health conditions lack the required mental elements to be held criminally liable because they have limited knowledge about their actions. Those who attempt suicide do so due to mental health challenges and are in states of emotional instability or extreme psychological pain. In trials for serious crimes like murder and manslaughter, the insanity defense has been used and upheld. As a foundational body of law, as it has to do with matters of safety, security, and death, it should be equally applied to instances of attempted suicide. Those who attempt suicide should not be deemed criminals and held accountable, as is done in other areas of the law, but instead shown support, assistance, and care.

- **Stigmatization:** Laws criminalizing suicide transform troubled persons into “criminals” that contribute to feelings of shame, disgrace, dishonor, and emotional strain that make it difficult to prevent, diagnose, and treat mental health conditions. This perpetuates a vicious cycle that increases suicide in the country, as potentially life-saving treatments are hampered. A study published in the Mediterranean Journal of Social Sciences used rehabilitation and ecological theory to research sociocultural factors affecting the reintegration of discharged prisoners in Anambra State, South East, Nigeria.⁵⁵ It showed that the criminalization of suicide and the stigmatization that comes with being convicted has a lasting impact on persons convicted as they have to live with the label of an “ex-convict” and permanent criminal record. This further limits their opportunities for self-actualization (e.g., getting a job in select professions, exercising their political franchise, etc.)

⁵⁵ *UMN.edu*, “Rehabilitating convicts in Nigeria.” p. 777.
<https://ageconsearch.umn.edu/record/295675/files/45.%20Rehabilitating%20convicts%20in%20Nigeria.pdf>. Accessed 19 Jan. 2023.

The Lancet Commission on ending stigma and discrimination in mental health,⁵⁶ established by the world's highest-impact medical journal, buttressed these findings stating that stigma and discrimination in mental health infringe on basic human rights (e.g., reduced job and education opportunities and access to health care, including mental health care) and can have serious consequences that create social exclusion.⁵⁷ To ameliorate these harms, the Commission called for changes to laws and policies, such as ending forced hospitalization and suicide decriminalization.

- **Human Rights:** Apart from its constitution, Nigeria has entered into two legally binding international treaties that govern human rights for persons with disabilities and establish broad principles for evaluating any Nigerian mental health law. First, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), ratified on July 29, 1993, "recognizes the right of everyone to the best possible physical and mental health."

Second, Nigeria has committed to implementing the African Human and People's Rights Charter. Apart from the language identical to the ICESCR, the Charter establishes a general right to an environment conducive to further development and specifically requires "special measures of protection" for disabled people. The existing legal penalties for attempted suicide create a negative regulatory environment for those psychologically vulnerable.

Recommendations

The goal of suicide prevention should be to stop suicide rather than to punish people who have tried and failed to take their lives. Instead, the following avenues should be pursued:

- **Expunge the Criminal and Penal Codes of making attempted suicide a criminal offense to facilitate its decriminalization:** Government must formulate policies for people to receive care instead of punishment. There are recent positive international illustrations to follow for this course of action. India⁵⁸ is an example that Nigeria should embody concerning decriminalizing attempted suicide. India and Nigeria share many commonalities as large democracies that are multi-religious and multi-ethnic, have emerged from similar historical pasts of British colonization, and are low and middle-income countries (LMICs). Recently India enacted the Mental Healthcare Act 2017. The 2017 Act imposes a duty on the Indian government to

⁵⁶ The Lancet. "Can We End Stigma and Discrimination in Mental Health?" *Lancet*, vol. 400, no. 10361, 2022, p. 1439, <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2822%2901470-2>.

⁵⁷ The Lancet. "Key Findings of the Commission". *Unitedgmh.org*, <https://unitedgmh.org/app/uploads/2022/09/Infographic-part-2-1.png>. Accessed 31 Jan. 2023.

⁵⁸ "The Mental Healthcare Act 2017." *Nic.In*, <https://egazette.nic.in/WriteReadData/2017/175248.pdf>. Accessed 19 Jan. 2023.

provide care, treatment, and rehabilitation to individuals who attempt suicide with a view to reducing the risk of reoccurrence of the behavior. Additionally, the Act decriminalizes attempted suicide which was punishable under section 309 of the Indian Penal Code.

- **Adopt alternative interventions advised by WHO:** WHO Member States, such as Nigeria, have committed themselves to work toward the worldwide goal of reducing the suicide rate in countries by one-third by 2030 in the WHO Mental Health Action Plan 2013–2030. As demonstrated, criminalizing attempted suicide is ineffective and counterproductive toward that objective. Suicide is a significant public health issue, yet it can be avoided with prompt, evidence-based, and frequently inexpensive interventions. A thorough multisectoral suicide prevention strategy is necessary for effective national responses.⁵⁹

WHO identified effective alternative intervention areas that policymakers should adopt to supplement suicide prevention strategies.⁶⁰ Some include:

- **Setting limitations to access:** Bans, restrictions, and policies that limit or prevent access to hazardous items used to commit suicide, such as firearms and pesticides, are recommended.
 - **Life skills training:** Developing adolescents' socioeconomic life skills is an effective suicide prevention intervention. Adolescence is a crucial time for life skills development and when mental health issues are more likely to arise.
 - **Early intervention:** People who have attempted suicide or are at risk of suicide can benefit from early identification, management, and follow-up. A suicide prevention strategy that gives people all the help and support they need is what WHO suggests.
- **Reject medical detention or other compulsory requirements that involve prosecution:** The UN Convention on the Rights of Persons with Disabilities (UN CRPD) prohibits discrimination against people with mental health conditions, and explicitly refers to forced hospitalization and forced drugging as violations of basic human rights.⁶¹ The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dr. Alice Jill Edwards, has also recommended

⁵⁹ "Suicide." WHO.int, <https://www.who.int/news-room/fact-sheets/detail/suicide>. Accessed 19 Jan. 2023.

⁶⁰ "National Suicide Prevention Strategies." WHO.int, p. 9.

<https://apps.who.int/iris/bitstream/handle/10665/279765/9789241515016-eng.pdf>. Accessed 24 Jan. 2023.

⁶¹ "The Convention On The Rights Of Persons With Disabilities Training Guide" OHCHR.org, p. 12.

https://www.ohchr.org/sites/default/files/Documents/Publications/CRPD_TrainingGuide_PTS19_EN_Accessible.pdf. Accessed 24 Jan. 2023.

that this involuntary treatment of forced hospitalization be abolished, as it is tantamount to torture.^{62,63,64}

Lagos State government, while making progressive strides in the field of decriminalizing suicide, still requires hospitalization in cases of attempted suicide under its 2011 criminal code.^{65,66} This is an important advancement and makes it a leader in sub-national approaches to mental health; however, the law still subjects individuals in fragile psychological states to detention, arraignment, and criminal prosecution of a simple offense before forced hospitalization. Individuals who are mentally vulnerable should not be subjected to stigmatizing prosecution, complicated legal processes, and potentially exploitative police and health officers who will use individuals' sensitive states to extract from them and take advantage of the law.

Other compulsory requirements that may be considered should also be dismissed. It is imperative to note that none of the countries that have decriminalized suicide, after extensive research and study of the issue, as a matter of public policy, have gone for softer criminal sanctions or mandated medical detention. Instead, they have decriminalized it in every instance, as other alternatives violate human rights.

WHO's new 'Guidance on community mental health services: promoting person-centered and rights-based approaches'⁶⁷ further affirms that mental health care must be grounded in a human rights-based approach. It calls for major reforms and a fundamental paradigm shift within the mental health field with a focus on promoting person-centered, recovery-oriented, and rights-based health interventions.

- **Stakeholder engagement:** Engage with relevant stakeholders to understand and dispel moral, cultural, or religious justifications for criminalization or justifications based on the notion of punishment as a deterrent to suicide. Stakeholders may include religious and community leaders, policymakers, parliamentarians and other politicians, mental health professionals, legislators, representatives from the criminal justice system, police as well as persons with lived experience, family members, and other relevant civil society stakeholders.

⁶² Tina Minkowitz, Esq. "UN Report: Involuntary Psychiatric Interventions 'May Well Amount to Torture.'" *Mad In America*, 5 Mar. 2020, <https://www.madinamerica.com/2020/03/report-psychiatric-interventions-torture/>.

⁶³ OHCHR. "Torture and other cruel, inhuman or degrading treatment of punishment." *OHCHR.org*, p. 11. https://www.ohchr.org/en/HRBodies/HRC/RegularSessions/Session43/Documents/A_HRC_43_49_AUV.docx. Accessed 24 Jan. 2023.

⁶⁴ Marchetti, Laura. "Mental Health Care Must Support Consent and Basic Human Rights." *Mad In America*, 11 Dec. 2021, <https://www.madinamerica.com/2021/12/mental-health-care-consent-human-rights/>.

⁶⁵ "Concern as Nigeria's Law Makes It a Crime to Attempt Suicide." *AllAfrica.com*, 11 Oct. 2021, <https://allafrica.com/view/group/main/main/id/00079837.html>.

⁶⁶ "Criminal Law of Lagos State." *Amazonaws.com*, p. 90. <https://s3-eu-west-1.amazonaws.com/s3.sourceafrica.net/documents/120445/Criminal-Law-of-Lagos-State.pdf>. Accessed 23 Jan. 2023.

⁶⁷ World Health Organization. (2021). Guidance on community mental health services: promoting person-centred and rights-based approaches. World Health Organization, p. 20. <https://apps.who.int/iris/bitstream/handle/10665/341648/9789240025707-eng.pdf?sequence=1&isAllowed=y>. License: CC BY-NC-SA 3.0 IGO

- **Develop a “post-decriminalization/transition” awareness program:** Train first responders (police/emergency health care/social service providers) and other law enforcement agencies that encounter persons at risk of suicide or self-harm in psychological first aid and crisis intervention education. Furthermore, train these groups along with public health and mental health professionals to build the necessary skills to respond effectively, non-coercively, and in ways that respect their dignity and rights. Linkage systems should also be created for quick referrals for needs assessment, safety plans, as well as mental health, suicide prevention, and other community-based services and support. Specialized training programs like QPR (Question, Persuade, Refer),⁶⁸ CIT (Crisis Intervention Training),⁶⁹ and Mental Health First Aid for Public Safety⁷⁰ are recommended. The Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS), has also created a Crisis Responder Training⁷¹ with funding from the Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (HHS).

Conclusion

It is essential to decriminalize attempted suicide and recognize this behavior as a public health issue. Suicide is a tragic endpoint of complex factors and one of the leading causes of death worldwide.⁷² Attempted suicide must be recognized as a cry for help that it is, rather than as a crime to be punished. Every 40 seconds, one person dies of suicide.⁷³ This form of structural violence must not continue; the time to act legally is now.

⁶⁸ QPR for law enforcement. (n.d.). Qprinstitute.com. Retrieved September 27, 2023, from

https://courses.qprinstitute.com/index.php?option=com_zoo&task=item&item_id=12&Itemid=101

⁶⁹ (N.d.). Citinternational.org. Retrieved September 27, 2023, from <http://www.citinternational.org/Learn-About-CIT>

⁷⁰ Mental Health First Aid. (2022, February 15). National Council for Mental Wellbeing.

<http://www.thenationalcouncil.org/about/mental-health-first-aid/mental-health-first-aid-public-safety/>

⁷¹ Suicide Prevention. (n.d.). Crisis Responder Training. Wwww.tn.gov. Retrieved September 27, 2023, from

https://www.tn.gov/content/dam/tn/mentalhealth/documents/Crisis%20Responder%20Training%20All_PDF.pdf

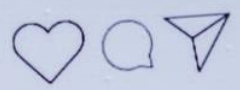
⁷² “Facts about Suicide.” CDC.gov, 12 Jan. 2023, <https://www.cdc.gov/suicide/facts/index.html>.

⁷³ “Suicide Prevention.” WHO.int, <https://www.who.int/health-topics/suicide>. Accessed 19 Jan. 2023.

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