

SPECIAL ISSUE

Kenya Gazette Supplement No. 211 (National Assembly Bills No. 53)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2024

NAIROBI, 29th November, 2024

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NATIONAL ASSEMBLY
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DIRECTOR LEGAL SERVICES
U. S. DEPARTMENT OF JUSTICE

THE PENAL CODE (AMENDMENT) BILL, 2024

A Bill for

AN ACT of Parliament to amend the Penal Code

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Penal Code (Amendment) Act, 2024. Short title.

2. The Penal Code Cap 63 is amended by repealing section 226. Repeal of section 226 of cap 63.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Penal Code to delete section 266. The proposed amendment will decriminalize suicide and enable attempted suicide to be seen as a serious problem requiring mental health interventions and not be treated as a criminal offence.

Reducing the global suicide rate by one third by 2030 is a target of both the United Nations (UN) Sustainable Development Goals (SDGs) and the World Health Organization (WHO) global Mental Health Action Plan. Various countries have committed to taking measures in this direction.

The World Health Organization (WHO) policy brief on decriminalization of suicide provides that an impediment to meeting this goal is the fact that suicide and suicide attempts remain illegal in at least twenty three countries worldwide. Decriminalization of suicide and suicide attempts represents one critical step governments can take in their efforts to prevent suicide. Further, criminalizing suicide will not prevent people from acting on suicidal thoughts, it simply stops them from reaching out and seeking help in times of acute crisis.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement of how the Bill concerns county governments

The Bill does not affect the functions of County governments as set out in the Fourth Schedule to the Constitution and is therefore not a Bill concerning county governments.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 28th November, 2024.

ANTHONY TOM OLUOCH,
Member of Parliament.

Section 226 of Cap 63 which it is proposed to amend—

226. Attempting suicide

Any person who attempts to kill himself is guilty of a misdemeanour.





