

**COPING WITH THE DENIAL OF SEXUAL RIGHTS FOR PRISONERS IN KAMITI
MAXIMUM SECURITY PRISON, KENYA**

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DECLARATION

This project paper is my original work and it has not been presented for a degree in any other university.

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This project paper has been submitted for examination with my approval as the university supervisor.

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DEDICATION

To my parents Shadrack Ogata and Patricia Nyakerario for their prayers and constant follow up on my progress.

To my siblings Eric, Godfrey, Lawrence and Emmanuel, for giving me a voice of reason and encouragement.

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ABSTRACT

This study set out to examine how the inmates in Kamiti Maximum prison cope with the denial of their sexual rights. The study was guided by the following objectives specific to describe how inmates deal with sexual feelings while in custody; to evaluate the consequences of denying prisoners sex; and to determine how prisoners cope with the denial of sex rights. This research utilized a descriptive research design. The study found that prisoners relieve their sexual desires through anal sex with fellow inmates and masturbation, through non-penetrative sex, oral sex, and penal sex. Some of them voluntarily agree while others are forced, resulting in rape cases. The study also found that prisoners frequently get the urge to have sex, but since conjugal visits are not allowed in prison they opt for other ways of satisfying the feelings. The study, therefore, concludes that denying prisoners sex results in increased sexual violence which is “gender-based” where perpetrators sexually abuse other men who are perceived to exhibit female qualities. On the basis of this, the study recommends that management of Kenya Prison Service should revise their policies and introduce a policy that will allow inmates to have conjugal visits. This will reduce the number of sexual violence in prisons. The study also recommends the punishment on inmates who commit prison offences and ensure that disciplinary action is taken against officers who abuse the rights of inmates.

LIST OF ABBREVIATIONS AND ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
HIV	Human Immunodeficiency Virus
KP	Kenyan Prisons
KPS	Kenya Prisons Service
SMR	Standard Minimum Rules
WHO	World Health Organization
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex

CHAPTER ONE

BACKGROUND TO THE STUDY

1.1 Introduction

In Africa a prison is perceived as a place of criminals, and prisoners are perceived as violent. Prisoners are at the risk of being sexually abused, which may be influenced by attraction towards fellow inmates (Wayne, 2014). Some of the prisoners were also convicted because of being involved in sexual harassment in the society. It is, therefore, important to address the issue of sex denial, which may be the main cause of sexual abuse in prison. Sexual abuse not only affects the inmates but it also affects the society at large since it is an immoral activity. The prisoners who abuse their inmates sexually may extend their behaviour to the society once they are out of prison and this may result in an increase in immorality in the society (Travis *et al.*, 2003).

According to Kimani (2007), it must be understood that from the outset imprisonment results in the denial of liberties and freedoms and is, as such, an unpleasant thing. One of the rights that an imprisoned person loses almost immediately is the right to liberty and freedoms of movement. These extend also to deprivation of their liberty and hence are kept away from other members of the public no matter the enormity of their offences. The Kenya Prison Service (KPS) is described as an institution mandated with the intention of accommodating and caring for those individuals who have been convicted because of criminal activities. The current statistics shows that there are 52,000 inmates in prisons across the country. There are 128 gazetted prisons with 3 Borstal institutions, 1 Youth Correctional Centre and 1 Juvenile Home. Prisoners are categorized into two: those in remand awaiting hearing and those who have been convicted (Otieno, 2015).

The prisoners are further subdivided into 5 categories of remanded, short-term, long-term, lifers and death row convicts. Omboto (2010:39) points out that harsh prison conditions in Kenya are mostly characterized by “overcrowding and congestion, poor diet, degrading clothing and beddings, lack of clean water, poor sanitation, infectious diseases and homosexuality, among other vices, which can be attributed to several factors”. According to Omboto (2010), Kamiti main prison is one of the biggest maximum prisons in the country and home to around 1800 inmates from different diversities, both lifers and death row convicts. While in custody, inmates

enjoy certain rights and various institutions have the ability of monitoring the way those rights are respected. This has been made even easier because prisons have recently agreed to public scrutiny, commonly referred to as Open Door Policy. Ideally, prisons in Kenya have three basic functions, that is containing rehabilitating and reforming inmates, and for this to happen effectively it is important that rights that touch on inmates in sexuality are addressed urgently.

According to WHO (2016), sexual rights are in line with other human rights which have already been clearly stated by “national laws, international human rights documents and other consensus statements, and they include: the right of all persons, free of coercion, discrimination, violence and equally”. The responsible exercise of human rights requires that all persons respect the rights of others. This means that prisoners should not be exempted from practising their sexual rights which are human rights. Over the years there has been a major debate about the introduction of conjugal rights in prison which has never seen the light of day. As a result of the denial of sexual rights there has been speculation that inmates have turned to homosexuality as a way of dealing with the denial of this human right. This study was conducted at Kamiti Maximum Security Prison, Kenya.

1.2 Statement of the Problem

According to Gumbi (2015) overcrowded and understaffed is the true definition of any Kenyan Prison, whose occupants are idle and facing long jail times. Extortion, violence, and other forms of abuses are common features in these institutions. In Kenya, there are over 52,000 inmates in prison. The overwhelming number of individuals in prison means that whatever is happening behind those bars has significant effects on society because the majority of those prisoners are reintegrated back to the society. Failing to address the various forms of abuses prisoners face is failing to accept the fact that prisons are part of the world; they are not cut off (Gumbi, 2015).

According to Kimani (2007) it is evident that sex is healthy, fulfilling and pleasurable and hence everyone desires to practise it with no restrictions. This is an indication that the denial of it may lead to coerced or forced sexual affairs which undermines the intended result of sex. Sex denial in prison leads to sexual abuse among inmates. Further, sexual assault affects the health of inmates. Rape leads to spread of STDs which is a subject of great concern in prison. Prisoners who are sexually victimized undergo a lot of trauma which have effects on their future lives with

the majority of them turning to violence, rape and sodomy which provides a window for STDs to be spread. It is for this reason that this study looked at how prisoners cope with the drive for sex.

This study sought to fill the existing research gap by answering the following research questions;

- i) How do inmates deal with sexual feelings while in custody?
- ii) What are the consequences of denying prisoners sex?
- iii) How do prisoners cope with the denial of sex rights?

1.3 Objectives of the Study

1.3.1 General Objective

To explore how prisoners in Kamiti main prison deal with the denial of sex.

1.3.2 Specific Objectives

- i. To describe how inmates deal with sexual feelings while in custody.
- ii. To evaluate the consequences of denying prisoners sex.
- iii. To determine how prisoners cope with the denial of sex rights.

1.3.3 Assumptions of the Study

- i. Inmates have come up with various ways of dealing with sexual feelings while in custody.
- ii. Denying prisoner's sex leads to some consequences.
- iii. Prisoners have devised mechanisms of coping with denial of their sex rights..

1.4 Justification of the Study

The findings of this study have provided an additional source of literature to researchers. The study should also serve as an awareness strategy in sexual rights due to the complex cultural and social barriers when it comes to sex especially in African cultures. The research is also important for governing of prisoner sexual rights and benchmark for current learning in the field and hope that it will provide a platform for informed and thoughtful discussion and debate. Such information will go a long way in enabling proper legislation against prisoners' rights participation in sexual rights and how best to address the inequalities.

1.5 Scope of the Study

This study was carried out at Kamiti Maximum Prison, which is hearted in Kiambu County. The study sought to determine how prisoners deal with denial of sex. A descriptive research design was used. The study was guided by importation and deprivation theory and relevance of the theory to the study.

1.6 Limitations of the Study

The study was limited to Kamiti Maximum Prison which is a secretive institution and having access to it has a lot of bureaucratic restricted access. Access to information is still secretive as everybody fears to give information that will put him into trouble with the administration. There were restrictions in accessing the prison. However, the researcher worked hand- in- hand with the prison wardens to collect data.

1.7 Definition of Terms

Denial of sex: A situation in which one member of a couple is failing to meet the other's sexual needs.

Inmate: A person who is legally detained.

Prison: An institution in which people are legally held as a punishment for a crime they have committed or while awaiting trial.

Prisoner: A person legally committed to prison as a punishment for a crime or while awaiting trial.

Sex rights: The freedom to have control over and decide freely and responsibly on matters related to sexuality

Sex: Sexual activity, including specifically sexual intercourse.

Sexual feelings: A motivational state and interest in sexual objects or activities.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter reviews literature the relevant to the research problem. Despite the fact that the study focused on male sexuality, there is little literature concerning the topic. Therefore, the study draws review from international studies and does a comparison between the female and male sexuality. In the review, findings and other crucial themes that are concerned with the prisoners are sexuality and other effects they pose on rehabilitation programmes and other support services which can lead to smooth transitioning of prisoners back to the society. Through that, it provides a contextual background for this study and stresses on the importance of more research to be done in this area of prisoner sexuality, especially the case of men in Kenyan prisons.

2.2 Literature Review

Stevens (2017) studied sexuality in British men's prisons. The study was based on Stanley Cohen's sociology theory of denial and testimonies were provided by formerly imprisoned individuals. It argued that prison authorities as well as its staff have limited abilities and willingness to accept and respond in an appropriate manner to the reality of sexual activities in prison because of cultural denial. The objectives of the study were: "to detail experiences of consensual and coercive sex"; "to elucidate the collective and collaborative cultural habit of 'don't ask, don't tell' by which what is known becomes not known and what is concealed remains hidden"; and "to show how this strategy leaves unprotected those who choose to engage in, or are coerced into, sexual activity" (Stevens, 2017: 21)

Lawan *et al.* (2016) did an evaluation of the sexual health of prisoners; the focus of the study was Kano central prison, in north western Nigeria. The study population consisted of 160 prisoners and prison staff. The study found that the majority (82.5%) of the prisoners frequently experienced the desire to have sex. The respondents further indicated that watching their fellow inmates naked (25.0%) and wet dreams (46.2%) were some of the ways in which they manifested the desire to have sex. The study established that they satisfied their sexual desires by engaging in anal sex (72.0%) and masturbation (69.7%). Forced fondling of genitalia (47.4%)

and insertion of finger/object in the anus forcefully (21.0%) in males and rape (15.8%) in females were some of the common forms of sexual violence observed. The victims involved in sexual violence were young prisoners aged 18 – 34 years.

Kangaude (2013) studied sexual violence among male inmates in Malawi. It was established that achieving sexual health, sexual relationships and sexuality need to have a positive and respectful approach. It also indicated that the right of every individual needs to be safeguarded. National laws and policies, international human rights instruments and consensus documents are some of the areas where recognition of sexual rights has been made. Sexual rights include: “the right of persons to be free from coercion, discrimination and violence in their sexual relationships”. In Malawi there are several laws and policies that have been put in place in order to improve the sexual health of its citizens by dealing with the issue of gender-based violence.

2.2.1 Human Sexual Behaviour

According to Gray and Garcia (2013) the sexual behaviour of human beings is the approach in which humans perform and state their sexuality. People utilize a number of sexual measures, which range from those things they do by themselves, such as masturbating, to those they do with other people such as “sexual intercourse, non-penetrative sex and oral sex”, all of which are done with different intentions. Henry (2010) asserts that sexual action usually ends up in one being sexually aroused and other physiological changes in the individual who has been aroused. Human sexual deeds have sociological, cognitive, emotional, behavioral and biological aspects which range from “personal bonding, sharing emotions and the physiology of the reproductive system, sex drive, sexual intercourse and sexual behavior in all its forms” (p. 32).

Beach (2015) further asserts that sexuality can be expressed or experienced in different ways either with another person or with oneself, and it can either be communal or solitary. In every single culture, including prison, sexuality is part and parcel of it. There are several factors influencing how sexuality is expressed and they include: “biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious and spiritual” (p.1). The same factors also influence the conditions in prison and the way prisoners are treated in the society (Reutens, 2011).

Sexual activities in some of the cultures are only acceptable within marriage and therefore engaging in premarital sex and extramarital sex is regarded as a taboo. On the other hand, some

sexual activities such as rape are considered unlawful across the world. In the prison institution, a sexual activity among inmates is a normal action since the institution forms a society like any other. In this case, however, the sexual activities may not be agreed upon by the partners; mainly because of being assaulted sexually or sex with minors (Adler, 2014). Farmer (2015) argues that some previous research has presented theories to explain sexual offenses within prisons but no study has tried to formulate the link between rational choice and exchange theory to justify the sexual actions of inmates.

One way in which prisons can address the issue of sex violence in prison is by first starting to treat prisoners as human beings who have rights and who need their rights protected. According to Reutens (2011), prisoners are human beings and therefore have the rights to be respected and be treated humanely. Some of the rights they are entitled to are: “the right to physical and moral integrity, and not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment as stated by the Prisons Act; the right to the highest attainable standard of physical and mental health, including sexual health” (Diamond, 2001: 24).

Beach (2015) indicates that men in prison spend much of their time together, which leads to high chances of them having sexual activities. Individuals may have sexual activities with other men not because they are homosexual but because they cannot access women in prison. Furniss (2015) argues, that despite the fact that prisons can shape sexual expression, it would be an illusion to have the thought that the sexuality of inmates is controlled. The only thing that can be accomplished by prison systems is shaping the experience and how sexuality can be expressed. This is of great significance because prisons affect the sexual health of inmates in either a positive or negative manner.

Fostering an approach that is respectful and also positive to sexual relationships will lead to an improved sexual health in prison (Henry, 2010). It is important that prison systems imagine the likelihood of attaining healthy sexual health among inmates; it is a very big challenge that involves shifting the attitude of the social attitudes regarding sexuality as well as gender relationships. In Malawi, their social norms regarding sex between individuals of the same gender is regarded as being immoral and shameful. This norm hinders the chance of attaining a healthy sexual association among inmates, and leads to an unhealthy sexuality (Omboto, 2010). Expressing sexuality in a manner that is not healthy is fostered by prison systems when they fail

to treat inmates in a humane manner, that is, by failing to provide them with their human rights including sexual. Haney indicates that most of the correctional facilities operate as if they are housing individuals who are not fully human; it has been characterized as “waste management functions” (Haney, 2011: 27).

2.2.2 Sex and Human Rights

One of the main principles that can be applied by prison systems with the focus of treating prisoners like human beings with rights that need protection is to address the issue of sexual violence. According to Farmer (2015: 27) prisoners are entitled to the “right to be treated humanely and respected as humans with dignity”. Other rights they are entitled to are “right to physical and moral integrity, and not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (Farmer, 2015). Also, they have the right to the “highest attainable standard of physical and mental health, including sexual health” (Donnelly, 2014: 17).

Some of the norms on how prisoners need to be treated are provided by international instruments. Article 60(1) of the Standard Minimum Rules(SMRs) indicates that “regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings”(Davin,1998). Also, Article 10 of the International Covenant on Civil and Political Rights (1966: 18) states that “all persons deprived of their liberties shall be treated with humanity and with respect for the inherent dignity of the human person” .Being lawfully imprisoned does not deprive prisoners of all their human rights. The principle was by Innes and holds that “inmates are entitled to all the personal rights and personal dignity not temporarily taken away by law, or necessarily inconsistent with the circumstances in which they had been placed” (Innes, 2008: 56).

Aside from the fact that prison systems deny inmates the right to enjoy their basic human rights, they also deny them the right to sexuality and treating them like they are non-sexual humans who should not engage in any sexual activity. Depriving inmates of their sexual rights does not make sexuality disappear but leads to expression of sexuality in a negative way such as being sexually violent. Accepting the fact that sexual activities must take place is one of the steps of promoting sexual health in prisons. This involves treating prisoners as humans with rights that need to be respected and those rights include the right of not being involved in sexual violence. The only

way in which sexual health can be improved is by respecting, protecting and fulfilling sexual rights. Though inmates are deprived of the right of movement, they are entitled to sexual rights as recognized in global human rights documents and other agreement documents (Donnelly, 2014).

According to Harris *et al.* (2011), sex rights are based on the acknowledgment that all persons whether in prison or not, have the right to “sex free of coercion, violence, and discrimination of any form and to the utmost possible standard of sexual health to pursue a satisfying, safe, and pleasurable sexual life.” Further, individuals ought to “have control over and choose liberally and with due regard for the rights of others, on matters associated with their sexuality, reproduction, sexual orientation, bodily integrity, choice of partner, gender identity; to the services, education, information and including comprehensive sexuality education- necessary to do so” (p.41).

2.2.3 Sex in Prison

The 2014 Kenya human rights report cited homosexuality and rape as some of the ways in which prisoners in Kenyan correctional centres satisfy their sexual desires. The sexual assaults that take place in prison, have led to several consequences in different parties, including “consequences to victims, other inmates, correctional institutions, and society as a whole” (Dumond, 2000: 59). According to Dumond (2000), male victims in sexual assaults suffer consequences such as “medical injuries, risks of HIV and other sexually transmitted diseases (STDs), psychological conditions (e.g., posttraumatic stress disorder, depression), suicidal ideation, loss of social status, labeling, stigmatization and vulnerability for future victimization” (p.48).

Comparing male and female victims of sexual assaults, there is little research on the physical and psychological effects suffered by men (Tewksbury, 2007). Tewksbury (2007) further indicates that there is a great chance that sexual assaults in men are more violent, and the victims suffer serious medical injuries compared to cases of women. On the other hand, some of the sexual assaults are not violent. There is a single study done by Libscomb *et al.* (2016) on the comparison between sexually assaulted men in the community and those assaulted in prison. The research established that assaults in the community have a high likelihood of involving the use of weapons compared to those that take place in prison.

According to Hammet *et al.* (1999), there is a great likelihood that prisoners have “high rates of infectious disease, substance use, high-risk sexual activity and other health problems”. As established by the 2002 Bureau of Justice Statistics report and cited by McGuire (2005), the prevalence of AIDS in prisons was 3.5 times high or compared to outside prison. Prisons also experience high rates of STDs which include syphilis, herpes, gonorrhea, and hepatitis B (McGuire, 2005). It has also been established that there is a higher likelihood that males who are victims of sexual assaults will suffer from psychological distress compared to those who are not victims (Tewksbury, 2007). Most men who are sexually assaulted tend to feel ashamed, stigmatized and embarrassed (Tewksbury, 2007). They also respond emotionally through depression, anxiety, sleep disturbances, increased substance use and a negative impact on the sense of self in regard to sexuality and gender role (Struckman-Johnson *et al.*, 1996).

Hammet *et al.* (1999) found that sexually assaulted men have higher scores on the Trauma Symptom Inventory than female victims. Dumond (2000) also suggest that prison assault victims tend to commit suicide because of being victimized). It has been established that suicide is the leading cause of preventable suicides in prisons and other correctional institutions (Struckman-Johnson *et al.*, 1996). Since not all cases of sexual assaults in correctional institutions are reported, the number of attempted suicide, or completed ones among victims of sexual assaults affect is not known. However, because of psychological effects, most of the victims think of committing suicide (Tewksbury, 2007).

Sexual assault in prisons raises a major concern for the prisoner’s security. More time, money and also resources are spent at institutional level due to sexual assaults of prisoners (Dumond, 2000). Additionally, most of the prisoners are not meant to stay in prison for their entire lives (McGuire, 2005), and when they return to society, they can be affected by the experience of prison assaults. Sexually assaulted victims will go back to the society with a very great need to have thorough physical and mental evaluation. The majority of sexually assaulted victims will be released from prison having contracted diseases and they will tend to be violent and antisocial unlike the way they used to be before being imprisoned (Dumond, 2000). Dumond (2000) argues that this affects the society in that those victims released back to the society have a high likelihood of committing more crimes.

Dumond (2000) established that young, first time offenders and the nonviolent are the highly targeted individuals to be sexually assaulted. McGuire (2005) asserts that these inmates have the greatest hopes of being rehabilitated and that sexual assault can greatly affect the effectiveness of prison in reforming those individuals and further indicates that those prisoners who get to prison with the commitment to avoid violence do not get released the same way. McGuire (2005) adds that assaults that are based on race encourage racism; they lead to the development of fear and hate to those individuals who are responsible for the assault and translates the hate to the race of those individuals. It can be concluded that sexual assaults affect inmate victims, other inmates and prison staff, the institutions themselves and, ultimately, society as a whole.

2.2.4 Gender-based Violence in Prison

Masculinity helps to clearly understand sexual violence among inmates. Through masculinity, the way men behave and how they identify themselves sexually is described and explained. It is the complicated set of regulations that govern the way “real men” conduct themselves (Robinson, 2011). Attitude and behaviour are shaped by expectations that are constructed socially and what is meant by acceptable man’s behaviour. And the result is that men always try to conform themselves. It is “hegemonic masculinity” (Karp, 2010). Hegemonic masculinity shapes the way men behave by setting an expectation of how “real men” should behave regarding sex and sexual relationships. It relates “masculinity” to “heterosexuality”, and “explicitly” to “heterosexism”. Heterosexism is the belief that recognizes heterosexuality as “the only desired form of sexual expression to the exclusion of any other” (Herek, 2005).

Hegemonic masculinity is therefore responsible for shaping sexual behaviour among men by creating expectations of how a ‘real man’ should behave with regard to sex and sexual relationship. This links masculinity to heterosexuality and specifically to heterosexism. Heterosexism is the cultural belief system that recognizes heterosexuality as the only desired form of sex expression to the exclusion of any other (Amor, 2011). Heterosexual intimacy and sex is therefore the expected sexual expression of both the masculine and feminine genders.

Both males and females are expected to express heterosexual intimacy and sex. Patriarchal society does not accept intimacy that is not heterosexual since it is a subversion of the social order. The law states that legal and cultural contempt against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons is because their identity and life style challenge the social meaning

attached to gender (Calvin, 2013). Kaufman (2006) indicates that the different forms of violence against women by men are a dynamic agreement of a masculinity which is in existence as contradistinguished from femininity.

On the other hand, not women alone face this kind of violence. Through the destructive force of masculinity, it sends a web to all the individuals who are threatening the ideal of hegemonic masculinity, which includes both men and women (Robinson, 2011). Most of the sex violence that is witnessed in prisons is based on gender. The manifestation of this form of violence (gender-based) is in stigmatization and victimization of those male prisoners that have qualities of women, where they get abused sexually by fellow men (Kuper, 2010). Those individuals performing the sexual abuse do not consider themselves as involving in homosexuality but consider their victims as female and therefore they are engaged in heterosexuality (Kuper, 2010). The victims are regarded as “women”. Those individuals who are heterosexuality aggressive engage in homosexuality but as a term that detests femininity and homosexuality. That is how sexual violence is pushed by hegemonic masculinities which lead to “misogyny” and “homophobia.” Misogyny is defined as the fear and hatred of women while homophobia is dislike of or prejudice against homosexual people.

It can therefore be said that gender-based violence is a web that stretches across civil society as well as the state (Herek, 2005). Laws that categorize sex between same genders as crime is oppressive because they comply with the idea of masculinity (Calvin, 2013). This explains some part of sexual oppression faced by inmates. There are other factors aside from hegemonic masculinities that regulate the relationships among men. Evans and Wallace (2008: 89) did a study on masculinity among inmates and described three different groups: “gentler and softer men who had not internalized hegemonic masculinities”; “those who lived by the hegemonic masculinity code and perceived themselves inadequate men who constantly had to prove their manhood through violence”; and those who “initially internalized the hegemonic masculine codes, but had undergone certain transformative experiences that empowered them to re-evaluate their lives and adopt a more balanced view of their masculinities”.

Amor (2011) indicates that sexual health and rights are concerned with the creation of conditions for respectful gender and sexual relationships forming the foundation for individuals to take part in sexual relations and other related activity without being coerced or discriminated, and under

the basis of mutuality and equality and not power and suppression. Hegemonic masculinities can be transformed into positive and gender-equal relations among men in prison through the concept of sexual rights which is a very useful tool.

2.3 Theoretical Framework

2.3.1 Importation and Deprivation Theory

The importation theory was coined in the late forties (Freudian, 1947). Sykes (1958) then added to the theory by investigating the various forms of deprivation, one of them being “heterosexual sexual activity”. He indicated that prisoners come up with their own culture to cope with the various forms of deprivation they encounter while in custody. The theory is referred to as importation theory, or the importation model. Deprivation theory perfectly covers the literature that deals with culture in prison and the prisoners sexuality. Despite the fact that the theory is widely used, there is little empirical scrutiny on what the theory claims. Based on various theoretical grounds, issues were raised by some prison researchers, for example, Sykes and Messinger (1960) and Goffman (1961) regarding the notion of deprivation.

2.3.2 Relevance of the Theory to the Study

Deprivation sees the structure of the culture formed by prisoners generally, and prisoners’ sexual culture particularly, in responses to various deprivations that they encounter. This theory views the culture in prison as mainly the outcome of “attitudes, norms, and proclivities,” being imported into the prison from the outside world. In prison violence is a common scene because violent individuals are sent to prison. Also rape and sexual assaults happen because some of the prisoners are in prison because they committed those acts out there (Hochstetler & DeLisi, 2005).

The concept of deprivation and importation do not have to be mutually exclusive. The concepts best contribute when they are used together and not when they are independent of each other. It would not be rational to think that the personality of a prisoner does not affect the way they behave in prison. Scale can be used in measuring deprivation. Deprivation can be said to be extreme if the following are witnessed, “poor food, inadequate recreation facilities, and poorly trained staff”, since those are the indicators of the prison environment that is harsh and is withholding goods and services (Rodriguez, 2010).

Smith and Batiuk (1989) advanced Goffman's dramaturgical sociology and provided very crucial information regarding importation and deprivation. They used this theory in their research on "Sexual Victimization and Inmate Social Interaction", where a person is regarded as having a "social self" emerging, adapting and changing in the act of interacting with people and social setup as opposed to having a "personality" responding to any particular social setup in a predictable manner. According to Goffman, "interaction is characterized as a trial 'performance'" whereby the person "actor" and the "audience" Smith and Batiuk (1989) work in collaboration to create and confirm "definition of the situation that allows for problems to be solved and business to go on as usual." People are constantly involved in impression management. Orchestration of behaviours is done in a careful manner in order to facilitate legit performance to the audience.

In conclusion, the literature review provided good knowledge in the study of denial of sexual rights among inmates across the world. It also highlighted the existing channels and ways of addressing the gaps.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

In this chapter the procedures that were used in carrying out the research are highlighted. The chapter provides information on the research site, research design, study population, sample and sampling techniques, data collection and data analysis. The last part of the chapter presents the ethical issues that were observed in the study.

3.2 Research Site

This research was carried out in Kamiti Maximum Security Prison which is located in Kiambu County. The station was suitable because of its size as it is the largest maximum security prison in the country with a large number of inmates.

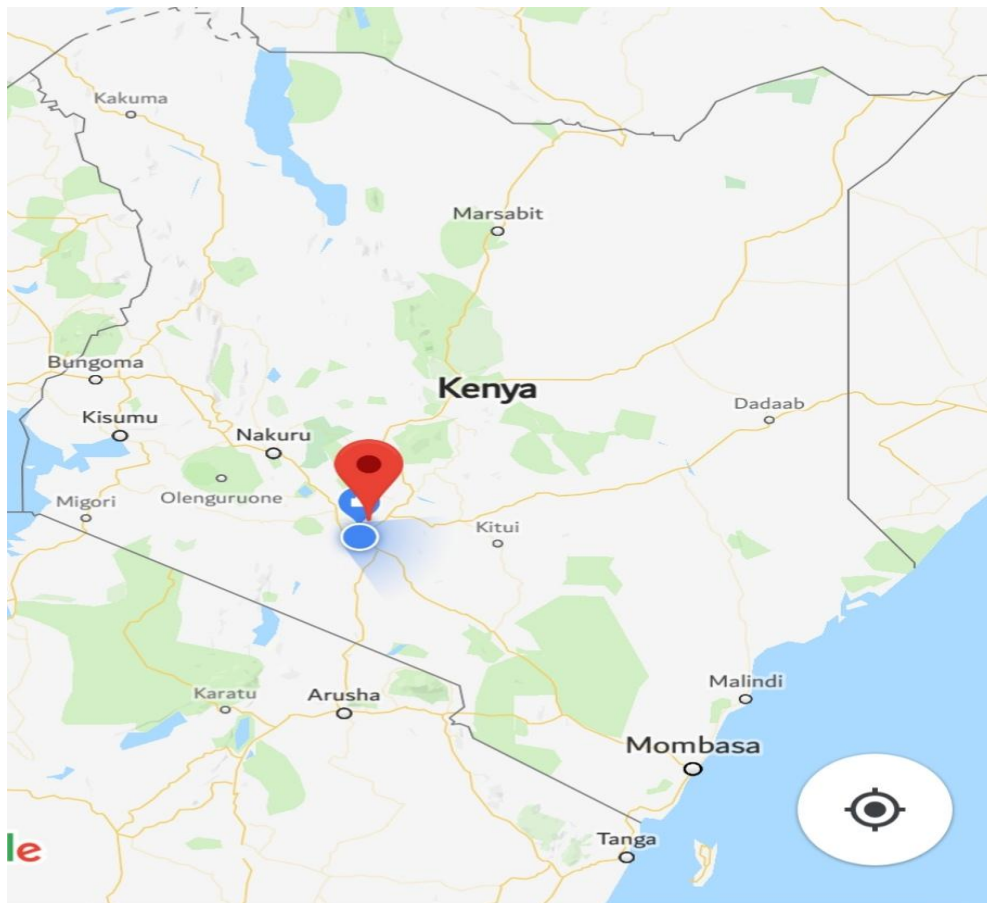


Figure 3.1: Map of Kenya Showing Kamiti Maximum security Prison

(Source: Maps data 2018)

3.2 Research Design

This research utilized a descriptive research design, which is effective since it can answer questions such as “what are” or “how do”. Mugenda and Mugenda (2003), argue that descriptive research design is suitable because it includes a means of gathering and analyzing data for the purpose of responding to the research questions and this basically enabled the researcher to interact with the respondents, making it a suitable research design for the study. Data were collected using structures interviews and analysed using descriptive statistics. Additional information was obtained through key informant interviews and analysed using content analysis.

3.3 Study Population and Unit of Analysis

The study population consisted of 1800 prisoners at Kamiti Maximum Security Prison. The unit of analysis was the individual prisoner in that Prison

3.4 Sample Population an Sampling Procedure

Sample size is the number of units that are selected for the purpose of collecting data to be used in a study. In this study, 180 prisoners constituted the sample size. For the purpose of attaining the highest level of accuracy of statistical information, the study relied on a 10% prescription which is allowed for a study of this type (Mugenda and Mugenda, 2003). This translates to a total of 180 respondents.

Sample size = 10% * Target population of 1800

Sample size = 10% * 1800

n = 180 respondents

The sample size of the study was 180 prisoners.

3.5 Data Collection Methods

3.5.1 Structured interviews

The structured interviews were conducted with the use of a structured questionnaire (Appendix II) collect primary data. The questionnaire had both open ended and closes ended questions. The researcher administered the questionnaires to the respondents with the help of prison officers.

3.5.2 Key informants Interviews

Key informant interview were used to collect professional insight into the research problem. A key informant interview guide (Appendix III) was used to collect the information.

3.6 Data Processing and Analysis

Data obtained through the questionnaires were coded and grouped in different categories to ensure effectiveness and thorough analysis of the responses. The Statistical Package for the Social Sciences (SPSS) version 21 was used for analysis. Descriptive statistics such as frequencies, means, percentages and standard deviations were used in analysis of quantitative data. Content analysis was used in analysing qualitative data. This involved categorizing verbal or behavioural data to classify, summarize and tabulate them.

3.7 Ethical Considerations

During the research period no individual participating in the interview was coerced and to ascertain that, they signed a written informed consent (Appendix 1) form to agree to participate in the study. Due to the sensitivity of the matter, privacy and confidentiality was upheld and thus no names were written on the questionnaires to uphold anonymity. The researcher referred to the respondents using pseudo names. In addition, the respondents were given the option of continuing to participate in an interview or discontinuing at whatever time they felt uneasy with the session. Furthermore, permission was sought and obtained from the Kenyatta National Hospital/University of Nairobi Ethical Review committee. A research permit (NACOSTI/P/18/33450/25982) was obtained from the National Commission for Science, Technology and Innovation (NACOSTI) before conducting the field work.

Finally, the study results will be disseminated to all stake holders in correctional service, especially the Kenya Prisons Service, the Prison Headquarters training committee, Kamiti Maximum Security prison and the Prison Headquarters library.

CHAPTER FOUR

COPING WITH THE DENIAL OF SEXUAL RIGHTS IN PRISON

4.1 Introduction

This chapter covers the interpretation, presentation and discussion of the findings obtained from the field. It presents the background information of the respondents, findings of the study.

4.2 Response Rate

The sample size of the study was 180 respondents 144 of whom filled in and returned the questionnaires, giving a response rate of 80.1% (Table 4.1). Mugenda and Mugenda (2003) state that a response rate below 40% is unreliable, a response rate of 40%-50% is poor, a response rate of 50%-60% is acceptable for analysis and reporting, a response rate of 60%-70% is good and a response rate of 70%-80% is very good, while a response of over 80% is excellent. This response rate of 144 out of 180 respondents was very good, very satisfactory and representative to make conclusions for the study.

Table 4.1: Response Rate

	Frequency	Percentage
Returned	144	80.1
Non-returned	36	19.9
Total	180	100

4.3 Demographic Information of the Respondents

4.3.1 Age of the Respondents

Respondents were asked to indicate their age. The results were as shown in Figure 4.1.

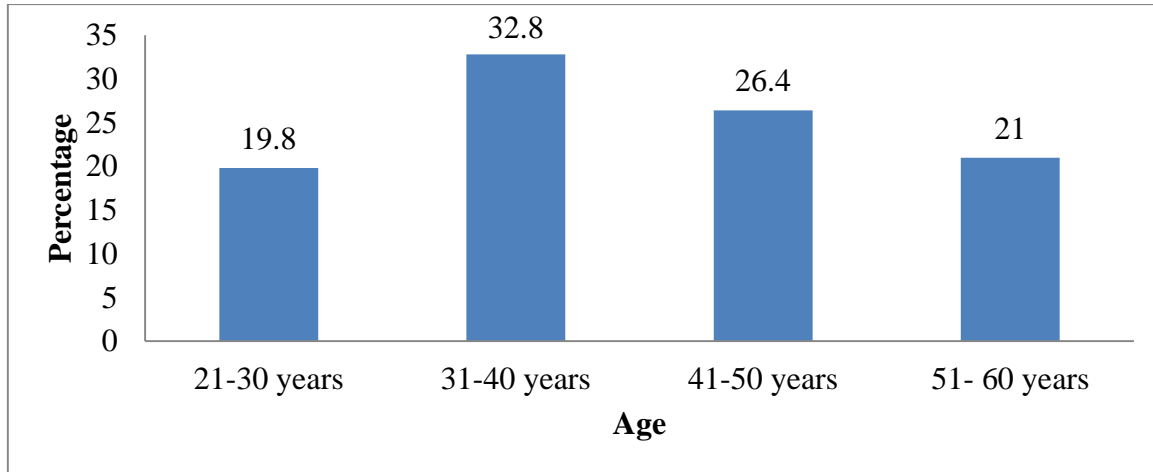


Figure 4.1: Age of the Respondents

From the findings, 32.8% of the respondents indicated that they were aged 31-40 years, 26.4% indicated they were aged 41-50 years, 21% were aged 51-60 years, and 19.8% were aged 21-30 years. This indicates that about a third of the prisoners at Kamiti Maximum Security Prison are aged 31-40 years. These findings agree with those of Lawan *et al.* (2016) who evaluated the sexual health of prison inmates in Kano Central Prison, North western Nigeria, which established that most victims were inmates within the age bracket of 18 – 34 years.

4.3.2 Gender of the Respondents

Respondents were asked to indicate their gender. The results were as shown in Figure 4.2.

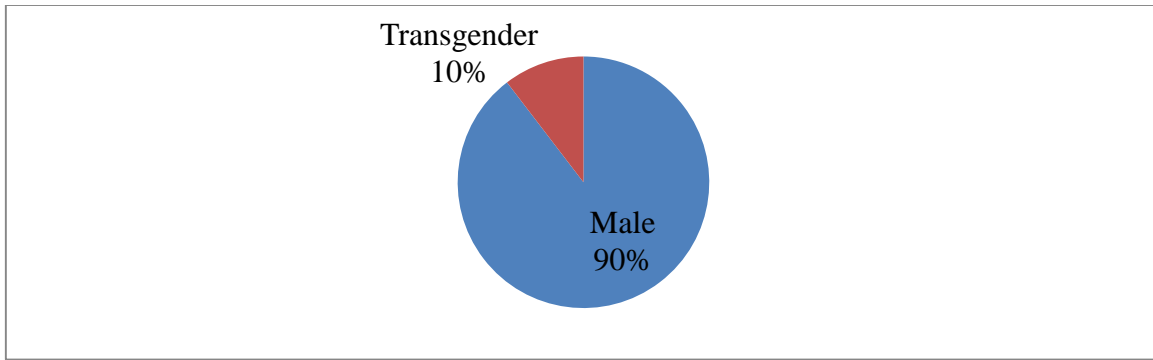


Figure 4.2: Gender of the Respondents

From the findings, 90% of the respondents indicated that they were male while 10% indicated that they were transgender. This suggests that the study was not gender biased since both male and transgender were represented.

4.3.3 Respondents' Marital Status

Respondents were asked to indicate their marital status. The results were as shown in Figure 4.3.

From these findings, 64% of the respondents indicated that they were married while 36% stated that they were single. This shows that the majority (64%) of the respondents at Kamiti Maximum Security Prison are married.

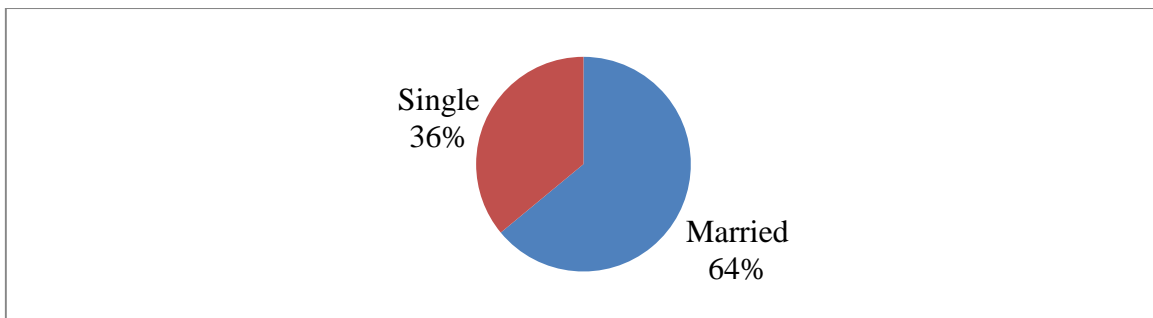


Figure 4.3: Respondents' Marital Status

Interviewees were asked if they missed their partners. They revealed that they indeed missed them but because they have limited chances of interacting with them they can do nothing about it

but just hope. They also stated that they lived in fear that probably their partners might have moved on with life while they are still in prison.

4.4.4 Respondents' Level of Education

Respondents were asked to indicate their level of education. The results were as shown in Figure 4.4.

These findings indicate that 30.6% of the respondents indicated that their highest level of education was secondary, 23.6% indicated primary as their highest level of education, 21.5% indicated informal education, 13.2% indicated college/tertiary, and 11.1% indicated university. This shows that the majority of the prisoners at Kamiti Maximum Security Prison had secondary as their highest level of education. This also indicates that most of the prisoners have low levels of education.

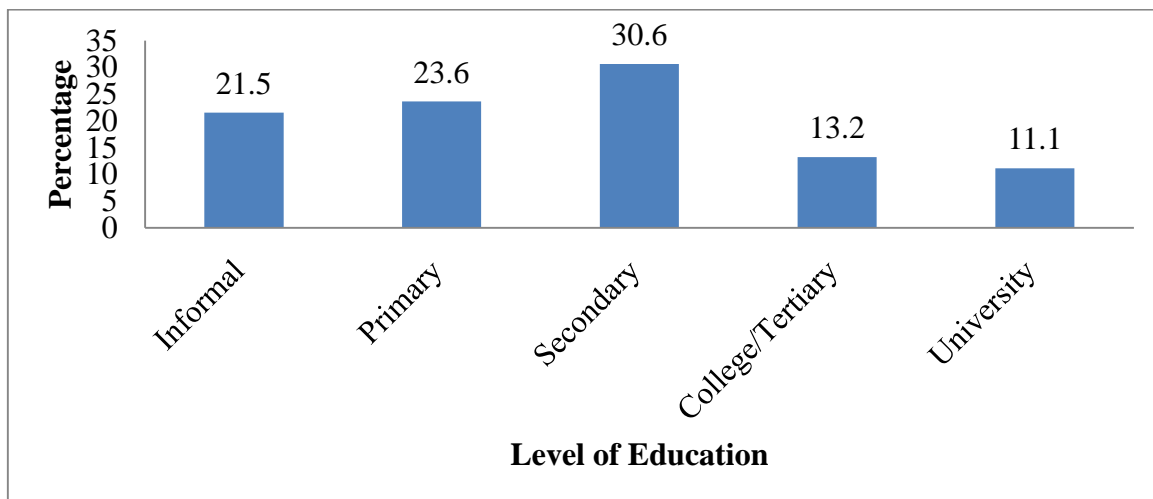


Figure 4.4: Respondents' Level of Education

4.4.5 Respondents' Length of Time in Prison

Respondents were asked to indicate the length of time they have been in prison. The results were as shown in Figure 4.5. These findings show that 22.5% of the respondents indicated that they

had been in prison for 5-10 years, 20.7% for 1-5 years, 16.2% for 10-15 years, 14.4% for 6-1 year, 13.5% for 15-30 years, and 12.6% for above 20 years. Thus, highest number of the respondents with 22.5% had stayed in prison for 5-10 years. From the findings it is evident that the respondents had stayed in prison for long enough to provide the information needed for this study.

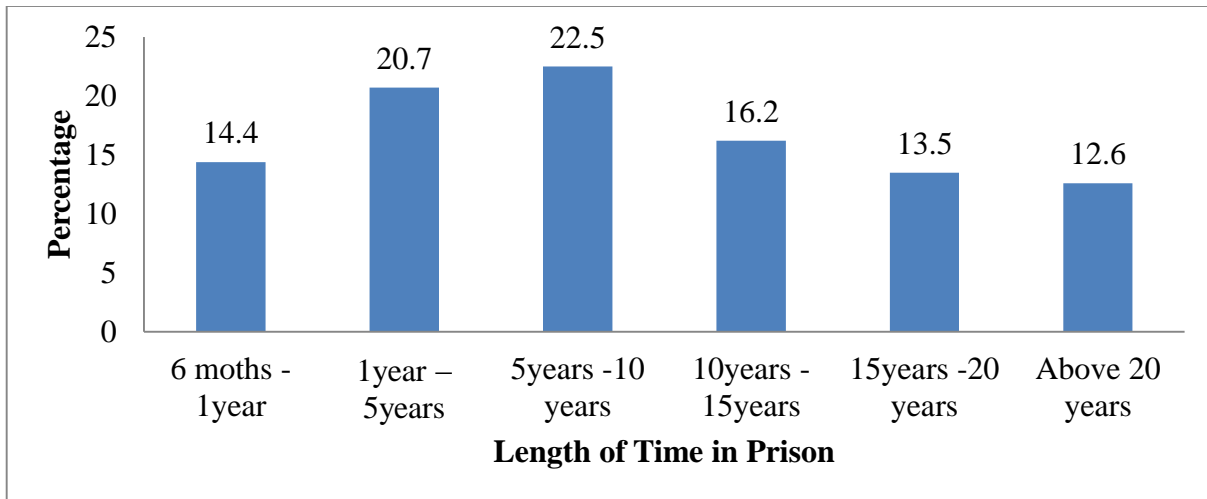


Figure 4.5: Respondents' Length of Time in Prison

4.5 Exercise and Knowledge of Sexual Rights in Prison

4.5.1 Knowledge of what Sexual Rights Entail

Respondents were asked to indicate whether they knew what sexual rights entail. The results indicate that 64% of the respondents said that they were aware of what is entailed in sexual rights while 36% stated that they were not aware. This suggests that the majority (64%) of prisoners at Kamiti Maximum Security Prison are aware of what is entailed in sexual rights.

Respondents who were aware of what is entailed in sexual rights were asked to briefly describe what it entails. They stated that sexual rights include the right of persons to be free from coercion, discrimination and violence in their sexual relationships. They further said that it

includes the right to choose whether, with whom, and how one engages in sexual relations, as well as the right to privacy, freedom of expression, bodily autonomy and integrity. Additionally, they indicated that it includes the right to comprehensive sexual and reproductive health information and services, empowering people to make safer, consensual and fulfilling choices around sex and relationships, as well as the right to make free and informed choices in relation to one's sexuality, sexual orientation, and gender identity, and live free from discrimination, coercion and violence. The findings agree with those of Kangaude (2013) who found that sexual rights are already recognized in national laws and policies, international human rights instruments and consensus documents and that they include the right of persons to be free from coercion, discrimination and violence in their sexual relationships.

4.5.2 Importance of Practising Sexual Rights

Respondents were asked to indicate whether they thought it was important to practise sexual rights in prison. The majority (89%) of the respondents stated that it was important to practise sexual rights in prison while 11% indicated that it was not important. This indicates that the majority of prisoners at Kamiti Maximum Security Prison were of the opinion that it is important to practise sexual rights in prison.

Those key informants who indicated that it was important to practise sexual rights in prison were requested to give their reasons. They stated that it is their right as human beings. This agrees with Diamond (2001) who found that prisoners also have the right to the highest attainable standard of physical and mental health, including sexual health. Another reason why it is important to practise sexual rights in prison is that it will reduce sexual violence among the inmates. These findings agree with Reutens (2011) who states that the first principle to guide prison systems towards addressing sexual violence in prisons is to treat prisoners as human

beings entitled to certain rights that must be protected. Prisoners have the right to be treated in a humane manner and with respect for the inherent dignity of the human person. They further state that by respecting their human and sexual rights it is a good gesture which fosters healthy expressions of sexuality.

The respondents were also asked as to whether they would campaign for or against introduction of sexual rights in prison. Their response was that they would support the introduction of sexual rights in prison because prisoners are human beings and should be treated with dignity and also their rights need to be fulfilled. Those who were against the introduction of sexual rights in prison stated that the disadvantage of its introduction is that it would increase the amount of contrabands sneaked into the prison which is a violation of prison rules.

The respondents were further asked whether it was important for prisoners to practise sex. They responded that it is the nature of human beings to have the urge to have sex and so it is important to give prisoners the chance to satisfy the feeling. This would significantly reduce the cases of sexual violence and also boost moral integrity.

4.5.3 Sexual Satisfaction

Respondents were asked to indicate whether at times they felt like having sex. The results show that 92% of the respondents said that there were times when they felt like having sex while 9% indicated they did not have that feeling. This is an indication that the majority of the prisoners at Kamiti Maximum Security Prison at times had the urge to have sex. The findings agree with those of Lawan *et al.* (2016) in their study of Kano Central Prison, North Western Nigeria which established that most (82.5%) of the inmates examined reported having frequent sexual desires.

Respondents were further asked to indicate what they usually do/deal with when the urge to have sex arises. They answered that they relieved their sexual desires through different ways; however, they were not very free to mention the specific methods. The methods include non-penetrative sex, oral sex and penal sex. Some of the cases were voluntary while others were forced on the victims. These findings concur with those Lawan *et al.* (2016) who established that the majority of prisoners in Kano Central prison relieved sexual desire through anal sex (72.0%) and masturbation (69.7%).

4.5.4 Justification of Sexual Denial

Respondents were asked whether they felt that denial of sexual rights was justified in prison. The results show that 89% of the respondents said that they did not think that denial of sexual rights in prison is justified while 11% held the opinion that denial of sexual rights in prison was justified. This is an indication that the majority of prisoners at Kamiti Maximum Security Prison do not think that denial of sexual rights in prison is justified.

The respondents were asked whether they thought they deserved this punishment. They indicated that they did not think it is was fair for them to be treated that way. The fact that were in prison was already enough punishment for their offences. They further indicated that they are human beings with rights and that it was not fair to be denied the right to have sex.

Respondents were further asked whether they thought that denial of sexual rights was a violation of their basic human rights. The results indicate that 93% of the respondents were of the opinion that the denial of sexual rights was a violation of their basic human rights while 7% indicated that it was not. This suggests that the majority of the prisoners at Kamiti Maximum Security Prison consider denial of sexual right as a violation of their basic human rights.

4.5.5 Introduction of Sexual Rights

Respondents were asked whether they support the introduction of sexual rights in prison. The findings show that 91% of the respondents said that they were in support the introduction of sexual rights in prison while 9% were not in support. This suggests that the majority of prisoners at Kamiti Maximum Security Prison support the introduction of sexual rights in prison.

Respondents were asked to indicate the reason why they supported or did not support the introduction of sexual rights in prison. Those who did not support stated that if they were allowed the number of contrabands entering the prison would increase. Those who supported gave the following reasons:

It will reduce the alienation of inmates from the community they will eventually rejoin. Denial of sex causes frustration which boils over in violent ways, allowing conjugal visits will help in rehabilitation and learning how to cope with prison life, it improves the behaviour of prisoners.

According to Kimani (2007), sex is healthy, fulfilling and pleasurable and hence everyone desires to practice it with no restrictions. This is an indication that the denial of it may lead to coerced or forced sexual affairs which undermines the intended result of sex. In most cases, the limitation on the practice of sex in prison, leads to sexual victimization, which includes a range of behaviours from sexually abusive conduct to nonconsensual sexual assaults and has a variety of severe public health consequences.

4.5.6 Coerced Sexual Activity

The respondents were asked whether they had ever been coerced into having sex with a fellow inmate. Some stated that they had while others had not. They added that being in prison coercion is common and almost all, if not all, prisoners go through it.

The respondents were further asked to indicate what they would do differently given a second chance. They stated that they would never repeat the act that landed them in prison. They added that prison life is an experience they would have never wished to have experienced.

The respondents were asked whether they were aware of any cases of coerced sexual activity behind bars. The findings reveal that several cases concerning coerced sex, especially for the new inmates had been reported. Those prisoners who seemed weak and had women-like features were mostly the victims of rape in the prison.

The respondents were further asked what measures they thought could be taken to reduce cases of coerced sexual activity. The following two were the measures all of them gave. One, coerced sex cases are rampant because prisoners have the feeling of having sex and that is the only way they can satisfy their feelings while behind bars. Therefore, by allowing prisoners conjugal visits it would significantly reduce these cases because their sex urge would have been satisfied. Two, the prison management should protect those prisoners who are likely to be victimized by having separate cells set aside for them.

4.5.7 Strategies for Safe Sexual Environment

The respondents were asked to state some of the strategies of ensuring a safe sexual environment in prison which are in accordance with the minimum standard rules of treatment of offenders all over the world. The following are some of the strategies that were provided:

The number of wardens should be increased to ensure that there is adequate security of the prisoners at all times. More security systems such as CCTV cameras should be installed to monitor prisoners at all times. Punishment should be meted out to inmates who commit prison offences, and disciplinary action should be taken against officers who abuse the rights of inmates.

4.5.8 Coping with the Denial of Sex Rights

The respondents were asked to state how they coped with the denial of sex rights behind bars.

All said that:

It is not easy to cope with something they are not used to. In prison one has to be tough or end up as a victim of sexual assaults. Offenders who are mainly the targeted individuals usually seek transfers but they end up finding that all prisons are the same and therefore most of them end up psychologically disturbed and depressed. Some prisoners have accepted the fact that they will never get out of prison, meaning they will never be with a woman in their lives, have made other prisoners their wives. Others agree to sexual favours in exchange for money. Some victims of inmate sexual assault turn to suicide following victimization.

4.6 Attitudes

4.6.1 Sexual Rights in Prison

Respondents were asked to indicate their level of agreement with each of the following statements, where SA (5) = Strongly Agree, A (4) = Agree, N (3) = Neutral, D (2) = Disagree and SD (1) = Strongly Disagree. The results are as shown in Table 4.2.

Table 4.2: Sexual Rights in Prison

	SD	D	N	A	SA	Mean	Std.
	(5)	(4)	(3)	(2)	(1)		Dev.
Sexual rights should be introduced in prison	4	3	5	54	78	4.382	1.200
Sexual rights help in the rehabilitation process	8	7	12	46	71	4.146	1.043
Sexual rights promote reality to inmates in mannerism and behaviour	4	4	10	55	71	4.285	1.094
Sexual rights are a powerful tool towards reformation and rehabilitation	9	6	14	49	66	4.090	0.982
Sexual rights will reduce the rate of coerced sexual behaviours in prison	7	3	7	47	80	4.319	1.195

The findings above indicate the respondents agreed that sexual rights should be introduced in prison as shown by a mean of 4.382. Another group with a mean of 4.319 stated that sexual rights would reduce the rate of coerced sexual behaviours, while those with a mean of 4.285 said that sexual rights would promote reality to inmates in good manners and behaviour. Finally, those with a mean of 4.146 were of the opinion that sexual rights would help in the rehabilitation process while those with a mean of 4.090 stated that sexual rights were a powerful tool towards reformation and rehabilitation. These findings agree with those of Donnelly (2014) who states that prisoners also have the right to the highest attainable standard of physical and mental health, including sexual health. However, sexual health in prisons can only be advanced if sexual rights are respected, protected and fulfilled.

4.6.2 Sex as a Right

Respondents were asked to indicate their level of agreement with each of the following statements, where SA (5) = Strongly Agree, A (4) = Agree, N (3) = Neutral, D (2) = Disagree and SD (1) = Strongly Disagree. The results are shown in Table 4.3.

Table 4.3: Sex as a Right

	SD	D	N	A	SA	Mean	Std.
	(5)	(4)	(3)	(2)	(1)		Dev.
Sex is a fundamental right for any human being	9	6	14	49	66	4.090	0.982
Sex is a basic component for societal progression	7	3	7	47	80	4.319	1.195
Expression of sexuality should not be restricted for any human being regardless of their vulnerability	7	5	8	67	57	4.125	1.002
Sex is a way of life	5	7	7	59	66	4.208	1.052

The above findings suggest that the respondents agreed that sex is a basic component for societal progression as shown by a mean of 4.319. Sex is also a way of life as shown by a mean of 4.208 expression of sexuality should not be restricted for any human being regardless of their vulnerability as shown by a mean of 4.125, and sex is a fundamental right for any human being as shown by a mean of 4.090. These findings agree with those of Donnelly (2013) that though inmates are deprived the right of movement, they are entitled to sexual rights as recognized in constitution, the global human rights documents, and other agreement documents. In addition, Harris *et al.* (2011) observe that sex rights settle on the acknowledgment that all persons, whether in prison or not, have the right to sex; free of coercion, violence, and discrimination of any form and to the utmost possible standard of sexual health to pursue a satisfying, safe, and pleasurable sexual life.

The respondents were asked to state their understanding of the term sex. In answer, they stated that it is the main category in which people are grouped, that is, either male or female. In the context of our study they defined it as sexual activity, specifically sexual intercourse. People utilize a number of sexual measures, ranging from actions done by oneself, for example, masturbation, to acts with other people such as sexual intercourse, non-penetrative sex or oral sex, among others, in varying patterns of occurrences, and for a broad diversity of motives.

4.7 Conclusion

It is evident that the inmates in Kamiti have come up with ways of dealing with the denial of sex rights while in prison. They however are not allowed as they have had major effects on other inmates ,e.g, spread of sexually transmitted diseases such as HIV and AIDS and Syphilis. The

authorities do not approve of these practices because they are likely to cause more harm to innocent inmates who do not approve of such behaviours.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter provides information on the summary of the research findings, conclusions and recommendations. The chapter also provides recommendations and suggestions for further research.

5.2 Summary of the Findings

5.2.1 Exercise and Knowledge of Sexual Rights in Prison

The study found that the majority of prisoners at Kamiti Maximum Security Prison were aware of what is entailed in sexual rights. It was further established that sexual rights include the right of persons to be free from coercion, discrimination and violence in their sexual relationships, the right to choose whether, with whom, and how one engages in sexual relations; the right to privacy, freedom of expression, bodily autonomy and integrity. Other rights include the right to comprehensive sexual and reproductive health information and services empowering people to make safer; consensual and fulfilling choices around sex and relationships; and the right to make free and informed choices in relation to one's sexuality, sexual orientation, and gender identity, and live free from discrimination, coercion and violence.

The study also found that the majority of prisoners at Kamiti Maximum Security Prison hold the opinion that it is important to enjoy sexual rights in prison. The reason provided was that it is their right as human beings. Another reason given as to why it is important to enjoy sexual rights in prison is that this would reduce sexual violence among the inmates. Prisoners have the right to be treated in a humane manner and with respect for the inherent dignity of the human person.

Additionally, the study established that by respecting prisoners' human and sexual rights, it would be a good gesture for fostering healthy expressions of sexuality.

The study established that prisoners at Kamiti Maximum Security Prison at times feel like having sex. In order to deal with their urge of having sex, the study established that prisoners relieve their sexual desires through anal sex with fellow inmates and masturbation, through non-penetrative sex, oral sex, and penal sex. The study further established that some of the cases were voluntary or forced with the victims being raped.

The study further found that denial of sexual rights in prison is not justified. Another finding is that prisoners at Kamiti Maximum Security Prison consider denial of sexual right as a violation of their basic human right. Because they consider their rights violated, the majority of prisoners support the introduction of sexual rights in prison. The study established that introduction of sexual rights in prison was supported for a number of reasons. One, it will reduce the alienation of inmates from the community they will eventually rejoin. Two, denial of sex causes frustration which boils over in violent ways. Three, allowing conjugal visits will help in rehabilitation and learning how to cope with prison life .Four, it will improve the behaviour of prisoners. This suggests that the denial of sexual rights may lead to coerced or forced sexual affairs which undermines the intended result of sex. In most cases the limitation in the practice of sex in prison, leads to sexual victimization which includes a range of behaviours from sexually abusive conduct to nonconsensual sexual assaults and has a variety of severe public health consequences.

5.2.2 Attitudes

The study found that sexual rights should be introduced in prison, as this will reduce the rate of coerced sexual behaviours, and promote good manners and behaviour in inmates. Sexual rights would also help in the rehabilitation process, since it is a powerful tool towards reformation and

rehabilitation. However, sexual health in prison can only be advanced if sexual rights are respected, protected and fulfilled. The study also found that sex is a basic component of societal progression.

5.3 Conclusion

This study sought to describe how inmates deal with sexual feelings while in custody. The study findings indicate that prisoners relieve their sexual desires through anal sex with fellow inmates and masturbation, through non-penetrative sex, oral sex, and penal sex. Some of them voluntarily agree while others are forced, resulting in rape cases. The study, therefore, concludes that the denial of sex practice in prison has increased immorality among the inmates and thus causing a risk of converting prisons into same sex avenues.

The study also sought to evaluate the consequences of denying prisoners sex. The findings indicate that prisoners frequently get the urge to have sex, but since conjugal visits are not allowed in prison they opt for other ways of satisfying the feeling. The study, therefore, concludes that denying prisoner's sex leads to increased sexual violence which is "gender-based" which involves is victimization and stigmatization of female qualities in men, where perpetrators sexually abuse other men who are perceived to exhibit such female qualities.

Finally, the study sought to determine how prisoners cope with the denial of sex rights. The study found that it is not easy for prisoners to cope with sex denial. Prisoners need to be tough if not they will end up being victims of sexual assaults. This is because first time offenders ,who are mainly the targeted individuals, usually seek transfers but they end up finding that all prisons are the same most of them then end up being psychologically disturbed and depressed. Others agree to sexual favours in exchange for money. Some victims of inmate sexual assault turn to

suicide following victimization. In this regard, the study concludes that prisoners who are forced to have sex end up being depressed and, hence, committing suicide.

5.4 Recommendations

On the basis of the above conclusions, the study makes the following recommends:

- a) The government should allow inmates to have conjugal visits. This will reduce the amount of sexual violence in prisons.
- b) CCTV cameras should be installed to ensure that the prisoners are monitored to prevent some of them from sexually abusing others.
- c) Prisoners who have been victims of sexual violence should undergo counselling to help them accept themselves and boost their self-esteem. This will prevent them from committing suicide.

5.5 Suggestions for Further Research

This study sought to explore how prisoners in Kamiti Maximum prison deal with denial of sex. The study recommends studies to be done in other prisons in the country to facilitate generalization of the research findings. Since the study focused on a male prison, the researcher recommends replication of the study in female prisons.

REFERENCES

- Adler, M. W. (2014). Sexual coercion reported by men and women in prison. *The Journal of Sex Research*, 33(1): 67-76.
- Amor, P. J. (2011). Psychopathological profile of men convicted of gender violence: A study in the prisons of Spain. *Journal of Interpersonal Violence*, 18(7):798-812.
- Beach, F. A. (2015). Sexual attractiveness, perceptivity, and receptivity in female mammals. *Hormones and Behavior*, 7(1): 105-138.
- Calvin, J. M. (2013). Effectiveness of a treatment programme for immigrants who committed gender-based violence against their partners. *Psicothema*, 25(1): 49-54.
- Corbett, J. (1979). *Global lockdown: Race, gender, and the prison-industrial complex*. New York and London: Routledge.
- Davin, S. S. (1998). Women in prison: Approaches in the treatment of our most invisible population. *Women & Therapy*, 21(1): 141-155.
- Diamond, M. (2001). A critical evaluation of the ontogeny of human sexual behavior. *The Quarterly Review of Biology*, 40(2): 147-175.
- Donnelly, J. (2014). *Universal human rights in theory and practice*. London: Cornell University Press.
- Dumond, A. (2000). Research on sex in prison during the late 1990s and early 2000s. *The Prison Journal*, 80(4): 368-378.
- Evans, B. J and Wallace, L. F. (2008). Women in prison: The central issues of gender characteristics and trauma history. *Public Health*, 123(6): 426-430.
- Farmer, P. (2015). *Pathologies of power: Health, human rights, and the new war on the poor*. San Francisco: University of California Press.
- Freudian, C. W. (1947). Theoretical perspectives on prisonization: A comparison of the importation and deprivation models. *J. Crim. L. & Criminology*, 68:135 – 194.
- Furniss, T. (2015). *The multi-professional handbook of child sexual abuse: Integrated management and legal intervention*. London: Routledge.

- Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients*. Harmondsworth, UK: Pelican.
- Gray, P. B. and Garcia, J. R. (2013). Evolution and human sexual behavior. *History and Anthropology*, 24(4): 513-515.
- Gumbi, S. H. (2015). Closing the courthouse door: The impact of the prison litigation reform Act's physical injury requirement on the constitutional rights of prisoners. *Kenyan Law Review*, 6:189-1224.
- Hammet, K., P. McElroy, L. Fitzpatrick, C. B. Borkowf, R. MacGowan, A. Margolis and J. Taussig (1999). HIV transmission in a state prison system, 1988–1999. *PLoS One*, 4(5): e5416.
- Harris, G., D. Huff, P. Stageberg, L. Prell and S. Musel (2011). *The Iowa sex offender registry and recidivism*. New York: Routledge.
- Henry, J. (2010). Hormones and human sexual behavior. *Journal of Sex & Marital Therapy*, 10(1):3-21.
- Herek, M. (2005). *Preventing and responding to gender-based violence in middle and low-income countries: A global review and analysis*. Policy Research Working Paper No. 3618. Washington, DC:379-380:The World Bank.
- Hochstetler, A. and DeLisi, M. (2005). Importation, deprivation, and varieties of serving time: An integrated-lifestyle-exposure model of prison offending. *Journal of Criminal Justice*, 33(3): 257-266.
- Innes, R. (2008). *International human rights in context: Law, politics, morals: text and materials*. New York: Oxford University Press.
- James, M. and Fisher, J. (2013). Sexual orientation, gender identity and international human rights law: Contextualizing the Yogyakarta Principles. *Human Rights Law Review*, 8(2):207-248.
- Jiang, S. and Fisher-Giorlando, M. (2002). Inmate misconduct: A test of the deprivation, importation, and situational models. *The Prison Journal*, 82(3): 335-358.
- Kangaude, G.D. (2013). A sexual rights approach to addressing gender-based sexual violence among male prisoners in Malawi. *African Human Rights Journal*, 8(4):1-23.

- Karp, D. (2010). Gender-based violence and property grabbing in Africa: A denial of women's liberty and security. *Gender & Development*, 15(1):1-23.
- Kaufman, S. (2006). Social constructions of gender roles, gender-based violence and HIV/AIDS in two communities of the Western Cape, South Africa. *SAHARA-J: Journal of Social Aspects of HIV/AIDS*, 3(3): 516-528.
- Kimani, S. (2007). Human rights and crimes of the state: The culture of denial. *East African Journal of Criminology*, 26(2):97-115.
- Kuper, A. (2010). Changing the subject – about cousin marriage, among other things. *Journal of the Royal Anthropological Institute*, 14(4): 717-735.
- Lawan, U.M., G.T. Amole and M. J. Shuaib (2016). Sexual health of prison inmates: A case study of Kano Central Prison, North Western Nigeria. *African Journal of Reproductive Health*, 20 (1): 98 ,186
- Libscomb, N., B. Winder and C. Hames (2016). “They treat us like human beings”: Experiencing a therapeutic sex offender’s prison: Impact on prisoners and staff and implications for treatment. *International Journal of Offender Therapy and Comparative Criminology*, 60(4): 371-396.
- McGuire, R. (2005). Wardens’ perceptions of prison sex. *The Prison Journal*, 85(2):186-197.
- Mugenda, O.M. and Mugenda G. A.(2003). *Research methods: Qualitative and quantitative approaches*. Nairobi: ACTS Press.
- Omboto, A. (2010). *Working with sex offenders in prisons and through release to the community: A handbook*. London: Jessica Kingsley Publishers.
- Otieno, N. E. (2015). The legal and sociological dimensions of conjugal visitation in prisons. *New Eng. J. on Prison L.*, 2: 47-93.
- Reutens, D.C. (2011). A history of the International Neuropsychological Society. *Journal of the International Neuropsychological Society*, 17(1): 133-142.
- Robinson, R. C. (2011). Recognizing gender-based violence against civilian men and boys in conflict situations. *Security Dialogue*, 37(1): 83-103.

- Rodriguez, N. (2010). The effect of importation and deprivation factors on violent misconduct: An examination of Black and Latino youth in prison. *Youth Violence and Juvenile Justice*, 8(3): 234-249.
- Saling, M. M. and Reutens D.C, (2011). Neurological control of human sexual behaviour: insights from lesion studies. *Journal of Neurology, Neurosurgery & Psychiatry*, 78(10): 1042-1049.
- Smith, D. P. and Batiuk, A.S. 1989). Disciplinary infractions behind bars: An exploration of importation and deprivation theories. *Criminal Justice Review*, 39(2): 201-218.
- Stevens, A. (2017). Sexual Activity in British men's prisons: A culture of denial. *The British Journal of Criminology*, 57(6):1379–1397.
- Struckman-Johnson, D. M., D.L MacKenzie and L. J. Hickman (1996). What works in adult sex offender treatment? A review of prison-and non-prison-based treatment programs. *International Journal of Offender Therapy and Comparative Criminology*, 43(3): 357-374.
- Sykes, G. S. (1958). Importation and deprivation explanations of juveniles' adjustment to correctional facilities. *International Journal of Offender Therapy and Comparative Criminology*, 44(4): 450-467.
- Sykes, G. M. and Messinger, S.L, (1960). *The inmate social system: Theoretical studies in social organization of the prison*. New York: Social Science Research Council.
- Tewksbury, R. E. (2007). Sex in prison: Exploring the myths and realities. *The Prison Journal*, 75(4): 413-430.
- Travis, K., R.L. Punamäki and S. Qouta (2003). Personality and trauma: Adult attachment and posttraumatic distress among former political prisoners. *Peace and Conflict: Journal of Peace Psychology*, 9(2): 97 – 152.
- Wayne, B. V. (2014). Rethinking prison sex: Self-expression and safety. *Colum. J. Gender & L.*, 15: 185 – 239.
- World Health Organization (2016). *Sexual health, human rights and the law*. Geneva: World Health Organization.

APPENDICES

Appendix I: Consent Form

Good morning/afternoon. My name is Anne Nyakara, an MA student in Gender and Development Studies at the University of Nairobi. I am carrying out a study on “**Coping with the denial of sexual rights for prisoners in Kamiti Maximum Security Prison**”. You have been preferred as a participant in this study by desirable qualities of being an inmate of Kamiti Main prison. I guarantee you that all of your responses will be confidential and will not be shared with any other person. Thus, I will not keep a record of your identity or address. All answers will be regarded as important.

By participating and sharing your experiences, I will be able to explore possible solutions and strategies to address the gaps that will be highlighted by all my respondents. I intend to use approximately 20-25 minutes to complete my interview. Your participation is entirely voluntary. Do you agree to be interviewed?

Please sign here as evidence of your informed consent.

Signature _____ Date _____

Thank you for your cooperation.

Appendix II: Questionnaire

Instruction: By means of a tick (✓) kindly indicate an option that best describes your response in the spaces provided.

SECTION A: BACKGROUND DATA

1. State your age

21 – 30yrs [] 31yrs – 40yrs []
41- 50yrs [] 51yrs -60yrs []

2. What is your gender?

Male [] Transgender []

3. State your marital status

Married [] Single []

4. What is your highest level of education ?

Informal [] Primary []
Secondary [] College/Tertiary []
University []

5. How long have you been in prison?

6 moths - 1year [] 1year – 5years [] 5years -10 years []
10years -15years [] 15years -20 years [] Above 20 years []

SECTION B: EXERCISE AND KNOWLEDGE OF SEXUAL RIGHTS IN PRISON

6. Do you know what sexual rights entail?

Yes [] No []

If yes, briefly describe them.....

7. Do you think it is important to practise sexual rights in prison?

Yes [] No []

If yes, why?

.....
.....

8. Do you at times feel like having sex?

Yes [] No []

9. When the need for sexual expression or satisfaction arises, how do you deal with it?

.....
.....

10. Do you feel that denial of sexual rights is justified in prison?

Yes [] No []

If Yes or No, briefly expound on your answer.

.....
.....

11. In your own opinion, is denial of sexual rights a violation of your basic human rights?

Yes [] No []

12. Do you support the introduction of sexual rights in prison?

Yes [] No []

If yes/no state your reason.

.....
.....

PART C: ATTITUDES

13. Please indicate your level of agreement with each of the following statements. Please tick

(✓) where appropriate - Use the following ratings: **SA = Strongly Agree, A = Agree, N = Neutral, D = Disagree and SD = Strongly Disagree.**

	SD (5)	D (4)	N (3)	A (2)	SA (1)
a) Sexual rights should be introduced in Prison					
b) Sexual rights help in the rehabilitation process					
c) Sexual rights promotes reality to inmates in mannerism and behavior					
d) Sexual rights are a powerful tool towards reformation and rehabilitation					
e) Sexual rights will reduce the rate of coerced sexual behaviours in prison					

14. Please indicate your level of agreement with each of the following statements. Please tick

(✓) where appropriate - Use the following ratings: **SA = Strongly Agree, A = Agree, N = Neutral, D = Disagree and SD = Strongly Disagree.**

	SD (5)	D (4)	N (3)	A (2)	SA (1)
a) Sex is a fundamental right for any human being					
b) Sex is a basic component for societal progression					
c) Expression of sexuality should not be restricted for any human being regardless of their vulnerability					
d) Sex is a way of life					

Thank you for your time. God bless you.

Appendix III: Key Informant Interview Guide

1. What is your definition of sex?
2. Would you campaign for or against introduction of sexual right in prison?
3. Is it important for prisoners to practise sex?
4. Are you aware of any cases of coerced sexual activity behind bars?
5. What measures do you think can be taken to reduce cases of coerced sexual activity?
6. What are the challenges of introducing sexual rights in prison?
7. What are the strategies of ensuring a safe sexual environment in prison which is in accordance with the minimum standard rules of treatment of offenders all over the world?