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**FACTORS AFFECTING FEMALE CRIMINALITY IN
KENYA: A CASE STUDY OF LANG'ATA MAXIMUM
WOMEN PRISON**

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DECLARATION

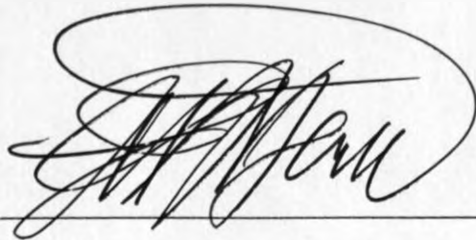
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DATE: 19TH Dec. 1999

This thesis has been submitted for examination with my knowledge as the University Supervisor



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DATE: 20/12/99

**No eye has seen,
No ear has heard,
No mind has conceived,
What God has prepared
For those who love Him
1 Corinthians 1:9**

DEDICATION

This thesis is dedicated to the memory of my late brother, Sammy, who did not live long to see the “fruits” of the “tree” he had helped in weeding and watering, and to my late mother, Phelgonah, who did not live to see me make it.

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ABSTRACT.

This research was carried out at Lang'ata Women's Prison in Nairobi, Kenya. The major objective of the study was to determine the factors affecting female criminality in Kenya and the nature and extent of female criminality with reference to Lang'ata Maximum Women's Prison.

The study had nine hypotheses. The major hypothesis was that the women involved in low occupations and therefore materially deprived prior to custody are more likely to be charged with criminality than those with better opportunities. A sample of 200 women was selected for the study using simple random sampling method.

The data was collected through direct personal interviews using questionnaires containing both structured and non-structured questions. In addition, views on some of the issues were sought from professionals from the fields of Social Work, Psychology, Law, and Psychiatry. The data was analysed using descriptive statistics namely percentages and cross tabulations.

The major findings of the study were that most of the offenders were young, (between the ages of 16 - 35) single mothers, semi-literate, illiterate and with dependants, poor dwellers from the slum areas of Nairobi. These factors appeared to have high recurrence frequency in the study.

The offenders had committed mainly petty crimes in form of loitering with intent to engage in prostitution, possession of African Spirituous Liquor, hawking without licences, petty thefts of property and possession of bhang. It was further found that through these activities, the offenders earned their livelihood prior to arrest, as most of them were not gainfully employed. They earned very low incomes from these activities. Some of them were recidivists as they had been imprisoned before over similar crimes. The women cited financial constraint as the main causes of criminality.

Based on the above findings the investigator makes a number of recommendations, to be realised through:

- Economic empowerment of women through creation of more job opportunities.
- Facilitation of access to credit facilities by women;
- Planned parenthood;
- Non-custodial sentences for petty crimes by the women and introduction of training programs by the Prisons Department to enable the ex-prisoners to get employment or start some business of their own after discharge.

CHAPTER ONE : INTRODUCTION

Background to the Study.

Human societies have societal norms that spell out appropriate and inappropriate behaviour. In modern societies norms have been codified and made into laws such that laws themselves have become norms. Wherever laws have been created there will always be individuals or groups that break them by getting involved in proscribed behaviour. This gives rise to the concept of crime, a phenomenon as old as the human society itself.

Crime is traced back to antiquity when Cain murdered his brother Abel, after which God punished him by making him a tramp. When the crime rate on earth increased God decided to destroy the whole earth, only leaving Noah and his righteous descendants (The Holy Bible; 1976).

Empirical observations have shown that crime occurs in social systems of all sizes, from dyads and small groups to social collectivities. According to Mushanga, the poor, the rich, the educated, the illiterate, men and women are all involved without any exception (Mushanga; 1976: 4-5). According to Durkheim, there is no society so perfect that crime is unknown (Durkheim,1950:68-9).

If anything, sociologists from the functional school of thought believe that crime performs certain functions in society, e.g. production of detectives, judges, executioners and juries. Even torture has provided opportunity for the invention of torture machines by geniuses (Mushanga; 1976; 27). Nevertheless, crime causes disruption of order and decline of public security. It poses a danger to offenders and victims alike (Clifford; 1974:xi), and must be controlled. This is why various mechanisms such as corporal punishment, imprisonment, and death sentence were

introduced to deal with lawbreakers.

Although men tend to be identified more with criminal activities, women also commit crimes although as statistics all over the world indicate, the rate of female criminality is much lower than that of male criminality (Lopez Rey; 1970:199). This is so in the whole world without any exception of age or community (Adwani; 1978:38). It has however been generally observed that the rate of female criminality in Kenya has been going up in the past few years. This is indicated by statistical information analysis from prisons Annual Reports (1975-1985). Thus more and more women in Kenya are today facing trial and conviction, and getting committed to penal institutions because of criminality.

Clinard, (who conducted most of his research in developing countries) and Abbot once pointed out that the distinction between crimes of men and women had more significance when nearly all crimes committed by women were prostitution and drunkardness but that women are now engaging in as many varieties of crimes as men (Clinard and Abbot; 1973:192). They further observed that there has been a considerable increase in the proportion of every crime and women now participate sufficiently in the general society and that since the women are now in more positions of opportunity to commit crimes, a much larger amount of crime can be expected (Clinard and Abbot; 1973:195). With this kind of background in mind, the investigator sets out to explore female criminality in Kenya, with the major objective focussing on the factors affecting female criminality.

Statement of the Problem

The study is an attempt to investigate the factors that affect female criminality in Kenya. Crimes committed by women may be dominated by acts such as prostitution and other petty crimes. Men on the other hand may commit more of crimes of violence. Nevertheless, women also commit crimes that men commit and vice versa. Female Criminality in this study refers to the state of criminality of the women.

The rate of female criminality has gone up all over the world. In the United States of America, arrests of women over the period from 1960 - 1972 rose thrice as fast as those of men, with similar trends being recorded in Germany, Canada, Japan, Norway and New Zealand (Radzinowicz and King; 1977; 15-16). Likewise available statistics in Kenya reveal that female criminality rose fairly steadily during the 1975 - 1985 decade, with just a few variations as indicated in table I below:

TABLE 1: FEMALE PRISONERS ADMITTED IN KENYA PRISONS DURING THE DECADE 1975-1985.

YEAR	ADMISSION	INCREASE	DECREASE	%AGE INCREASE	%AGE DECREASE
1975	6927	-	-	-	-
1976	9316	2389	-	25.6	-
1977	8242	-	1074	-	13.0
1978	6728	-	1541	-	22.5
1979	8004	1276	-	15.9	-
1980	11677	3673	-	31.4	-
1981	12869	1192	-	9.2	-
1982	13206	337	-	2.6	-
1983	12334	-	872	-	7.0
1984	13818	1484	-	10.03	-
1885	12970	-	848	-	6.5

Source: Annual Reports on The Administration of Prisons in Kenya (1975-1985)

Table 1 above indicates that six years out of ten show an increase in female criminality whereas only four out of ten show a decrease. The highest annual decrease (by 18.5%) was recorded in 1978 whereas the highest increase was by (45.9%) in 1980. This may indicate a general inclination towards an upward trend.

Female criminality in Kenya has reached alarming proportions and more women are being committed to prisons. This is a problem situation because of the various effects:

First, when women are placed in custody children are abandoned and there may be nobody to take proper care of them. This is more so with female headed households.

Second, the children may become malnourished because of lack of proper food and perhaps even unavailability of food. This is more so because the children may be taken to stay with a family that may already be experiencing economic constraints.

Third, imprisonment of women may result in a higher rate of child mortality because of lowered immunity to common childhood diseases. Some may drift to the streets in urban settings thus making worse the street children phenomenon and juvenile delinquency.

Fourth, many women are breadwinners in their families and in many cases they may be the only breadwinners. When they are imprisoned this particular role is automatically interfered with. Those who have been under their direct care such as children, husbands, brothers, sisters and aged parents are left behind suffering for lack of food, adequate

clothing, school fees and so on. Where they were supplementing the husband's income, this ceases to be with their imprisonment.

Fifth, many women are directly involved in farming in Kenya and imprisonment denies them an opportunity to contribute to the food supply in the country.

Sixth, it is commonly believed that a family with a good mother can do well even without a father but rarely do families with a father and no mother do well. This is because it is mainly mothers who guide and counsel children thus moulding their characters.

Some marriages may be broken as a result of wives' imprisonment and some husbands may marry other wives. This may badly disrupt even the lives of the imprisoned women's children

Objectives of the Study

The major objective of the study was to investigate the factors that influence female criminality in Kenya.

The other objective was to identify the nature and extent of crimes committed by women criminals in Kenya.

1.4 Study's Hypotheses

The investigator made certain theoretical assumptions at the outset as follows;

1. The women involved in low status occupations prior to custody are more likely to be charged with criminality than those with better opportunities. Therefore the relationship between female criminality and economic conditions is direct.
2. The younger the woman, the more likely that she will get involved in criminality.
3. The lower the level of education, the higher the tendency for women to commit crimes.
4. The higher the incidence of unemployment, the more the likelihood that a woman will commit a crime.
5. As women earn higher incomes, the probability of their committing crimes is reduced.
6. There is a strong relationship between marital status of women and types of crime they commit.
7. Large family sizes tend to be closely associated with female criminality.
8. Poor residences seem to have a strong link with female criminality.
9. Peer association has an influence on female criminality.

1.5 Scope of the Study

Although female offenders in Kenya are disposed of in different ways, this study will focus on those sentenced to imprisonment because the latter is among the major disposal methods used in Kenya. The study confines itself to a representative sample drawn from the population of Lang'ata Maximum Prison, the biggest maximum prison for female offenders in Kenya. The study is on adult female offenders, from sixteen years of age and above. Due to the limitations posed by financial and time resources, it would have been impossible to interview the whole Lang'ata prison population, and hence a representative sample 8200 women was used.

1.6 Justification of the Study.

- 1) Due to the fact that imprisonment of women causes a disruption to lives of many, the problem of female criminality should be investigated as this may provide clues to the solutions.
- 2) Very few studies have been carried out on the subject of female criminality world-wide. This renders the available literature insufficient and the subject relatively unexplored.
- 3) The relatively low incidence of female criminality in itself presents a considerable theoretical challenge.
- 4) This is a pioneer study because no study of this magnitude has been carried out in Kenya. Okaalo's 1986 study on 'Female Criminality' was limited in sample size and depth of analysis and therefore inadequate and not of much significance. A handful of others have focused on "Effectiveness of Rehabilitation" (Mbugua; 1987) and "Attitude of Women Criminals Towards Custodial Treatment" (Katana; 1984). This study will fill existing research gap thus extending knowledge. The findings will contribute to the laying of a foundation for future researchers of Criminology in Kenya.
- 5) It is expensive to maintain penal institutions. The Development Plan for the period 1979 - 1983 indicates that the Kenya government set aside K Pounds 6.9 million for probation and rehabilitation services alone. Identifying factors influencing female criminality would lead to some clues to solutions and consequently lead to a reduction of crimes committed by women. Resources could then be channelled elsewhere towards other departments.

2.0 CHAPTER TWO : LITERATURE REVIEW AND THEORETICAL PERSPECTIVES

2.1 Introduction

This chapter will review available literature as per objectives of the present study. In common usage, the word 'crime' includes acts that are proscribed by the law, acts that deviate from innumerable forms of human behaviour that appear to some persons and by some standards to represent improper behaviour (Block and Geis; 1970:17). To clarify the concept of crime, it becomes necessary to disentangle it from some related concepts such as 'offence', 'sin', 'deviance', and 'delinquency'. According to Mushanga, some offences are regarded as more serious than others. He gives the examples of driving a motor vehicle without a valid driving licence as a traffic offence, but rape and bigamy as crimes (Mushanga; 1976: 4-6). From this one may perceive an offence as a " less serious crime " and a crime as a " serious offence." Hence, whereas the term 'crime' is specific, the term 'offence' is more general. To distinguish crime from sin, religious laws must be brought into the picture since this is probably the only issue of significance. Whereas crime is to societal (man-made) laws, sin is to religious (Godly) laws. Being disobedient to one's parents is a sin but not necessarily a crime, whereas trespassing may be a crime, but is not necessarily a sin. Alighting from a bus without paying fare is a sin since it is tantamount to cheating, but it is not a crime. However, some religious norms have acquired legal statuses so that acts like homicide and stealing are sins as well as crimes.

'Deviance' is a much wider range of behaviour that simply implies being 'different'. One may be different by behaving well when expected to behave badly and vice versa. It also depends on the point of view from which behaviour is looked at. A member of a gang of robbers is thus not a deviant in the eyes of the other members although he is a deviant in the eyes of the general public. The moment he refuses to carry out the leader's orders, perhaps desiring to break away

from the group, he becomes a deviant in the eyes of the other members but a conformist in the eyes of the general public. A wide range of behaviour included in the deviant bracket are crime, delinquency, malingering, dishonesty, mental illness, and suicide (Thio; 1978:9). Deviance is thus a wide range of behaviour of which crime is just an aspect. Hence crime constitutes a specialised and distinctive category of deviation (Block & Geis; 1970:19). Consequently, whereas to commit any crime is to deviate, not all deviations are criminal acts.

Crime is not a homogeneous act but rather a complex of many kinds of human behaviour hence we have different types of crimes (Wolfgang; 1967:27). It is also a concept that is subject to a variety of definitions by different states so that an act considered to be criminal in one state is not necessarily so in another.

This gives rise to the concept of "crime relativity." That may be either temporal (i.e. according to time) or cultural, that is, according to people and place (Clifford; 1974:2). Thus, what was legal two years ago may be illegalised now and vice versa. Laws may be made, unmade, or amended, all the time changing the acts constituting criminal offences.

From functional perspective, Durkheim views crime as functional in that it brings about flexibility to adapt to a changing world. He believes that a society with a very powerful control where the law is never broken would be a society so uniform and rigid that it lacks flexibility (Mushanga; 1976: 28-29). Crime therefore, reinforces the major collective values of a society because where crime weakens them, punishment for the same re-asserts and strengthens them.

2.2 Definition of Crime.

Several attempts have been made to define the concept of crime. Wolfgang gives it the following definition:

“Crime is any act or omission, prohibited by the public law, for the protection of the public, and made punishable by the state in a judicial proceeding” (Wolfgang; 1967:14).

According to Reid:

“Crime is any act or omission of act that violates criminal statutory or case law and for which the state has provided penalty” (Reid; 1979:6).

Glueck and Glueck on the other hand define crime as follows:

“Any act or failure to act that is prohibited by law for the protection or supposed welfare of the public, and punishable by a politically organised society in a judicial proceeding initiated by the state” (Glueck and Glueck; 1950:33).

The salient feature in the above definitions is the fact of undesirability of acts that are resultant to penal sanctions. Secondly, crime does not have to be an act but it can also be an omission. In this study, however, the terms crime and offence will be used interchangeably.

2.3 Theoretical Perspectives

(1) Individualistic Theories

These are theories that have attempted to explain crime from the individual's point of view. They have used different approaches ranging from psychiatric, psychoanalytic, psychological, medical and anthropological approaches. None of these approaches is however of much use to the present study.

(2) Group Oriented Theories.

These are theories that have explained crime causation mainly from the social interaction perspective, considering the effects of culture as well. They are “differential association”, “economic determinism”, multiple factor approach and “anomie” theories, the last being of main interest to the current study.

1.) Anomie Theory

The term "anomie" was first coined by Durkheim who used it to explain pathological forms of division of labour. Anomie according to Durkheim, comes about when traditional rules lose their authority over behaviour resulting in a state of normlessness or anomie (Merton; 1968: 34-41). Merton's theory of anomie was therefore derived from Durkheim's concept of anomie. Durkheim confined his application of anomie chiefly to suicide, but Merton sought to explain not only suicide but also crime, delinquency, and mental disorder. The theory derives from a functional perspective. The general principal in Merton's application is as follows:

“Social structures exert pressure upon certain persons in the society to engage in non-conforming rather than conforming conduct” (Cloward and Ohlin; 1961; 78-81).

With reference to the American Society, Merton stated that it commends all men to strive for success goals by means of certain normatively approved forms of activity. At the same time, opportunities to reach these goals through socially approved means are differentially distributed so that success is only available through legitimate occupational channels for a minority of the population.

Phillipson (1971) also supports the position that the bottom echelons of social class hierarchy are unlikely to succeed and among these groups anomie is likely to be experienced most vividly. For this reason pressure to deviate is at its strongest among the most economically and socially disadvantaged groups. Merton adds that a situation like this makes the people affected adopt one or more of the 5 modes of adaptation to the situations which, are conformity, ritualism, retreatism, rebellion, and innovation. Only the last form of adaptation is of significance in this study. 'Innovation' refers to a state whereby persons continue to pursue approved goals but whose means are illegitimate.

The crucial relationship postulated in Merton's theory is between blocked opportunities and deviant behaviour where, the former is indexed by unemployment rate and lack of education. These generally result in lack of skills, poverty, and slum dwelling, as opposed to success in business and prestigious posts (Clifford; 1974: 45).

As to what it is that makes individuals choose any one of the five forms of adaptation, the investigator does not deem it relevant to the present study since this would call for another full study. In any case no single theory can adequately explain crime causation and no theory is therefore free from criticism. It should be pointed out here that the theory of anomie will not be applied wholesale to the area of female criminality but with caution.

Furthermore, Merton argues that indicators must be developed if the concept of anomie is to be utilised in empirical research. He talks about Leo Sreole's attempt to develop a 'scale of anomie' which incorporates terms referring both to an individual's perception of his social environment and his place within that environment. Merton points out that Sreole's scale of

anomie was defective and goes on to discuss Bernard Lander's indicators of anomie (Merton; 1968; 41-48). The latter developed two clusters of variables, one of which he termed anomic factor because it has values of high delinquency rate.

The factors are as follows:

- ◆ High delinquency rate areas
- ◆ High percentage of non-white residents in the area
- ◆ Small percentage of dwellings occupied by owner
- ◆ Family disintegration (divorced and separated)
- ◆ Occupational status
- ◆ Marital status

2.3.1 Female Criminality and Anomie Theory.

It is apparent from the proposition of the theory that many cultural and structural systems all over encourage people to strive towards certain goals or material achievements which can only be obtained legitimately through education and employment, which presumably lead to better life.

Women all over the world were for a long time discriminated upon in so many ways such as education, employment, remuneration and ownership of property. Lopez-Rey summarises the situation as follows:

“In many countries political and legal rights of women are constitutionally proclaimed, but not always recognised, the right to equal employment is seldom accompanied by equal remuneration” (Lopez-Rey; 1970:200).

He further contends that this situation is more significant due to factors such as the growing number of unmarried women with children, the greater frequency of divorce and separation, as well as shorter life span for men as compared to women (Ibid; 1970). This represents a marginalised group with no easy way of achieving their goals. They are consequently more exposed to the use of illegitimate means and more so due to recently added family responsibility.

Lopez-Rey (1970:200) continues to observe that acts such as abortion, infanticide, child abandoning and cruelty to children prevail among women of the less privileged classes because the male may turn his back thereafter. Abortion is on the other hand easier for those with financial means, and this leaves the disadvantaged with the responsibility of bearing unwanted children, who easily become victims of infanticide, child abandonment and cruelty (Ibid; 1970:201).

Concerning ownership or inheritance of property, women had no right in many parts of the world. This is one of the many reasons that gave rise to the Women's Liberation Movement and a search for equality due to the discriminatory laws that restricted the women's access to legitimate means of reaching their goals.

Education for women has also been an area of discrimination particularly for women in Kenya. This is because for a long time parents preferred to educate their sons rather than daughters, as a result of discriminatory traditions and traditional role expectations. The argument being that the latter would end up getting married and leave the home (Pala et al; 1975:155). Where finances are limited Kenyan parents have opted to educate sons. Early pregnancies have also led to high

rates of school dropouts among girl students. This leads to higher rates of unemployment or at best, employment in menial occupations for girls and women.

The "changing roles" concept has also ushered in female-headed households where women are the sole breadwinners. In most cases women no longer remain at home to take care of the duties there. They have to go out to earn an income and more so where they are family heads either because they are single or because their husband are working elsewhere (Goode; 1987: 132-133).

It would seem as if all along, perhaps from early childhood, women are alienated from the means to achieve their life goals and thus more exposed to law breaking because the traditional rules lose their authority over the women's behaviour.

3.2 The Nature and Extent of Female Criminality,

3.2.1 The Initial Studies.

Empirical data on female criminality shows that very little research has been carried out in this area. Smart points out that voluminous and rich work in the field has been confined almost exclusively to the study of male criminals because of the belief in the relative insignificance of female criminality (Smart; 1977: 1-3). This is mainly because the preponderance of criminal activity has been attributed to men and theoretical explanations have been focused therefore on male criminality.

The differential crime rate between male and female where the former have a much higher ratio than the latter has been attributed by different criminologists to such factors as closer supervision of women and girls, the more active economic role for the men and that some

crimes committed by women such as theft by female servants, theft by prostitutes are under reported (Yablonsky; 1962:4). Yablonsky reiterates that women are less criminal because they are sheltered from the hardship of life namely heavy physical labour and violence, rendering them less likely to commit crimes of violence namely, assault, robbery, and others.

It is not however the purpose of this study to focus on the male - female differential crime rates. Nevertheless, this has to be mentioned since a few studies on women offenders, (according to Wootton), have generally looked upon the difference between masculine and feminine criminality merely as a reason for eliminating female subjects from their researches on the ground that they provide insufficient material (Wootton;1967:318). That is an area that needs to be explored can no longer be ignored.

Early studies carried out by scholars like Lombroso and Ferrero, Thomas, Pollak, Courie, and Slater, tended to dwell so much on biological and physiological views. It should be noted that, the role played by social and environmental factors has been ignored by these scholars. It should hereby be pointed out that women are not entirely biological and physiological beings. Classifying them exclusively as such is not realistic since they are also social beings. Social and environmental factors should not therefore be ignored and relegated to nothingness. The point is that Lombroso and some of his successors over concentrated on biological and physiological factors ignoring the social criteria. To look at factors such as urbanisation and the development of capitalism as merely triggers of criminal activity is to take a narrow perspective, to say the least.

Lombroso saw a close connection between physical deficiencies and crime. In his few " born criminals," he reported to have found lack of maternal instincts, less sensitivity to pain, less

compassion, jealousy, and vengeance. He said though, that these qualities are normally tempered by more typical female attributes such as piety, maternity, and feminine weakness.

The investigator would like to point out that improbability of the "born criminal," as criminality is more of a learnt behaviour, at worst a response to life pressures. The flat noses and the protruding forehead that Lombroso talked about may not be traits that would stamp one as a born criminal, but rather, the victim's reactions to the people around them would determine whether they become criminals or not. The view of offenders as sub-normal gives a distorted picture of the phenomenon (Smart; 1977: 17-18). Female offenders might have been rare in comparison to male offenders but this does not make them an abnormal species. That female offenders are biologically subnormal, lack maternal instinct, are not fully female, and are monsters (according to early criminologists like Lombroso, Cowie and Slater) need to be proved (Smart; 1977: 33-35) beyond any reasonable doubt. These scholars arrived at their assessment after studying middle class women in Europe in the 19th century. Thus they have overlooked historical and anthropological evidence of the activities and social position of other women in other periods and societies (Smart; 1977: 31-39). This type of study can be fallacious and inadequate since it is actually limited to women in a particular society at a particular period (Smart; 1977: XIV).

If anything, women may be more vulnerable to these forces due to phenomena such as single parenthood (widowhood, divorce, never married) coupled with a higher incidence of unemployment and low remuneration. The biological and psychological determinism were largely rejected in later studies and as Smart appropriately observes, this is an important development in our understanding of female criminality (Ibid; 1977). And so this takes us back

to the social and environmental factors.

Empirical observations have proved that crime in different parts of the world and in different types of societies mirror the most basic values of a people and the means that the society has devised for the fulfilment and realisation of these values. Consequently the total female crime picture of a given country may be wholly dominated by one particular crime which may be of very little importance elsewhere, partly because of the criminal law, climatic, social, and economic conditions. Mannheim cites an example of drunkenness in Sweden and libel in Germany (Mannheim; 1965; 335). A society can therefore be understood and judged only against the background of its peculiar culture, i.e. its norms and values since some crimes are directly and simply a reflection of these forces. It is with this background in mind that studies by different scholars on female criminality will be reviewed.

3.2.2 The Subsequent Studies

Mannheim, after analysing the history of criminality in Europe, observed thus;

“From the point of view of history the crimes in which women were mostly involved used to be adultery, incest, witchcraft, poisoning, infanticide, drunkenness, prostitution, cruelty to children, shoplifting, and motoring offences in that order” (Mannheim; 1965:696).

Walker reiterates that women generally commit crimes that are petty and non-violent in nature and that when opportunities avail themselves, women outnumber men among shoplifters, this being so because they enter shops more often than men (Walker; 1973: 295-6).

Adwani argues that prostitution and shoplifting are the forms of crimes traditionally attributed to women (Adwani;1978: 39). Available literature from the West reveals that the type of crimes frequently committed by women and girls is sexual in nature and that the convicts had been leading immoral lives prior to conviction.

In a study of 590 cases of women prostitutes from New York city Smart shows that 32% were committed for misdemeanour and felonies while the remainder (68%) were committed for crimes connected with sexual immorality (Smart; 1977: 8-11).

It appears from above observations that these scholars have for a long time believed that the deviance attributed to women are mainly shoplifting and sexual deviance. It is interesting to note the manner in which shoplifting and prostitution are explained away. The former is believed to be caused by the need for psychic relief whereas the latter is explained away by an intense need for love and tenderness (Smart; 1977:39).

On the other hand Smith's typical woman offender in Scotland, England, and Wales appears to be young and dishonest or middle aged and disorderly (Ibid; 1977: 32) whereas this may not be necessarily so in Kenya. The investigator hereby refutes this observation

In connection with dominance of particular crimes and looking at the empirical data in Kenya scene, Muga, in his study in 1975 reveals that women offenders in Kenya commit crimes as listed below;

Possession of African Spirituous Liquor; trading without licence (hawking); over-charging; possession of cannabis sativa; possession of poisonous drugs; forgery;

burglary and theft; handling stolen property and disorderly conduct (Muga; 1975:68-70)

What comes out of a comparative examination of the above list of crimes with Western and Eastern literature is that the first four crimes are not common in the Western and Eastern countries. This is one of the reasons why cultural practices can not be ignored in studying female criminality

Noting that Kenya women commit some crimes that are peculiar to them and perhaps women from some other parts of the African continent, Nelson observes that rural urban migration has had a criminogenic effect on women. As he put it:

“Nairobi is growing at a yearly increase of 7.8% and this has resulted in an increasing number of unmarried, landless women whose only solution often is to go to town. They enter into the struggle for a limited number of jobs and most likely become domestic servants, petty traders, casual labourers, prostitutes or delinquents” (Nelson; 1975:4)

He continues to say that entering new social and economic settings in the urban social field implied that these women have to be employed, yet they are not qualified and can therefore only get menial unskilled labour (Nelson; 1975:5). These crimes may or may not be known to the women in Western and Eastern world.

Various Explanations for Female Criminality

1.1 Increased Learning Opportunities

A group of scholars have pointed out the impact of increased learning opportunities for women and the fact that traditional sex roles have undergone considerable transformation. The following is their view:

“The more recent increases in female crime have been due to increased learning opportunities together with changes in traditional sex roles which previously emphasised production of goods and services, bearing and rearing of children, female submissiveness and stay - at - home attitude” (Clinard and Meier, 1985:86).

For this reason, women are exposed to opportunities to commit crime just like men. Clinard et al applied differential association theory in explaining women’s exposure to deviant norms due to more participation in the general society. Cooper reinforces this position thus;

Women in men's position have not shown themselves to be strong enough to resist the temptations of bribery, fraud, and embezzlement (Cooper ; 1974: 160).

4.2 Women's Liberation Movement

Female criminality cannot be discussed without considering the concept of Women's Liberation Movement, a group that was agitating the liberation of women from all forms of oppression, exploitation, ignorance, and poverty. Ideally the achievements of the movement would result in a society where women and men can live in peace with each other interacting with human dignity and mutual respect and where decent standard of living is assured for all. West believes that as women become emancipated (liberated) they get convicted of more crimes (West; 1967:197). This is mainly because they became more aware of equal rights with men, the exposure and excesses of which may result in criminal offences. The investigator would like to point out here that there is an indication that most people have misunderstood the meaning of emancipation and have equated it with women senselessly imitating men, even in deviant behaviour (as was vogue in the West and to some small extent, in Kenya during the 70s and 80s. Smart blames criminologists who have studied female criminality for falling into this trap too (Smart; 1977: 73-74). She views emancipation as an extension of human rights and full social

and economic opportunities, which she sees as an advancement of social justice. She warns us that emancipation is not merely based on a desire to emulate men in dressing and behaviour but explains that it actually refers to the ability to resist stereotyped sex roles and to reject limiting misconceptions about the inherent capabilities of the sexes.

The argument that women's emancipation has altered the formerly low rates of female crime may be valid in as far as it opens up opportunities once denied women. Adler, for instance, observes that by challenging the traditional restrictions and social roles, women are likely to be subjected to pressures that can increase crime. She maintains that as women move into white-collar positions, most of them will perform their tasks honestly and responsibly but that it is unrealistic to assume that women will be any more honest than men. Leonard supports Adler's contention that increasing freedom might lead to greater female crime and she says Adler's statement deserves consideration, although she at the same time accuses Adler of blurring the connection between female crime and liberation movement (Leonard; 1982: 176) and failing to clearly distinguish between criminality and liberation of women.

The investigator observes that it is quite possible for women to be liberated from oppressive situation without being criminal, and also to be criminal without having been liberated from any oppressive situation. Female criminality in Kenya may have nothing to do with liberation movement per se. Perhaps the movement sensitised women to their rights as human beings and their social and economic positions vis-a-vis those of men, and this in turn increased female crime rate but mainly due to increased opportunities. Sooner or later women were definitely going to wake up to their oppressive circumstances and do something about it. Emancipation and women's movement are just but labels. With or without these, increase in rates of female crime was inevitable as a consequence of social change and development.

2.4.3 Economic Constraints

Concerning economic problems and its influence on female criminality, Wootton's (Wootton; 1971: 100) analysis of studies carried out by American researchers leads to a number of observations. Among these, she cites a study carried out by Fernald on a sample of 420 women classified into four categories as follows:

1. Very poor - dependent all or most of the time - 5.7%.
2. Poor - Managing with difficulty, with occasional aid 35.7%
3. Fair - normally self supporting but without surplus - 45%
4. Good- with money saved or its equivalent - 13.1%

On this basis, Fernald concluded that even though the convicts' records showed a low wage, the wages were not lower than the bulk of unskilled workers in the same occupation. This does not support economic constraint as a factor in criminality.

On the basis of general studies on crime however, some scholars believe that economic ends are the primary means to the ultimate happiness, viewing crime as an alternative means to such ends where 'one cannot make it legitimately' (Cressey and Ward; 1971: 317). The theory has had as many supporters as critics.

The proponents of Marxists, school of thought hold the following belief:

“Society is profoundly affected by its economic institutions since economic activity is central. The key to the problems of a society, like crime, might lie in its economic arrangement” (Vold; 1959: 121).

From the above discussion it could be concluded that there is a strong tendency for crime and delinquency to be associated with poverty. Wootton (1969) also notes that women offenders tend to be unfortunate in their social and economic backgrounds. Studies have shown that in Kenya and other developing countries, prostitution, for example, is a means of earning an income, an outcome of a dire economic need as well as a choice between survival and starvation for most women. Smart, on the same subject observed that:

“Prostitution is today not a reality for women in the West. It is still a fact of life for others living in Third World countries and the tendency to reject the argument that prostitution is a consequence of extreme poverty may therefore only be relevant in advanced industrial societies where absolute poverty is uncommon although not unknown” (Smart; 1977:9).

Muga's 1977 study also confirms the above statement. He concludes that unemployment and its attendant poverty gives rise to prostitution, the culprits being young school drop-outs who also happen to be unmarried mothers and cannot therefore take care of their children (Muga; 1977:69).

4.4 **Changing Roles.**

Adwani's study conducted in India also looks at crimes committed by women in relation to the role structure and gives it a purely economic explanation. He states the following;

“The commitment of such crimes by females in which economic harm was done to the victim indicates the change in role structure. That is, some times the women have to indulge in anti-social activities to help their husbands in economic pursuits or when they face economic stresses. It may then be said that women's crimes were incidental to the

role they play as wives, mothers and rearers of children” (Adwani; 1978:39).

Smart observes that most occupations give some opportunities for dishonesty and that it is likely that as women become a larger part of the work force, more of them will be involved in more crimes related to their respective occupations (Smart; 1977:5). She reiterates that changes in women's social and economic roles are leading to higher rates of criminality. Making this conclusion she observes that women are currently engaging more frequently in more varied forms of crime such as burglary, robbery, theft, handling of stolen goods, drunkenness and fraud (Ibid; 1977; 13).

Dinerman states that virtually all one-parent families are headed by women and these families are triply handicapped by child-care costs, lack of marketable skills and job discrimination and as such they are highly vulnerable to poverty (Dinerman; 1977:472).

Okaalo's 1986 Lang'ata prison study, for instance, reveals that 85.25% out of her sample were single women, out of which 77.05% were mothers (Okaalo;1986). She further found that 40.98% had no sources of income prior to imprisonment. A total of 63.33% cited need of money as the reason for their crimes.

1.4.5 Unemployment and Under-employment.

Mbithi, in his documented 1979 address to Prison Officers, attempted to explain criminality (both men and women) in Kenya. He stated it was caused by unemployment and underemployment and various social tensions such as poor conditions of life in rural areas that cause an influx into urban areas where people imagine life is easier. It has been observed that young people, men and women, educated and uneducated, move to towns in large numbers with

the intention of finding employment. The situation being what it is, most of them find no employment since they are likely to be lowly educated and may not be able to effectively compete with the rest who mostly are comparatively better educated. They end up unemployed and this creates a lot of pressure for the individuals concerned.

Mbithi goes on to state that by the year 1982 Nairobi's unemployment rate had risen to 35% and that the situation was likely to be worse by 1992, with only one out of every 10 school-leavers expected to get a job. The situation is getting progressively worse since more than a decade has passed and women are more of victims because they are generally less educated as compared to men their male counterparts. Many women without reliable income sources who depend on chang'aa brewing or hawking for survival end up in prison but after release they go back to the same crimes. This is because the behaviour has been punished but the root cause (poverty) has remained un-tackled. Mbithi elaborated on this idea by saying that when a man is arrested then one is dealing with only symptoms of social pressure, for which punishment may not be the answer.

We have learnt from available literature that the Kenyan woman prisoner is a " young rural-urban migrant, with little or no education, no full-time employment, may or may not be a single parent, has dependants". From this we can infer that women prisoners in Kenya are from disadvantaged backgrounds which factors highly predispose them to illegal activities which are sure to land them in courts of law. They are fined and since they may not have the money, they get imprisoned.

Another Sociologist, Muli Musiime observes that a closer examination of the type of women

who get caught in the criminal-justice process indicates that this increase is due more to socio-economic vulnerability of women than to crime per se (Muli-Musiime; 1986:3). This vulnerability is due to the fact that women are poor, in most cases uneducated, lack skills, and may be parents, single or otherwise.

2.4.6 Lack of Skills.

The few women in formal employment may lack skills thus ending up in occupations that demand little skill but which are low paying. Women have responsibilities yet more often than not they lack proper sources of income. In a study of women prisoners in Lang'ata Women's Prison, Mbugua found that:

“23% were single mothers who had between 3-5 children. Another 23% were divorced and illiterate and had 6 - 10 children. 9% were widowed and re-married, 20% stated that their husbands were very poor and in no position to help them financially”

(Mbugua, 1987:53).

Many who work in factories are insecure due to the temporary nature of their work. These women, though employed, may not therefore be much better than their unemployed counterparts. They may end up looking for such other ways and means of supplementing their incomes as illegal trade. When they are single parents the situation becomes even worse because of the intensity of needs. This is compounded by the needs of their children who must feed, go to school, and have medical attention in sickness.

The preceding discussion about factors leading to female criminality suggests that many of the factors are social and economic in nature. The recurring factors are unemployment, poverty, single parent-hood, and the changing roles of women.

Moreover, even with those (men and women) in wage employment, returns from their work may provide no more than a poverty standard of living, implying that they are as much a part of the problem as are the unemployed.

Hypotheses

There exists a strong relationship between female criminality and material deprivation and thus the relationship between crime and economic conditions is direct (positive). This is so in the sense that criminality is an extension of normal economic activity (a criminal fringe) and increases and decreases in the same manner and at the same time as normal economic endeavor.

5.1 Variable Specification and Variable Indicators

The variables are divided into two categories made up of independent and dependent variables. Since it is assumed theoretically and practically that independent variables influence dependent (effect) variables, the former must therefore precede the latter in occurrence.

Independent Variables.

The independent variables in this study are as follows:

<u>Hypothesis</u>	<u>Independent Variables</u>	<u>Indicator for Variable</u>
1. The women involved in low status occupations prior to custody are more likely to be charged with criminality at some point in their lives	Occupation	<ul style="list-style-type: none"> - Executive (secretaries, Nurses) - Petty trade (hawkers, chang'aa brewers, bhang sellers) - Service (house maids, bar maids, waiters, etc)
2. The younger the woman, the more likely that she will get involved in criminal behaviour	Age	Years since birth as follows <ul style="list-style-type: none"> - 16 – 25 years - 26 – 35 years - 36 – 45 years
3. The lower the level of education, the higher the tendency for women to commit crimes	Level of education	No. of years in school as follows <ul style="list-style-type: none"> - 1- 4 years - 5 – 8 years - 9 – 12 years - 13 and above
4. The higher the incidence of unemployment, the more the likelihood that a woman will commit a crime	Employment	Wage (formal) employment Self employment Unemployment

<u>Hypothesis</u>	<u>Independent Variable</u>	<u>Indicator for Variable</u>
5. As women earn higher income, the probability of their committing crimes is reduced	Income Level	Income levels as follows: <ul style="list-style-type: none"> - None - Very low-ranging from Kshs. 50.00 – 1500.00pm - Low ranging from Kshs. 1501.00-3000.00pm - Middle-ranging from Kshs. 3001-4500.00pm - High-ranging from Kshs. 4501.00 and above
6. There is a strong relationship between marital status of women and types of crime they commit.	Marital status	Categorised as follows; <ul style="list-style-type: none"> - single (separated and divorced) - Widowed - Married - Separated
7. Large family sizes tend to be closely associated with female criminality	Family Size	Measured by number of children as follows: <ul style="list-style-type: none"> - Small (between 1-3 children) - Large (between 4-6 children) - Very large (7 and above)

NOTE: The indicator reading “executive” for hypothesis 4 is for the purpose of simplification of grouping in this study and includes those who were in white collar jobs prior

to imprisonment such as nurses, teachers, secretaries. The word executive in this context does not therefore bear its normal dictionary meaning.

<u>Hypothesis</u>	<u>Independent variables</u>	<u>Indicator for variable</u>
8. Poor residence seems to have a strong link with female criminality.	Residence type	Measure by monthly rent levels as follows: <ul style="list-style-type: none"> - Low level Rent – Mathare Kawangware, Kariobangi etc. - Middle level – Ngara, Buruburu etc. - High level rent – Westlands, Parklands, Lang’ata
9. Peer pressure has an influence on female criminality.	Peer Pressure	Measured by company one kept both before and in prison and whether the friends were ever imprisoned and the type of crime for which they were placed in custody

NOTE: The variable “family size” for hypothesis 7 will encompass members of the extended family in the discussion chapter.

(2) **Dependent Variable**

All the 9 hypotheses have a causal relationship with the same dependent variable, the "female criminality" which is indicated by the following specific crime clusters.

- Possession of "chang'aa"
- Drug trafficking, hawking without license, selling goods at a price exceeding the recommended price, selling after closing hours.
- Loitering with intent to commit prostitution
- Affray, assault, manslaughter, murder, abortion, child abuse and neglect.
- Robbery with violence, burglary, theft by servant, forgery and being present in the country illegally. The crime types have been classified into 5 major classes for ease of analysis.

1. Possession of African Spirituous Liquor (A.S.L) or "Chang'aa"
2. Sales related crimes.
3. Loitering with intent to commit prostitution.
4. Violence against the person.
5. Miscellaneous Crimes.

NOTE: The first and the third categories consist of a single type of crime. This was done deliberately since these crimes are commonly committed by women in Kenya and thus combining them with any other type would cause the whole study to lose focus.

CHAPTER THREE : SITE SELECTION AND METHODOLOGY

Site Selection

Lang'ata Women's prison was chosen as the most suitable due to the fact that it is the only maximum prison for female offenders in the country, thus the only one that detains both short-term and long-term prisoners from all over Kenya. This factor makes it possible to generalise from the findings of the research since Lang'ata seems to be quite representative.

The secondary factor was related to the available resources. The attributes of representativeness, convenience and familiarity made Lang'ata prison the only possible choice if the objectives of the study were to be achieved and valid generalisation made from the findings.

The institution is located about 13 km outside the Nairobi City Centre with a full capacity of 800 inmates including remandees. At the time of the study it was being managed by a Chief-Officer assisted by an Officer-in-charge and a number of Prison Wardresses.

Methodology

2.1 Sampling Frame

Lang'ata Women's Prison has a Register of all the inmates, including personal details such as marital status, crime committed, residence, and others. The Register is very big, with very many names entered over a long period of time. This necessitated taking the names of only those who were currently serving their sentences. This new list constituted the universe from which the sample was later drawn, i.e. individuals or adult inmates aged 16 and above. Thus the individual offender is the unit of inquiry in this study.

2.2 Sampling Procedure

Initially the investigator had planned to leave out the inmates with only 3 months or less of jail term. This was to ensure that all in the sample would be interviewed before release but would have excluded many brewers and all loiterers from the sample, since the former mostly go in for 3 months or less while the latter go in for 1 to 6 weeks. That kind of sample would have been biased and unrepresentative, giving the impression that there are no loiterers and very few brewers while these were actually the most dominant category.

Specifically, simple random sampling method was employed. The investigator transferred all the names of current prisoners from the Register on to a sheet of paper, without changing the order in which they appeared. Using the lottery method, the names were transferred on small pieces of paper which were then well folded, placed in a container then mixed thoroughly.

From the 548 pieces of paper representing the universe, the required sample of 200 pieces was randomly selected, without replacement. Those were listed together with the crimes committed and prison terms for it was of crucial importance that the short-term prisoners and the long termers (who were about to be released) be interviewed first i.e. before they were released.

2.3 Sample Size

At the time of the present study the universe of Lang'ata prison, was 548 inmates. The universe was relatively homogeneous in terms of the type of offences represented. The investigator decided to draw a sample of 200 inmates, representing 36% of the universe. This was considered to be the optimum sample size, which, according to Ghosh; (1985:206), fulfils the requirements of efficiency, representation, reliability and feasibility.

2.4 Data Collection Instruments

(1) The Questionnaire

The questions had been formulated as per the objectives of the study. They were designed within the framework of the problem statement and linked up with the chosen theory and the study's variables. There were two sets of questions, one for the Lang'ata inmates (see Annex I) and the second for the key informants (see Annex II). Key informants from various professions were given questionnaires, which they filled out on their own and were later collected from them. Questions for both categories were short, precise, and simply worded for better understanding.

The main questionnaire included both structured and non-structured questions. The former were used due to their ease in filling out responses and because they keep the respondents within the subject matter due to their restricted nature.

However, non-structured questions were also included because they are less superficial and also offer a better flexibility in tapping the attitudes of the inmates. These also allowed the investigator an opportunity to probe and in this way greater depth of responses was obtained.

The questionnaire was pre-tested before finalization.

Prisons are restricted places and the investigator had to obtain an authorisation letter from the then Commissioner of Prisons to the Officer-in-Charge of Lang'ata Women's Prison. Only then was the investigator able to test the questionnaire on a few inmates to discover the drawbacks in the questionnaire in terms of ambiguity and redundancy, judging from respondents' reactions. At the prison, the investigator was introduced to the Welfare Officer who was to give all the required assistance during the period of study. The Welfare Officer introduced the investigator to the uniformed members of staff and the inmates as well as the purpose of the visit.

Sources of Primary Data

(i) Personal Interviews with Inmates

The questionnaires were administered to the inmates through a direct personal interview since a good number of the respondents could neither read nor write. Even those who could read and write most would have been unable to clearly record the responses themselves because of semi-literacy. The interviews were conducted in Kiswahili for effective communication. The first four to be interviewed for the day would be detained while others went to work to avoid discussion of the interview with those yet to be interviewed.

In the afternoons the next two would be detained for the interview. They would wait outside the office in which the exercise was taking place and come in one at a time. It took an average of 40 minutes to interview one respondent and only a few problems were encountered (See Annex IV).

(ii) Views From Key Informants

The investigator decided to gather information from professionals (both men and women) from the fields of Psychology, Psychiatry, Law, Police Force, and Social work. This was done through questionnaires, which they filled out. It was for the purpose of obtaining their views concerning certain pertinent issues in female criminality. Whatever information they provided was used to supplement the information gathered from the offenders. All the questions were non-structured but based on the major variables of the study (see Annex II).

(iii) Direct Observations

The investigator also used this method to gather some information. These were so in connection with inmates' general appearance, their conduct during the interview and interpersonal relationship amongst inmates and members of staff. In this way the investigator did not have to keep on asking questions about everything.

(3) Sources of Secondary data

The secondary sources of data were the library and prison records.

(i) Library

The books on Criminology were obtained from the University of Nairobi Library and a few from individuals.

(ii) Prison Records

These were obtained from the Prison Headquarters, Nairobi. They were in the following forms: Official reports and statistics; Committal Warrants; Consolidated Annual Returns;

Annual Reports on the Administration of Prisons and Press cuttings (on articles related to crime and imprisonment)

3.3 Limitations of the Study

The investigator would like to point out that prisons are probably not a representative sample of criminals. At best they can only be representative of prison populations, which is obviously a selected group from among those involved in crime and also selected for imprisonment because they are 'failed offenders' (Phillipson; 1971:27).

The readers should therefore know that the sample drawn from Lang'ata Prison for this study can not possibly be completely representative. However, the findings are expected to be a reflection of the female criminality picture in Kenya as a whole. This is because, as stated earlier, Lang'ata is the biggest female prison in Kenya drawing inmates from all over the country.

4.0 **CHAPTER FOUR: CRIMINAL BEHAVIOUR, DEMOGRAPHIC CHARACTERISTICS AND ASSORTED ATTITUDES.**

4.1 **Introduction**

In this chapter, data on female offenders is presented, analysed, and finally interpreted using descriptive statistics mainly through tables, percentages, and measures of central tendency. An attempt is also made to apply the theory that is most suitable in explaining female criminality in Kenya.

Wootton has heavily criticised contemporary social research in being over-enthusiastic in using complicated statistical techniques in data analysis even when it is not required. She makes the following observation:

“One of the many weaknesses of contemporary social research is that we have allowed ourselves to disregard the obvious. Quantification is now the rule in nearly all social investigations. Yet inaccurate observations remain inaccurate no matter how sophisticated the statistical processing to which they are subjected. We should be well advised to resist the temptation to elaborate manipulation and to content ourselves with such humble methods as purely descriptive treatment” (Wootton; 1967:312-313).

Dubin (1969:85) observes that Descriptive research is the stuff out of which we finally derive information useful for theory building and as such we cannot do without it.

4.2. Background Information on Respondents

4.2.1 Inmates' Pre-Custodial Occupations

The “executives” only constituted 24% of those who had incomes. These were mainly clerks, copy typists, nurses, and teachers. Another 47% had engaged in petty trade, which included small businesses dealing mainly in fruit and vegetables. Majority from this category had been hawkers while others rented stalls in various market places; sold from small kiosks in residential areas; roasted maize by the road sides; sold cooked food 'chang'aa' and some were bhang dealers.

A further 29% had been serving either as domestic workers or as service girls and waitresses in bars and eating places. The few who had intimated that prostitution was their full-time occupation were also placed in this category. Only 5% had engaged in subsistence farming, on tiny pieces of land and sold surplus for money, which they spent on purchasing other goods and services. Another 3% had been engaged in such other varied occupations as hair saloons and selling of white stones, the latter applying exclusively to the Abagusii inmates.

Table 2: Pre-custodial Occupation and Type of Crime Committed

Types of crime committed	Possession ASL offences	Sales Related Crime	Loitering with intent	Violence against person	Misc	Total crimes
Pre-custodial occupation						
Executive	7 (5.6)	13 (10.6)	4 (3.25)	5 (4.1)	0 (23.6)	29 (24.5)
Petty trade	20 (16.2)	14 (11.3)	15 (12.2)	4 (8.25)	5 (4.1)	58 (47.1)
Service	5 (4.1)	9 (7.3)	12 (9.7)	7 (5.6)	3 (2.4)	36 (29.2)
TOTAL	32 (26)	36 (29.2)	31 (25.2)	16 (13.0)	8 (6.5)	123 (100)

Note: Figures in parenthesis represent percentages.

- * ASL- African Spirituous Liquor or chang'aa
- * Sales Related Crimes - In this study refers to crimes like hawking without licence, selling after closing hours, over charging, handling stolen property and drug trafficking.
- * Violence against the person - In this study refers to crimes like manslaughter, murder, concealing birth, affray, child stealing, child abuse and neglect and assault.
- * Miscellaneous - In this study refers to crimes committed in minor frequency such as disorderly conducts, forgery, burglary, robbery with violence, abortion, child defilement, theft by servant, damage to property and illegal presence in the country.

The table reveals that prior to imprisonment 29% had worked in the service industry, out of which 9.7% had been caught loitering with intent to commit prostitution while, another 7.3% were in for property related crimes, 5.6% from service industry got involved in crimes of violence and 4.1% were caught with ASL.

Most of the offenders had been involved in petty trade prior to custody. Of the three major occupational categories in this study, petty trade accounted for 47%, out of which 16.2% were charged with possession of ASL; 11% with sales-related crimes; 12.2% with loitering with intent to commit prostitution and only a negligible 3% were charged with crimes in the miscellaneous category. Looking at the type of crime committed as cross-tabulated with the inmates occupations prior to imprisonment, it is apparent that the most committed crime was sales related crime (29.2%) followed by possession of ASL (26%), loitering with intent (25.2%), crimes of violence 13% and lastly miscellaneous crimes (6.5%). The first hypothesis of the study that, the women involved in low status occupations prior to custody are more likely to be charged with criminality than those with better opportunities is here validated. It should be remembered that the categorisation of crimes did not interfere with possession of ASL and loitering with intent to commit prostitution as categories. These have then in a sense contributed higher percentages than the categories with clusters of crime. It is also apparent that more of those who had been petty traders committed more crimes (47.1%) than any other category.

NOTE: In this section 'Executive' means any occupation in the formal sector.

Petty trade means small-scale businesses

Service means those employed as house-maids or bar-maids.

Significantly, crimes committed by petty traders were mainly crimes of the hawking without licence nature, rather than over-charging or drug trafficking. It turned out that, for the majority of the offenders, their pre-custodial occupations were the same crimes for which they had been imprisoned thus further strengthening the argument that criminality is an extension of normal economic activity (a criminal fringe) and therefore increases and decreases in the same manner and at the same time as normal economic endeavours.

2.2 Distribution by Age

The women from age group 16-25 were the majority and accounted for 56% of the sample. The age bracket that ranked second in crime commission was the 26-35, which accounted for 33% of the sample. Hence a combination of the two age brackets 16-35 accounts for 89% of the total sample.

The second hypothesis in this study was that the younger the woman the more likely that she will get involved in criminal behaviour. The findings have proved this hypothesis as correct. It is apparent that the younger women constituted the largest proportion of the offenders as the older women accounted for the remaining 11%. This could be due to the fact that the older women might have some how settled down while the young are generally more energetic and may easily adjust well to criminal careers which require a lot of physical energy, for example, in brewing, hawking, prostitution, and others. This is more likely when the education levels are low. Observation has also shown that younger women are more likely to be culprits of abortion. This could be due to several reasons such as confusion, responsibility called upon in raising up a baby, the shame of having a baby out of wedlock and many other reasons. A younger woman is also more likely to be more easily influenced

by peers and as such could easily be introduced to activities that could lead to criminal behaviour (such as drinking, drug abuse and others). The younger women may also have an advantage over the older in that they are at their peak of physical beauty (which may be misused as an asset in immorality), whereas the looks of the older women would most likely have begun to fade away. All these factors make the younger woman more susceptible to crime. Nevertheless there are other important variables apart from age.

4.2.3 Educational Profile

Findings indicate that 24% of the total sample consisted of the illiterate. Another 29% had between one and four years of formal education. Only 22% had had between nine and twelve years of formal schooling. Majority of the women (25%) had had between five and eight years of formal schooling. It is evident from the data that the majority of the women had very low education. Only 2 were in possession of a School Certificate and a University Degree, both of them being foreigners of Non-African origin. Out of the total sample, 32% claimed they had a chance for better education. Nevertheless, they dropped out of school due to pregnancy (17), failing in National examinations (4%), chronic illness (3%), lack of interest (6%), and other miscellaneous reasons such as finding education to be useless, and pressure from peer groups (2%).

Out of the sample 68% stated that they had no chance to be educated or attain further education. Out of these 136, 30% had very poor parents who could not afford their education, to the extent that they were totally illiterate or got some little assistance from relatives. About 13% had lost their fathers who were the sole breadwinners in childhood and this interfered with their lives in many ways, particularly their education, and ultimately their careers.

Another 14% were born to single mothers who were so poor that they could not take care of their education. A total of 18% complained of poor parental relationships that interfered with their education due to tension and misunderstanding. Another 15% cited discrimination by parents whereby the latter would choose to educate sons rather than daughters. Yet another 7% claimed they had come from polygynous families in which the fathers were either too burdened or biased to avail any proper education to all the children equally.

Although not really significant early pregnancy was another reason. However, the main reason for limited education and illiteracy was poverty in its various forms as cited by a total of 64% of the sample. The level of education as a variable is significant in its relationship to the type of crime committed as shown in table 3 below.

Table 3: Level of Education and Type of Crime Committed

Type of crime committed	Possession of ASL	Sales Related Crimes	Loitering	Violence Against person	MSc crime	Total
Level of Education						
None	9 (4.5)	19 (9.5)	4 (2)	8 (4)	8 (4)	48 (24)
1-4	14 (7)	15 (7.5)	10 (5)	16 (8)	3 (1.5)	58 (29)
5-8	7 (3.5)	11 (5.5)	11 (5.5)	14 (7)	6 (3)	49 (24.5)
9-12	6 (3)	12 (6)	18 (9)	4 (2)	5 (2.5)	45 (22.5)
Total	36 (18)	57 (28.5)	43 (21.5)	42 (21)	22 (11)	200 (100)

NOTE: Figures in parenthesis represent percentages.

- * ASL - African Spirituous Liquor
- * Sales Related Crimes- In this study refers to crimes like selling without licence, selling after closing hours, over charging, handling stolen property, drug-trafficking.
- * Violence against the person) – In this study refers to crimes like manslaughter, murder, concealing birth, affray, child stealing, child abuse and neglect and assault.
- * Miscellaneous crimes – in this study refer to crimes committed in lower frequencies e.g. disorderly conduct, forgery, burglary, robbery with violence, abortion, child defilement, theft by servant, damage to property and illegal presence in the country.

Table 3 above indicates that 24% of the sample had no education whatsoever, out of which a total of 9.5% got charged with sales -related crimes while 4.5% of the uneducated were in for possession of ASL. Only a total of 10% were in for loitering, violence and miscellaneous offences.

The table further reveals that the inmates who had between 1-8 years (inclusive) of formal education accounted for the highest percentage of crime (53.5%). Out of this, most offenders had been charged with sales-related crimes (13%), followed by possession of ASL and loitering, each of which, accounted 10.5% of the total crimes committed by the 1-8 years as formal education inmates.

In all, table 3 shows that sales-related crimes were committed mainly by those who had limited formal education, accounting for 28.5%. This was followed by loitering with intent to engage in prostitution (21.5%), and offences relating to violence (21%). Possession of ASL accounted for 18%. Loitering and possession of ASL were single crime categories, unlike the other three that belonged in.

Two issues that emerge as significant are the low levels of education among the inmates against the general population. The second significant issue is the tendency toward sales-related crimes (29%) and loitering with intent to engage in prostitution (21.5%) and the tendency toward sales-related crimes. The third hypothesis of the study, that the lower the level of education the higher the tendency for women to commit crimes has been proved to be true from the findings.

This could be mainly due to the fact that with the high incidence of illiteracy and semi-literacy, chances of getting white-collar jobs are significantly curtailed and so are opportunities to acquire credit for some worthwhile project. Those affected therefore have to find means of earning a livelihood. The only channels available to them may be the illegal ones, though as earlier stated, the activities could be merely an extension of normal economic activities such as hawking brewing of ASL.

Education here is important in so far as it determines one's monetary power (in most cases) in terms of the occupational opportunities that become available to one in later life.

4.2.4 Pre-Custodial Employment and Type of Crime Committed

Our findings are that only 31% of the sample had been in wage employment prior to imprisonment. A further 31% had been in self-employment. A total of 36% had had no jobs whatsoever and had therefore no source of income before imprisonment.

The relationship between their pre-custodial employment status and type of crime committed is shown in table 4 below.

Table 4 Pre-Custodial Employment and Type of Crime Committed.

Type of crime committed	Possession of ASL	Sales related crimes	Loitering	Violence against person	Misc. crimes	Total
Pre-custodial Employment						
Wage employment	4 (2)	32 (16)	14 (7)	10 (5)	2 (1)	62 (31)
Self-employment	18 (9)	7 (3.5)	13 (6.5)	14 (7)	10 (5)	62 (31)
Unemployed	14 (7)	18 (9)	16 (8)	20 (10)	4 (2)	72 (36)
TOTAL	36 (18)	57 (28.5)	43 (21.5)	44 (22)	16 (8)	196 (96)

NOTE: Figures in parenthesis represent percentages

2% represent casual labourers who only worked from time to time

- * ASL – African Spirituous Liquor or chang'aa
- * Sales related crime – in this study refers to crimes like selling without licence, selling after closing hours, overcharging, handling stolen property, and drug trafficking.
- * Violence (against the person – in this study refers to birth, affray, child stealing, child abuse and neglect and assault.
- * Miscellaneous – in this study refers to crimes committed in low frequencies such as disorderly conducts, forgery, burglary, robbery with violence, abortion, child defilement, theft by servant, damage to property and illegal presence in the country.

Table 4 above shows the type of crime committed against pre-custodial employment status of the women. It is evident that a total of 36% of the inmates had had no wage employment prior to custody.

Out of this 7% were serving a jail term for having been found in possession of ASL. A further 9% had been charged with loitering with intent to engage in prostitution whereas 10% had committed crime of violence.

A total of 31% had considered themselves to be self-employed. These had mainly been running small-scale businesses of all sorts. Out of these, 9% were in possession of ASL while 6.5% were loitering with intent to engage in prostitution, 7% with crimes of violent nature, and 5% with miscellaneous crimes. Those who considered themselves to have been formally employed accounted for 31% of the total offences out of whom, 16% were in for sales-related offences, 7% for loitering, 2% for possession of ASL and 5% for offences of violence.

Other findings have shown that unemployment is not an uncommon phenomenon among prison population in Kenya. For instance, the survey carried out in 1986 shows that a staggering 86% had been unemployed prior to custody. Only 9% had been in wage employment and only 9% in self-employment. (Muli Musiime, 1986:2)

It is evident in table 4 that the unemployed category accounted for the largest percentage (36%) of the offenders. The most committed crime was sales-related crime (29%). Those who had been earning an income from either self employment

and wage employment accounted for 31% each while a reasonable percentage (16%) of those who had been in wage employment were in for sales-related crimes.

The fourth hypothesis was that the higher the incidence of unemployment the more the likelihood that a woman will commit a crime. The study findings have proved the statement as valid. It was noted that while the unemployed accounted for the largest proportion of crime, the difference between them and the employed (both self and formal) was not very significant. The employed accounted for almost equally high percentages of crime and this is of great significance. From these findings unemployment, though important, may therefore, not be the only factor accounting for criminal behaviour.

4.2.5 Pre-custodial Income levels

As indicated in table 5 below, 31% of the sample earned a monthly income of between Ksh. 50.00 and Ksh. 500 per month prior to their imprisonment, while 15% earned between Ksh.501 and Ksh. 1,000; 5% earned above Ksh. 1,000 per month; 11% did not know what they earned. Only 64% out of the total sample had an income though mostly very low while 36% had no income whatsoever. Some from this latter category depended on relatives and very few depended on their husbands for support.

Table 5: The Inmates' Pre-Custody Monthly Incomes

n=200

Income group (in Ksh)	No. of Respondents	Percentage
50 - 500	62	31.0
501 - 1000	29	14.5
1001 - 1500	3	1.5
1501 - 2000	4	2.0
2001 and above	3	1.5
Don't Know	22	11.0
No Income	77	38.5
<hr/>		
Total	200	100.0
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The modal income was Ksh. 300, with a frequency of 16, followed by an income of Ksh. 400 with a frequency of 15. The income of Ksh. 600 had a frequency of 12. Thus quite a good proportion had excessively low incomes as 63% had a monthly income of Ksh. 600 or less a month. Only one earned Ksh. 20,000 a month while two others earned Ksh. 8,000 and Ksh. 5,200 per month, respectively. This gives an average of Ksh. 850 per month. This is however highly skewed due to the very high figures such as Ksh. 20,000 per month falsely elevating the very low earning of Ksh.50.00 per month. What comes out of this variable is that the women had generally very low incomes.

The fifth hypothesis that as women earn higher incomes the probability of committing crimes is reduced is hereby proved to be valid. Thus as the incomes increased, the women committed significantly fewer crimes. It is also worth pointing out that from the income classification in section 4.2.5, 98% of the women actually fall under 'no income' 'very low' and 'low income' categories. The situation was made worse by the fact that a good number of the women were single, with all the implications of single hood. Even the married had husbands with low income as revealed below.

Income Statuses of the Inmates' Husbands

Out of the 35 married women a total of 12 (34%) of the husbands were in wage employment in various Government ministries and Companies. Another 31% of the husbands were self-employed but mainly in small-scale businesses such as selling charcoal, selling cooked food, carpentry and joinery, dress making, and masonry. A further 14% were casual labourers at the Industrial Area while 20% were unemployed and had no source of income whatsoever. Moreover, 2 out of the 20% of the unemployed husbands were actually unemployable because they had been committed to mental institutions.

The findings further reveal that for the employed the husbands' income tended to be quite low as well. To begin with, 20% of them had no sources of income at all; 37% earned incomes ranging between Ksh. 300.00-1000.00 per month; 22% earned incomes ranging between Ksh. 1001.00 and 1700.00 per month; 9% earned between Ksh. 1701.00 and 2400.00 per month; 6% earned between Ksh. 2401.00 and Kshs. 3100.00 per month and 6% earned above Kshs. 3100.00 per month.

The lowest income for the husbands was Ksh. 300 per month as compared to the women's lowest income of Ksh. 50.00 per month. The highest income for the husbands was Ksh. 7,000.00 per month as compared to the inmates' Ksh. 20,000.00 per month. The modal income for the husbands was almost as low as the inmates'. It was Ksh. 800.00 per month with a modal of 5 husbands as compared to the inmates' modal income of Ksh. 300.00 per month.

To make it worse 8 (23%) out of the 35 married inmates had co-wives, among whom there were only 2 professionals, the remaining 6 being engaged in petty trade and service, similar to the inmates themselves. The economic implications here are twofold. First, the co-wives' occupations were not those that bring in substantial income. Secondly, sharing a husband ideally means sharing what he has, in this case the already low income.

From the above analysis the picture we have is that of married inmates entirely without or with very low incomes, married to husbands with almost equally low incomes and who happened to be polygynous in some cases. These wives may have children, some of them several and particularly in a polygynous setting where it is normal for wives to bear many children. This gives us a glean of the kind of lives the inmates had been leading back home, and the kind of life they have to go back to upon release.

2.6 Marital Statuses of the Women

The sample consisted of 55% single (unmarried) women. Another 8% were divorced, 11% separated and 9% widowed. This gives a total of 83% single women. The fact that 83% were single women is highly significant, especially when other considerations are brought forward.

A cross-tabulation of type of crime committed versus marital status is shown in table 6

below:

Table 6: Marital Statuses versus Type of Crime Committed

Type of crime omitted	Possession of ASL	Sales Related Crime	Loitering with intent	Violence against Person	Miscellaneous Crimes	Total
Marital Status						
Single	13 (6.5)	22 (11)	23 (11.5)	9 (4.5)	6 (3)	73 (36.5)
Separated	7 (3.5)	14 (7)	9 (4.5)	16 (8)	9 (4.5)	55 (27.5)
Widowed	8 (4)	11 (5.5)	9(4.5)	5 (2.5)	3 (1.5)	36 (18)
Married	8 (4)	10 (5)	2 (1.0)	12 (6)	4 (2.0)	36 (18)
Total	36 (18)	57 (28.5)	43 (21.5)	42 (21)	22 (11)	200 (100)

OTE - Figure in parenthesis represent percentage

- * ASL - African Spirituous Liquor or Chang'aa
- * Sales related crimes (selling without licence, selling after closing hours, over charging, handling stolen property, drug-trafficking)
- Violence against the Person - (manslaughter, murder, concealing birth, affray, child stealing, child abuse and neglect, assault)
- * Miscellaneous - (disorderly conduct forgery, burglary, theft by servant, damage to property, illegal presence in the country).

Table 6 above shows that the single crime committed by the largest number of inmates was loitering with intent (21.5%). A cross-tabulation of type of crime committed and marital statuses shows that the single (single, separated, widowed) women committed the highest percentage of this crime. They constituted 20.5% of the total while the married accounted for

only 1%. The next single category with many crimes was that of possession of ASL, accounting for 18% of total crimes committed. Once again the single (single, separated, widowed) women contributed more (14%) than the married (4%).

Sales-related crimes accounted for a total of 28.5%. Single women accounted for 23.5% of the total with their married counterparts accounting for only 5%. Once striking thing in this category was that almost all the offenders were charged with specific crime of selling without licence (hawking) implying that the other crimes in this category were negligible.

Violence against the person accounted for 21% of the total crimes committed. Single women offenders committed 15% of these crimes with married women committing the remaining 6%. Miscellaneous category of crimes accounted for the least (11%) out of all the crimes. In this category the specific crime committed by most offenders was unlawful presence in the country (vagrancy). Those caught in this crime were women from the countries neighbouring Kenya. A scrutiny of table 6 shows that in every category of crimes committed, the percentage of single women exceeded that of married women, in most cases by far. Thus the sixth hypothesis of the study which states that there is a strong relationship between marital status of women and types of crimes they commit has been confirmed.

In all, the total percentage of single women was 83%. This finding is also in harmony with Adwani's study of 172 female offenders where it was found that the single or divorced were more frequent in convict population in comparison to married offenders (Adwani;1978:37).

Motherhood is another factor that was deemed to be worthy of consideration in this study.

This is because a good number of the women in the single category had children, some up to eleven. A look at the reasons given for crimes versus marital status gives more clues as to what factors led some of them into criminality.

Factors Associated with Female Criminality.

The relationship between marital status and reasons given for various crimes as shown in table 7 below reveals more of the findings.

Table 7: Reasons for Various Crimes and Marital Status.

Reasons for Crime	Financial constraints	Self Defence	Miscellaneous	Total
Marital status				
Single	125 (62.5)	17 (8.5)	22 (11)	165 (82.5)
Married	16 (8)	9 (4.5)	10 (5)	35 (17.5)
Total	141 (70.5)	26 (13)	32 (16)	200 (100)

NOTE: Figures in parenthesis represent percentages.

Miscellaneous; In this study this category had a number of reasons with otherwise very low frequencies. Some of the reasons were; "The devil cheated me", "I wanted to have fun", "no reason," "I don't know" and others.

As evidenced by table 7, 71% of the inmates cited financial constraints (problem) as the reason for their crime. Out of this, 63% were from the single women category with only 8% coming from the married women category.

Economic reasons ranged from major to minor ones. Some inmates, for example needed to

earn a livelihood for the family either because they were single and solely responsible, while others wanted to supplement their husbands' meagre incomes. The implication here is that the women would be involved full-time in occupations that may be illegal, ranging from brewing illegal liquor, prostitution and hawking without licence. Others had very specific economic problems such as the need to raise school fees and to buy uniforms for their children.

The findings reveal that only 24% of the women did not have any children. A further 49% had been four and six children. The modal number of children was 1,3, and 4 children, with frequencies of 30, 25 and 18 women, respectively. Thus 116 out of 153 mothers had 4 or less children. It should be noted that some were single parents with very low or no incomes. Their married counterparts were not much better since they had husbands with equally low incomes, some of them being at the same time polygynous implying more sharing of the little that there was between co-wives.

A good number (83%) were single and with children and therefore solely responsible for their children's economic well being. This could be a good indicator as to why the inmates had committed mainly socio-economic crimes of different types, these being to them an extension of their normal income generating activities. A part from the responsibility for their children, some of the inmates also had other people depending on them for their upkeep.

Earlier in the study it is shown that 21% had dependants such as parents, brothers, sisters and cousins, and a few cases of nephews and nieces. This however rejects the seventh hypothesis in the study that large family sizes tend to be closely associated with female criminality, if only because the larger proportion 79% were not living with members of the extended family

but they still succumbed. Going by the fact that the inmates had no regular income sources, they should not have had relatives depending on them should not have been there in the first place. This makes the 21% dependant's figure seem high, though it should not be significant under normal circumstances, due to the extended family system in Kenya and other parts of Africa. The investigator also made it necessary to ask those involved in illegal income generating activities whether they had had alternative means of survival and 76% said they had not. They cited many reasons for this, some tangible, such as low levels of education, lack of influence and lack of skills. Others were not tangible such as having been born unlucky.

One would expect that the 35 married respondents would be better financially but this was not the case. An earlier section above showed that 20% of husbands were not employed, and did not therefore have significant incomes and two of these were not employable due to mental illness while 14% were casual labourers and 31% were running small scale businesses. Only 34% husbands were employed in the formal sector. A situation arises where illiterate women without skills are responsible for large families as they try to supplement the husband's income.

Other respondents gave self defence as the reason why they committed their respective crimes which were mainly of violent nature such as manslaughter, affray and robbery with violence . For most of these crimes as well, the inmates cited financial problems. A specific example is a manslaughter case (brother-in-laws wanted to grab the respondents only piece of land after the death of her husband).

The miscellaneous reasons category had only 16% responses with 5% were married and 11% single.

4.3.2 Table 8: Type of Crime Committed in Descending Order.

<u>Type of Crime</u>	<u>No. of respondents</u>	<u>(%)</u>
Loitering with intent	43	21.5
Possession of Chang'aa	36	18.0
Sales related crimes	36	18.0
Assault	29	14.5
Drug Possession	14	7.0
Child abuse and neglect	15	6.5
Unlawful presence	10	5.0
Disorderly conduct	8	4.0
Illegal sales and dishonestly	7	3.5
Others	4	2.0
Total	200	100.0

Table 8 indicates that loitering with intent to commit prostitution accounting for 21.5% of the total sample was the crime most committed by the offenders followed by possession of ASL and sales related crimes, each accounting for 18%. Under the latter fall crimes like hawking, robbery with violence, theft of items like clothing and livestock. The fourth dominant crime was assault, which in this study included both simple and aggravated assault as well as manslaughter. Assault accounted for 15% of the sample while drug possession accounted for

7%; child abuse (which in this study included concealment of birth, wilful neglect of child, aiding and abetting defilement and unlawful custody) accounted for 7%. The least committed crimes were unlawful presence in the country (5%), disorderly conduct (4%), illegal sales and dishonesty (4%), and others (2%). The latter included arson and damage to property. It was noted that the first two crime types were committed in the course of occupational activities of the women just like the fifth crime (drug possession). These crimes are connected with socio-economic activities through which the women earned their living prior to custody, such as brewing "chang'aa" hawking and selling bhang. The crimes under purely socio-economic activities account for 64% of the sample. Unfortunately, these activities are prohibited and thus amount to criminal acts.

It is evident from the above discussion that the female criminal scene in Kenya is dominated by illegalised marginal socio-economic activities, specifically loitering with intent to commit prostitution, brewing and selling African Spirituous Liquor, hawking, drug trafficking, and others. This is further collaborated by the responses from the key informants in this study whose information on types of crime found to be most prevalent among women were in harmony with those of the female offenders showing a domination of marginal socio-economic crimes, with theft and abortion being the only exception. The inmates' previous criminal records also showed similar tendencies, with an inclination towards crimes related to income-generating activities

3.3 Previous Criminal Record

It was discovered that some of the women had previous convictions as 43% admitted having been convicted before on similar or different crimes, on one or more occasions. The reports of recidivism were as follows: Possession of "chang'aa; sales related crimes accounted for 20%;

and loitering with intent to commit prostitution accounted for a total of 19%.

On being asked how they would rate recidivism among female offenders in Kenya, the key informants were of the opinion that recidivism was very high regarding crimes of economic nature such as illegal brewing and selling, loitering with intent to commit prostitution and hawking without licence (see Annex III). The various reasons given for the crimes are as shown in table 9 below on comparison between the first offenders and recidivists.

4.3.4 Table 9: Reasons for Crimes Committed; A Comparison of First Offenders with Recidivists

First Offenders			Recidivists	
n=200			n=86	
Reason	No of Respondents	%	No. of Respondents	%
Financial problems	141	70.5	66	76.7
Self defence	15	7.5	4	4.7
Drunkenness	6	3.0	7	8.1
For fun	6	3.0	6	7.0
Ignorance	9	4.5	-	
Framed	8	4.0	-	
Non -response	7	3.5	-	
Others	7	3.5		
Total	200	100.0	86	

Table 9 indicates that 70.5% of the first offenders cited financial problems as the cause of their crimes, as compared to 76.7% recidivists. Self-defence accounted for 7.5% of the crimes by first offenders and 4.7% by recidivists. While ignorance and framing accounted for 4.5% and 4.0% respectively, for first offenders, the recidivists did not report any cases of ignorance or being framed up. Other varied reasons like boredom and temptation accounted for 4% among first offenders but were not cited by any of the recidivists. It is evident that financial problems are cited by an overwhelming majority (70.5% and 76.7%) in both categories. All the other reasons combined together accounted for less than 25% in both categories.

Another 3% of the first offenders said they had committed crimes for fun as they were mainly convicted of being drunk and disorderly, a crime against public order. Roughly 4% did not respond to the question on reasons for crime commission. Some said they did not know why, others said the reason was quite obvious while a few became non-responsive. However, a review of the inmates' general notions as to what causes female criminality in general (see section 4.3.5) helps to complement the above discussion.

3.5 Inmates' Views on General Causes of Female Criminality

A high percentage (62%) of inmates cited financial problems as generally the main cause of female criminality. Other reasons combined, accounted for 38%. The financial problems as a causal factor in female criminality accounted for 70.5% (first offenders) and 77% (recidivists).

While the financial problems were used as the umbrella under which many reasons were placed, the inmates cited the following specific factors:

High rate of unemployment among women; Low income for those with jobs, particularly in the informal sector; single parenthood whereby the women took full responsibility of their house-

holds; discriminatory practices that favoured the male children, through better education, thus better financial security in the future; Rights to acquire property which most women did not have consequently upon which they could not acquire loans due to lack of collateral and as such most got stuck with small scale business with equally low incomes all their lives and Irresponsible husbands who do not take proper care of their families, hence driving their wives to criminal ways of supplementing the family income.

All key informants cited financial constraints to explain female criminality. Regarding other causes of female criminality, 10% of the women cited materialism in the sense that some women had material aspirations beyond what they could afford and thus resorted to criminal behaviour in attempting to make ends meet. A further 10% argued that women particularly the young, were driven by desire for fun hence they found themselves drinking among other things. This became their crime or led to other crimes.

Another 8% of the inmates cited ignorance, hence women may commit crimes without being aware, while 7% felt that women are unnecessarily hot tempered and end up assaulting others. Other reasons cited in explaining female criminality were: interacting with bad company particularly of the opposite sex (7%), temptation by satan and lack of religious commitment (3%) as opposed to economic needs and materialism. Only 3% claimed not to know what motivates women towards crime commission. A cross tabulation of type of crime committed against views on causes of female criminality is shown in table 10 below.

Table 10: Type of Crime Committed versus Views on Causes of Female Criminality

Type of crime committed	Views on causes of female criminality	Financial problems	Bad company	All other reasons	Total
Possession of ASL		27 (13.5)	4 (2)	5 (2.5)	36 (18.0)
Sales related offences		35 (17.5)	13 (6.5)	9 (4.5)	57 (28.5)
Loitering with intent		31 (15.5)	5 (2.5)	7 (3.5)	43 (21.5)
Violence		26 (13)	7 (3.5)	9 (4.5)	42 (21)
Miscellaneous		13 (6.5)	4 (2)	5 (2.5)	22 (11)
TOTAL		132 (66)	33 (16.5)	35 (17.5)	200 (100)

NOTE: Figures in parenthesis represent percentages

ASL - African Spirituous Liquor or "Chang'aa"

- * Sales Related Crimes- In this study refers to selling without licence, selling after closing hours, over charging, handling stolen property and drug trafficking.
- * Violence (against the person) - In this study refers to manslaughter, murder, concealing birth, affray, child stealing, child abuse and neglect and assault.
- * Miscellaneous - In this study refers to crimes committed in minor frequencies such as robbery with violence, theft by servant, damae to property, disorderly conduct, forgery, burglary, abortion, child defilement, and illegal presence in the country.

Table 10 above shows that the financial problems topped the list of female criminality with specific crimes being; loitering with intent (15.5%); sales related crimes of various types(18%); violence (13.5%); and (6.5%).

Bad company was said to result in various types of crimes, especially sales related offences as 6.5% of those who committed this offence cited bad company as a factor. Other categories of offenders who cited it were those found in possession of ASL (2%); loitering with intent (2.5%); violence (3.5%) and miscellaneous offences (2%).

Other reasons cited included self-defence, thus hitting the opponent and causing injury to the person. Other minor responses were also cited under the miscellaneous category such as boredom and temptation. From the discussion, it is apparent that the major categories were loiterers, brewers, and sales related offenders mainly due to financial problems.

3.6 Inmates' Views Regarding Their Crimes

Out of 153 respondents when asked about their attitudes concerning their particular offences, the following responses were recorded: "evil" because it was illegal 44%; bad behaviour 40%; some of the products like ASL are harmful 8%; varied reasons 2%; and non-response 5%. It is notable that 44% thought of their crime as being evil but only because it was prohibited and not because it was harmful. This is probably because their life circumstances had coloured their views and their way of looking at issues.

Some of the inmates however tried to justify their crimes. This included 28% inmates who did not think of their crimes as evil, with half of them arguing that they were engaged in

honest trade through such activities as "chang'aa" brewing, selling of fruits and vegetables and even loitering; nobody forces the consumers to take the goods as they come willingly in a free market where free buyer-free seller principle applies. In other cases the offenders were caught trying to defend themselves especially against such cases as theft by servant and assault.

A few (7%) claimed they had bought and paid for articles without knowing that they had been stolen. They therefore did not perceive their crimes as evil and viewed themselves as victims of circumstances. This kind of attitude is given more strength by the kind of person(s) the inmates interacted with, both within and outside the prison.

Their straight society social networks, for example, indicated that 170 (85%) of the offenders had friends at home among whom 65% had never been convicted, while 4 (2%) did not seem to be sure whether any of their friends had been convicted. Out of 170 however, 33% had friends who had been convicted and either got fined, imprisoned, or served a probation term. The major offences among the convicted friends of inmates were possession of "chang'aa" (47%); possession of narcotic drugs (7%); loitering with intent to commit prostitution (20%); sales related crimes such as hawking, selling after closing hours or selling at prices exceeding the recommended price (13%); being drunk and disorderly (5%); and a combination of other crimes i.e assault, child abuse and neglect and handling of stolen property (5%).

It is worth noting that 89% of the friends of the offenders outside the prison had committed crimes related to income generating activities, which were dominated by "chang'aa" possession and loitering with intent to commit prostitution. Most of the inmates (75%) also had made friends within the prison. Out of the 150(75%) with friends 15% claimed very

close relationships while 24% made 'close enough' friendships. Only 36 respondents said that the friendships they had formed while in jail and were therefore not close but for passing time.

Having noted that 64% out of the 150 who had friends inside the prison had a meaningful relationship and the fact that the inmates had closely interacted with other offenders especially criminals, both within and without the prison environment this appears to provide strong ground to validate the proposal that peer pressure has an influence on female criminality, which is the ninth hypothesis of this study. However, it appears as though there would have to be other pre-disposing factors before one gets influenced by peers to engage in criminal activities.

On being asked to rate their chances of repeating their crimes, 56% of the sample swore never to repeat the crimes. The investigator noted that these were mostly offenders charged with crimes such as assault, man slaughter and robbery with violence. A total of 22% responded with a lot of emotionalism and hostility that chances that they would repeat their crimes were 'very high'. It is noted that these were the brewers of the ASL and those charged with loitering. About 8% said that chance of repeating their crimes or any other were 'very low' while another 8% were unsure. Perhaps they wanted to respond in the affirmative but were only not bold enough. 2% were totally non-responsive as 4% did not respond, claiming that they were arrested for nothing and charges were preferred against them. As such, they did not think it was fair to ask them whether or not they would repeat crimes that they had not committed.

Of further concern, in connection with the above responses, is the question of those who may not reform for various reasons or simply because their situation at home may be even worse off. To this extent the statement that "prisons are factories of crimes" could be true.

A discussion of the Findings in Relation to Lander's Anomic Factors

1 High Delinquency Rate Areas

High delinquency rates simply refers to residences that produce high rates of delinquents. The present study is on adult offenders rather than delinquents. Still a look at the residences of these offenders indicates that they were mainly coming from the slums of Mathare Valley, Kawangware, Kariobangi, Kibera and Dandora. A few others came from Kiambu, Thika and Nyeri Districts. The section on house rent shows that the offenders had mainly come from low income residences that are known for high rates of crimes and delinquency particularly theft, drug abuse, prostitution, and others. A total of 96% came from these areas. (The investigator had the experience of working with the Probation Department attached to a Juvenile Court in Nairobi) in which she observed that all the delinquents seemed to consistently come from certain areas, especially of low socio-economic backgrounds.

2 A High Percentage of Non-White Residents in the Area

This is difficult to relate to the findings of the present study because only the blacks (indigenous Kenyans) reside in the slum areas.

Otherwise the Whites and Asians live mainly in high income areas of Nairobi.

3 Small Percentage of Dwellings Occupied by Owner

The findings here are striking because most of the offenders had been paying house rent before they got arrested. They show that the few who had not been paying rent had been living in their rural homes in houses owned by their parents or husbands and in a few cases by themselves. This should only give about 1% of dwellings occupied by owner.

4 Family Disintegration

This could not really be gauged because there were a few cases of separation and divorce since most of the single had never married. It however transpired that some of the offenders had come from broken homes both of orientation and procreation.

1.5 Occupational Status

Most of the offenders in the present study, as evidenced by the section on occupations, came from lower echelon occupations with mainly "very low" incomes. Almost the entire group of those who had been working fell under "very low" income category.

4.6 Marital Status

The findings in the present study show that 83% of the offenders were single. The widowed, divorced, separated, and the unmarried women must support their families. Moreover, women have a longer life span than men, Lopez Rey makes a conclusion that all these factors put together make women more socio-economically vulnerable than men and thus prone to some types of crime (Lopez rey's 1970:200). The large percentage of all single women in the sample of offenders concur with Lopez Rey's conclusion.

4.7 Anomic Factors and the Inmates

It is apparent from the above discussion that the rating of findings against anomic factors as developed by Lander is very high and shows that the offenders in this study mainly came from backgrounds that made them highly vulnerable to crime and delinquency. They hailed from high delinquency rate areas where only blacks resided and very few owner occupier dwellings. Many worked in inferior occupations and were single. Some came from disintegrated families. This implies that even after being released from prison the inmates would go back to the same conditions that caused their crime. Since the channels to achieve the goals will not have unblocked yet they still have to attain their goals anyway (in this case the basic needs), they end up using the only means available to them (illegal).

In an attempt to apply anomic theory to the Kenyan situation one sees a society in which most people want to achieve monetary success and high levels of education. Parents spend a lot of money on their children's education because they would like them to obtain the highest levels possible. Moreover they are paying a lot of money for evening classes and holiday tuition for their children. The Kenyan government is also spending a lot on education as indicated by the number of institutions that have been elevated to the level of Universities in the last decade. At the same time, attempts are being made by the state to develop skills especially of the youth by creating Vocational Training Centres through the Ministry of Applied Technology and Technical Training. Yet still, a number of Kenyans would like to lead a better life, to acquire wealth in terms of commercial pieces of land, rental houses and businesses. These goals are there but some people use the wrong channels to acquire what they want. The law punishes law-breakers but others still break the same law. It is apparent that this comes about because the right channels such as regular employment, better-paid jobs

and access to higher education are not available to certain persons from the lower classes in the society. This implies that there exists class differentials in accessibility to means to fulfil these goals. It becomes impossible for such persons to achieve these goals through legitimate means. Such persons may therefore resort to illegitimate means.

The study indicates that female offenders in Kenya are basically unskilled, involved in humble occupations, have little education and low incomes or none. In short they are poor and many come from poor backgrounds with limited opportunities for good education, a business, profession or influential contacts and are thus denied opportunities for upward mobility. The working poor in towns also live below the poverty line, just like those with insufficient land and those with no land at all and may be squatters on land not belonging to them. It was once generally believed that the pressure to commit crime affects men more than women since men were responsible for family financial support. The investigator however notes the changing roles of women the world over. Women are participating more than ever before in the economy. A new phenomenon of single motherhood has also emerged, consequent upon which many women have become heads of families and face added responsibilities. The changing role of the Kenyan women has placed a heavier burden on women's shoulders. They are involved in areas previously monopolised by men and this has resulted in an increase in the number being committed to prison. In other words, the change from traditionalism to modernism has created inevitable changes which, have altered the role of women significantly.

Other offenders committed crimes that did not seem to bear any relationship to any financial

problems until the investigator enquired further. Cases in point are such as housemaids who stole from their employers because they had not been paid their wages for several months. A woman who assaulted a brother -in-law who had come to reap where he did not plant just because he felt his brother's widow had no right over anything any more and a prostitute who murdered a man because he had refused to pay her.

One obvious issue from the foregoing is that most of the crimes occurred because the women concerned were materially deprived, in some cases severely. They were under more pressure to deviate from the norms. Take the example of an illiterate unmarried mother who had no skills whatsoever and worked as a house maid for a salary of Ksh. 300.00 per month, who had not been paid for three months. She could not get a better job and had no capital to start any reasonable business. Such kind of pressures make the women vulnerable to such crimes as stealing from their employers (or elsewhere for that matter), prostitution and brewing of illegal liquor for which demand exists after all. In fact some criminal activities actually constitute enterprises engaged in to fulfil the demands of the market. There are always people ready to make a living by supplying goods and services, albeit illegal ones such as prostitution, cannabis sativa, and illegal manufacture and marketing of liquor. This however may be done as a last resort for some, as the investigator has observed.

5. Other Revealing Factors

5.1 Suggested Solutions to the Problem of Female Criminality.

If women found jobs they would be in a position to meet many of their most basic requirements as suggested by 47% of the respondents. Another 17% suggested more educational opportunities and higher achievement economically and socially for women in

Kenya as the answer. Significantly, 80.5% suggested economically oriented solutions meant to elevate Kenyan women's financial statuses. The 10 key informants gave similar and more specific responses as recorded below:

- Prison Wardress - Provide assistance in constructing houses and provide land for cultivation for the land less.
- Chief Officer 1 - Discourage rural-urban migration by creating avenues of employment in rural areas.
- Police Officer - Create more job opportunities.
- Social Worker - Community should accept the criminals so as to help rehabilitate them whereas the criminals should hate evil in order for them to be reformed.
- Psychologist - Introduce sex education and reduce birth-rate and maintain our African cultures and traditions.
- Psychiatrist - Better financial support to women plus better family organisation and support including marriage counselling preferably, by members of the extended family.
- Lawyer - A stronger economy with greater openings for the unemployed, especially women, who may not have very high levels of education
- Deputy Provincial
- Probation Officer - Be encouraged to join women's organisation as members for ideas on income-generating activities.
- Deputy Officer

I/C Lang'ata

Women's Prison -Create awareness among women, young and old to the importance of joining women groups to develop themselves.

Officer in-Charge

(Lang'ata Women's

Prison)- Provide an allowance to the poor and educate people about family planning.

5.2 Nature of Assistance Desired from the Government

On being asked what they thought the Kenyan Government should do to help women avoid criminality, the women had the following responses:

- | | |
|---|-------|
| - Create more job opportunities for women | 32.5% |
| - Avail credit facilities to women | 19.5% |
| - Licence "chang'aa" brewing and prostitution | 17.0% |
| - Avail more educational opportunities for girls especially at family level | 7.0% |
| - Encourage planned parenthood | 7.5% |
| - Mete out severe punishment to offenders | 8.0% |
| - Others | 2.5% |
| - Don't know | 6.0% |

According to the above responses 32.5% of the sample suggested that the State should make available more job opportunities for girls and women. Another 7% thought that there would be no better assistance than if the Government could avail many more opportunities, not only in terms of higher education for women, but also in technical skills acquisition that have hitherto

been considered a domain of men. Yet 19.5% suggested that providence of credit facilities to women to enable them to invest in worthwhile projects, rather than the all common small scale businesses that bring in very little profit. A further 17% boldly suggested that the only way to assist the women would be to legalise such activities as prostitution and brewing of "chang'aa" which are seen as crucial means of survival to most of the inmates. About 8% suggested that the Government should emphasise planned parenthood, so that women could look after the economic well-being of their children without too much strain.

3 The Women's Migration to Nairobi.

A good number (85%) had migrated from their rural homes to the city to come and look for greener pastures. Consequently, most had plans when they came, a good number of which never materialised. Out of 42% who had planned to find employment (formal or informal), only 28% ended up working, with most in the informal sector, particularly in domestic service. Out of 11% who had planned to acquire some skills, only 2% ended up learning skills informally, one in a village polytechnic and three in market centres as 7% ended up getting married. While 15% had not planned to do anything 33% of the migrants were not engaged in any way at the time of the study. The findings of the study support Nelson (1975) who established that when the lowly educated women migrate to Nairobi, the only openings for them are in illegal areas of petty trade, prostitution, and delinquency. The menial jobs mainly available to the women only qualified them to live in the slums of Mathare, Kawangware, Gorogocho, Mukuru and others.

It is no wonder that 96% had been living in these slums prior to their arrest. As the women struggle to survive they are exposed to activities such as brewing illegal liquor, fighting, prostitution and other similar behaviour more common within the slum sub-cultures. Others may soon get initiated through their peers.

This proves the validity of the eighth hypothesis that poor residences seem to have a strong link with female criminality, most probably learnt as a response to the survival instinct through associating with those of similar behaviour.

The confirmation of this hypothesis strengthens Clifford's 1974 findings that criminals mainly live in poverty, in the over-crowded slums and without employment. It so happens that these women can only afford the slum house rent. In addition, it is in these slums that the main clientele for "chang'aa" are found. In these circumstances, life is lived from day to day, making no provision for the future.

It is sad to state that the children of these women may not grow up to lead a different sort of life since they will have grown up under very difficult circumstances and socialised within the slum sub-culture.

5.4 Inmates' Views on Imprisonment of Women

Imprisonment of women can have very adverse effects on families, such as breaking them up, especially where there was already some tension. Thus while 75% had very negative attitudes towards imprisonment of women, 22% said that imprisonment of women is harmful to children who also become victims in one way or another. Another 23% argued that it is futile

because with non-custodial sentences the women could be earning the small amount of money instead as they do under normal circumstances. Yet another 19% said it is not fair to imprison women because most of their crimes are very minor. A total of 22% categorically stated that imprisoning women is useless given that after release they go back to the same living conditions that had given rise to the offences in the first place. The purpose of imprisonment is thus defeated since the objectives are not achieved and a lot of untold suffering is experienced by the children.

Due to the inevitability of most of their crimes and the negative impact that imprisonment has on families, as well as the apparent futility of imprisonment, 100% of the offenders in the sample appealed to the law enforcement officials to make use of non-custodial sentences more often. The key informants supported the use of non-custodial sentences as evidenced by the following responses:

- Prison Wardress - Imprisonment is ineffective since women still recidivate. Probation may be best.
- Chief Officer 1 - Prison is not the best place. Extra Mural Penal Employment should be encouraged for offenders.
- Social Worker - Imprisonment is not the answer, Church organisation, parents, relatives and friends should help in the rehabilitation of ex-convicts.
- Police Officer - Imprisonment is only a temporary solution. Rather than treat the symptoms the root causes should be tackled.
- Psychologist - Imprisonment is only effective for long term offenders. General administration should help women avoid criminality.

Lawyer - Imprisonment not effective since it has a sharply negative character. It is more constructive to involve offenders in some productive initiative reached through a judicious selection of non-institutional punishment.

Deputy Provincial

Probation Officer - Not good for minor offenders. Extra Mural Penal Employment and probation should be used more.

Deputy Officer

In-Charge (Lang'ata

Women's Prison- Imprisonment not effective with minor offenders as they only serve the sentence but go back to commit the same offences. Fines, EMPE and conditional discharge should be recommended.

1.5.5 Rehabilitation Programmes and Offenders

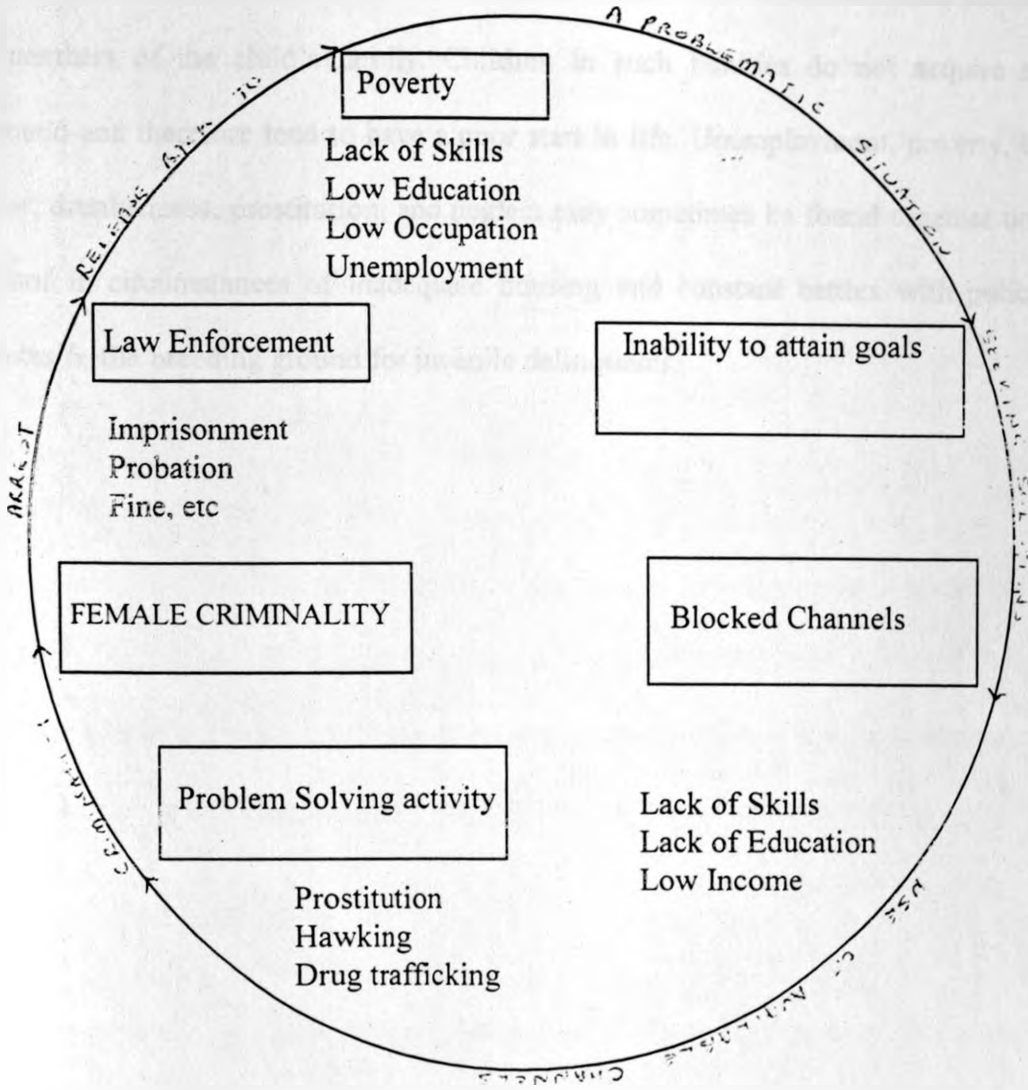
The Prison department in Kenya makes it possible for inmates to learn some skills to help in rehabilitating them back into their communities after discharge. Unfortunately only 46% of the sample were involved in any rehabilitation programme at the time of the study. The other 54% were engaged in activities such as cleaning, cooking, and "shamba" work.

A break-down of the 46% who were learning useful skills showed the following: 10% were training on how to use both hand and knitting machine, 6% were practising horticultural farming, 13% pottery, 2% were engaged in varied activities such as making table mats and baskets while, 6% were practising embroidery.

Even though they were learning the skills, only 63 (69%) out of 92 said they were benefiting. Unfortunately 66(72%) out of the 92 said they would not be able to utilise the skills after release for various reasons such as lack of required capital to start off (11%) and limited market for finished articles. Most of them suggested that they should be helped to find market for finished products and others that they be provided with resources, such as land or a loan capital to set up businesses upon their release.

From the above discussion it appears that rehabilitation programmes have not made much of an impact upon female offenders, since they are in most cases unable to utilise the skills they have learnt in prison upon release.

The Vicious Cycle of Crime and Poverty



Crime in this case becomes a way of life for these women. They are given a few months in prison but look forward to being released so they can go and start where they left off, because brewing and prostitution should not be treated as crimes as far as they are concerned. Many of the offenders have a reasonably large number of children back home and this incapacitates them from progressing with in their work after release since it ties them to a vicious cycle of poverty. It becomes a vicious circle of crime and poverty and crime and poverty again.

Obviously therefore delinquency of some children is the result of criminalistic behaviour of other members of the child's family. Children in such families do not acquire a stable background and therefore tend to have a poor start in life. Unemployment, poverty, brewing of liquor, drunkenness, prostitution, and neglect may sometimes be found together under the same roof in circumstances of inadequate housing and constant battles with police. This constitutes fertile breeding ground for juvenile delinquents.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

It was assumed at the beginning of this study that women are pre-disposed to criminal activities due to such social and economic factors as income, occupation, marital status, family and others. The findings from Lang'ata Women's Maximum Prison reflect a poor background of unemployment, low incomes (for those who had been employed), humble occupations, lack of skills, high levels of illiteracy and semi-literacy. Moreover, 89% were young and single (between 16 and 35 years of age).

The main forms of crime that predominate in the study were loitering with intent to commit prostitution, possession of African Spirituous Liquor, sales related crimes and drug possession. Otherwise apart from assaults, the others such as child abuse, unlawful presence in the country, disorderly conduct and others were severely under-represented.

The reason given for committing the dominant crimes was invariably financial constraint. Concerning other crimes like burglary, robbery with violence and handling stolen property, a good number said that they got tempted since their share in the spoil would be substantial. However on probing further, it was discovered that some wanted a financial break-through as a once and for all solution. Even some of those convicted of vagrancy had allegedly left their home countries to come and look for greener pastures.

The investigator would like to point out that from the types of crimes committed, the level of formal education, employment statuses, occupation and income that the disadvantaged background of the women clearly had a lot to do with their previous criminal records for

those who recidivated. Apart from this, the reasons they gave for their crimes and the nature of solutions they suggested also lend further support to what might have contributed to their crimes. Even the forms of Government intervention suggested have some significance. All these throw a lot of light on driving forces in female criminality and we should be able to glean from this why the offenders' involvement in those particular crimes is rampant.

Recurrently, reasons given for their crimes were financial problems, accounting for 71% for first offenders and 76% for recidivists.

Other findings of significance are that the majority were single but some of the married few had co-wives. Some of the husbands were unemployed and received supplementary support from the wives. Again not all the working husbands were giving financial support to their wives most of whom were mothers with big families and some had other dependants prior to being imprisoned. A good number of them had been resident in the city slum areas. Some were rural-urban migrants who had come to seek for employment opportunities.

Imprisonment disrupted most of the women's family lives by separating them from their children. Some complained that they did not even leave their children in good hands and some problems arose directly as a result of this.

Some Sociologists have propounded the view that affluence produces crimes, especially in developed countries, while the majority of financially crippled peoples still manage somehow to lead law-abiding lives. However, it could safely be concluded in this study that factors such as unemployment, low levels of education, lack of skills, humble occupations, low

incomes and to some extent, single statuses and polygyny are criminogenic factors or characteristics to contend with as they say relate to female criminality in Kenya.

2 RECOMMENDATIONS

Based on the above presentation the author makes the following recommendations:

(1) Some offenders referred to prison as their 'second home' obviously because of the frequency of their imprisonment. Yet they get released and recidivate. In view of this scenario what we need to address ourselves to is the problem of poverty in all its form so as to give women economic empowerment through the following;

- Creation of more job opportunities for women and dealing with any existing discriminatory practices that are biased against women.
- Making it possible for women to get bank loans for self-advancement.
- Availing of more educational opportunities for both boys and girls especially at community level so that the teenage girl is not forced into marriage while her brother presses on with his education.
- Sex education for the youth to sensitize them on the dangers of promiscuity and possible early pregnancies which cause girls to drop out of school prematurely, thus losing their opportunities often for life.
- Challenging employers to be gender sensitive by allocating training opportunities to female employees as well as not to discriminate against them on the basis of gender.
- Making it easier for women and men traders to get trading licences so they can operate legal businesses.
- Encouraging women to join the numerous women groups in the country to get and

share ideas on what they can do for their livelihood, and to reap the benefits of being members of such groups.

- 2) Encouraging the Government, with the assistance of interested NGO's to support planned parenthood and educate parents on its virtues so that people do not always view it negatively.
- 3) Using non-custodial sentences such as Extra-Mural Penal Employment, Probation, and others for petty women offenders rather than imprisoning them as this would ensure minimal negative effects on their families, particularly the children, thus avoiding the vicious cycle of poverty and crime.
- 4) Offering beneficial rehabilitation programs to make those women from prison employable either by others or by self. This would help them avoid criminal activities in the name of fending for themselves

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ANNEX I

QUESTIONNAIRE A: PRIMARY RESPONDENTS

RESEARCH SITE : LANG'ATA MAXIMUM WOMEN'S PRISON

PERIOD OF RESEARCH : MAY AND JUNE, 1988

SELF INTRODUCTION

Good Morning/ Afternoon, I am ----- a
Sociology student from the University of Nairobi. This research for which I have a permit, is
part of my training. Whatever information you provide will be kept in strict confidence. It
will be useful to the policy makers and may benefit people like you in the future. Your co-
operation will be highly appreciated. Thank you.

DEMOGRAPHIC INFORMATION

1. Respondent's Number [Name]

2. Home district -----

3. Religious affiliation -----

4. Respondent's age

----- 16-25

----- 26-36

----- 36-45

----- 46-55

----- Above 55

----- Don't know

5. Marital Status ----- Single
----- Divorced
----- Separated
----- Widowed
----- Married

- 6 Educational level
----- None
----- Primary-Indicate standard reached
----- Secondary-indicate No. of years.
----- High school
----- College
----- University

PERSONAL BACKGROUND

7. Before imprisonment, were you
----- Employed
----- Self-employed
----- Unemployed

8. Respondent's former occupation.

- Executive
- Petty trade
- Service
- Peasantry
- Any other

12. What is your current employment status?

- Not applicable
- Wage employment
- Self employment

9. Respondent's monthly income prior to imprisonment (in KSH).

- 50 - 500
- 501 - 1000
- 1001 - 1500
- 1501 - 2000
- Don't know
- Not applicable

10. How many children do you have?

- 1 - 3
- 4 - 6
- 7 - 9
- 10 - 12

11. What are their ages?

----- 1 day - 15 years

----- 16 - 21

----- Above 22

(If married continue, but if not proceed to question (16).

12. What is your husband's source of income?

----- Wage employment

----- Self employment

----- Both

----- Any other (specify)

----- Not applicable (unemployed).

13. Husband's income per month (in Kshs)

----- 300 - 1000

----- 1001 - 1700

----- 1701 - 2400

----- 2401 - 3100

----- Above 3100

----- Not applicable

----- Don't know

14. Does your husband have another wife?

----- Yes

----- No

15. Co-wife's occupation
- Executive
 - Petty trade
 - Service
 - Peasantry
 - Any other (please specify)
 - Not applicable
16. What are you here for -----
17. How long is the sentence -----
18. Why did you involve yourself in the act?-----
19. Were you ever charged before this ----- Yes -----No
20. What was the crime then?-----
21. What was the reason ?-----

SOCIO-ECONOMIC PROFILE

22. Where were you living before coming to this place? (Lang'ata).
- Low income area
 - Middle income area
 - High income area
- (please specify residence)

23. How much was your rent per month (in KSH)

----- 50 - 250

-----251 - 500

----- 501 - 1000

-----1001 - 1200

-----Above 2000

24. Where were you living before coming to Nairobi?

----- Rural Area

----- Urban Area

----- Peri-Urban

25. Why did you move out? -----

26. What were you planning to do when you came? -----

27. What did you end up doing? -----

28. How many of your children are here with you?

----- 1 - 3

----- 4 - 6

----- None

----- Not applicable

29. Why did you have to bring them with you?-----

30. How many of those left behind go to school?

----- 1 - 3

----- 4 - 6

----- 7 - 9

----- None

----- Not applicable

31. How much school fees do they need per term (in Kshs.).
32. Who is responsible for their school fees, food and clothing?

----- Alone

----- With Husband

----- With others (Specify)

33. Apart from your children, who else lives with you?

----- None

----- Parents

----- Brother/Sister

----- Cousins

----- Others (specify)

34. Who is taking care of the children left behind?

----- My husband

----- My relatives

----- My friends

----- Nobody

----- I don't know

----- Others (specify)

35. Would you say they are getting adequate care?

----- Yes

----- No

36. If not so, why not?-----
37. Were you arrested
- Alone?
 - With others
38. Who were the others?
- Friends
 - Relatives
 - Others (specify)
39. Were you aware of the illegality of the act?
- Yes
 - No
40. Would you say you had a chance for better education?
- Yes
 - No
41. If no, what were the reasons-----
42. If yes, then what went wrong-----
43. Did you have an alternative means of survival before coming here?
- Yes
 - No
44. If yes, what was it? -----
45. If you did not have an alternative, what was the reason?
46. If unemployed before coming here, did you ever try to look for a job?
- Yes
 - No

47. If no, why not -----
48. If yes, why would you say you failed to get one?----

QUESTIONS ON REHABILITATION

49. Do you think of crime as evil?
- Yes
- No.
50. Why do you say so-----
51. How would you rate your chances of repeating this crime?
52. Why do you say so-----
53. Which rehabilitation programs are you involved in?
-
54. Would you say that you are benefiting from the training program?
- Yes -----No
55. If yes, how are you benefiting? -----
56. If not, why are you not benefiting? -----
57. Do you think the skills you have acquired will help you after release?
- Yes ----- No
58. If you do not think you have benefited what would you suggest ? -----

SOCIAL INTERACTION

59. Do you have friends outside jail?
- Yes
- No

How close are you?

----- Very close

----- Close enough

----- Not close enough

60. Has any of them ever been charged?

----- Yes

----- No

61. What was the crime?-----

62. Do you have a friend in this jail?

----- Yes

----- No

63. Did you know them before your imprisonment?

----- Yes

----- No

How good is the friendship ?

----- Very good

----- Good enough

----- Not good enough.

GENERAL QUESTIONS

64. What, do you think, makes women commit crime? -----

65. What are your views about imprisonment of women? -----

66. What would you suggest to be the most appropriate sentence for women? -----

67. What major problems do women face in prison?
68. What, in your opinion could women do in order to avoid engaging in criminal activities? -----
69. What do you think about women being in prison with their children? -----
70. What alternative would you suggest? -----
71. What do you think the Government could do to help women avoid getting into trouble with the law? -----
72. What advice would you give to women who have not been to prison? -----

This is the end of the interview. Thank you so much for your co-operation. Bye.

ANNEX II

QUESTIONNAIRE 'B' : KEY INFORMANTS

POSITION -----

1. What type of crime would you say is the most prevalent among female offenders? -----

2. What would you say are the reasons? -----
3. What do you think can be done to reduce them? -----
4. How would you rate recidivism among female offenders in Kenya? -----

5. Why, according to your views, wouldn't recidivists reform?

6. How do you think the problem can be dealt with?

7. Would you say imprisonment is the best disposal method for female offenders? -----

8. If no, why do you say so? -----
9. What disposal method would you recommend? -----
10. What are your views concerning children's presence in prisons with their mothers? -----

11. If you don't approve of their presence in prison what would you suggest? -----

12. Please respond to the following statement:
"Prisons are factories of crime"

ANNEX III

SUMMARY OF RESPONSES FROM KEY INFORMANT'S

1. What type of crime would you say is the most prevalent among female offenders ?

- Prison wardress - Loitering, Possession of "chang'aa"
- Police Officer - Prostitution and Possession of "chang'aa".
- Social Worker - Prostitution
- Psychiatrist - soliciting and possession of illegal brew.
- Lawyer - Brewing and dealing in unauthorised liquors.
- Dep.Prov.Prob.Officer - Abortion and stealing by servant.
- Officer - in-charge - Loitering, stealing and "chang'aa" brewing.

2.What would you say, are the reasons why women get involved in criminal behaviour ?

Prison Wardress - Pursuit of means of livelihood

Chief Officer 1 - Socio-economic strain

Police Officer - Single parenthood

Social Worker - Lack of know-how on any other way of generating income.

Psychologist - High birth rate, divorce, urbanization

Psychiatrist - Mainly economical but a few cases due to personality disorders.

Lawyer - The burden of sustenance for family and self.

Deputy Prov. Prob. Off. - Mainly desperation but at times crime for the sake of it.

Deputy Off. In Charge(Lang'ata W. Prison) - Poverty and lack of employment

Officer in Charge (Lang'ata W. Prison) - Polygynous marriages and no providence for the family, plus failure to pay house maids what is due to them.

ANNEX IV

Problems Encountered in the Field

(1) Presence of Prison Wardresses

During the first three interviews a Prison Wardress was present in the room. The investigator noticed that the respondents were very tense and jittery. The Wardress had to be persuaded politely but firmly to wait outside and only then did the respondents become relaxed.

(2) Replacement of Respondents

During the course of the research it became necessary to replace a total of three respondents. One respondent would not co-operate and would not even say her name. She looked very hostile and potentially aggressive.

It also happened that at the time of this study there were two condemned prisoners, both of whom appeared in the sample. The investigator was however not allowed to interview them on humanitarian grounds. These were also replaced by randomly picking two more names from the slips container.

(3) Appeals to Investigator

The respondents had been told exactly who the investigator was but they still mentioned their problems, the fact that they had a Welfare Officer notwithstanding. Two of them requested the investigator to intervene for them so that they could be reinstated back to work upon release. One requested that arrangements be made to place her on probation. The investigator politely referred all to the Welfare Officer to whom they should have gone in the first place. These instances caught the investigator unawares but were a learning experience. The investigator realised that these appeals were coming at the end of the interview. As a

result if the investigator sensed a desire to linger on and talk, she would profusely thank the respondent and quickly say bye, thus dismissing them. This proved to be quite effective.

The interviews were conducted during the time of the year when Kenya celebrates both Labour Day and Madaraka Day. It is common for petty offenders to be released. The investigator told them on different occasions that the purpose of the interviews was not for that, since the release of petty offenders is a purely presidential prerogative.

(4) **Sensitivity**

The delicate questions affected some of the respondents emotionally. There were, for example four cases of total loss or control, even though the investigator had taken care to introduce the questions with a lot of empathy. The investigator had to show sympathy and at the same time try not to express any feelings since this would only make the respondents feel more sorry for themselves. The best the investigator could do was to wait for the subjects to compose themselves before proceeding to the next question. This took quite some time.

(5) **Problematic Case**

One respondent had an extremely short attention span. Her mind wandered a lot and she would have a very distant look in her eyes. It took time to bring her back to the present, once this happened. To make matters worse, she has stayed in one of the city slums for three years but could not understand Kiswahili. This was quite tricky but the investigator had to employ utmost patience so as not to betray any agitation since this could have antagonised the respondent.

(6) **Time Wastage**

The inmates could not be interviewed between 11.30 a.m. and 2:00 p.m since this was the time they went in for roll call and lunch. They could not be interviewed after 3:30 p.m because they would be due for yet another roll call after which they would have supper before security tightened for the night. Moreover because of the nature of institution, the investigator could not conduct interviews during weekends and public holidays because the limited number of staff members on duty were deemed inadequate for security reasons. These periods of waiting for appropriate timing were very frustrating and a lot of time was wasted.

The researcher's initial target of 10 respondents per day for 7 days a week could thus not be achieved.