

**THE RIGHT TO EDUCATION AS A TOOL IN THE  
REHABILITATION OF PRISONERS: A STUDY OF  
KAMITI PRISON, KENYA**

**BY**

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**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE AWARD OF MASTERS OF ARTS  
DEGREE IN HUMAN RIGHTS, UNIVERSITY OF NAIROBI**

**OCTOBER, 2014**

## DECLARATION

I, the undersigned, declare that this project is my original work and that it has not been presented in any other university or institution for academic credit.

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**Date**.....

Stephen G. Guyo

This project has been submitted for examination with our approval as university supervisors.

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Dr. Jack Mwimali

## **DEDICATION**

I dedicate this work to my wife Georgina Kamugha and our lovely daughter Skyller Yatane Guyo, for their immeasurable support and prayers during my project, may God bless you abundantly.

## **ACKNOWLEDGEMENT**

I am highly indebted to my supervisors Dr. Ephraim Wahome and Dr. Jack Mwimali for their tireless effort and critical guidance up to the successful conclusion of this study.

To the Kenya government, I am thankful for the sponsorship of my Masters Programme. I equally recognize the Commissioner of Prisons Isaiah Osugo for giving me the time and opportunity to study while also working. To C.I.P Patricia Makali and P.C Nixon of Kamiti Maximum Prison, I am very thankful for your time and the help you gave me during the interview, the issuing of questionnaire, and your readiness to help when I called upon you. Thank you.

Lastly let me recognize the wise words from my parents and support that kept me going during my low hours. Their encouraging words that the future belongs to those who have laid their foundation on education have always inspired me. Thank you both and may the almighty God always bless you.

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## ACRONYMS

US:	United State of America
UN:	United Nation
UK:	United Kingdom
UNESCO:	United Nation Education Scientific and Cultural Organization
G.O.K:	Government of Kenya
KANU:	Kenya Africa National Union
UK:	United Kingdom
NARC:	National Rainbow Coalition
PRI:	Penal Reform International
CSO:	Community service Order
KNCHR:	Kenya National Commission of Human Right
GED:	General equivalent diploma
ZACRO:	Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender
SPSS:	Statistical Package for Social Sciences
AIDS:	Acquired Immune Deficiency Syndrome

## **ABSTRACT**

The main objective of this study is to explore the right to education as an effective rehabilitative instrument in prison. It sought to investigate the effect of education on rehabilitation of prisoners; the relationship between education and recidivism; the role of education towards inmate's re-entry into society; and the challenges faced in the implementation of education in prison.

The study adopted a descriptive research method with a target comprising of 2000 prisoners, community leaders (10), families of prison inmates (10) and prison administrators (20). The purposive sampling techniques and the simple random sampling method were used in determining the members of the sample group and focused group discussion respectively.

Both primary and secondary data sources were used and the data collected was exposed to qualitative and quantitative method of analysis. The descriptive statistical tools such as SPSS and MS Excel are used to present the data in the form of tables and charts. Percentages and frequencies are used to make the interpretation of the findings.

The investigation establishes that an overwhelming number of prisoners, (95%) recognize the presence of education program in prison while 77% of respondent agree that education in prison is easily accessible. It is thus concluded that education in prison provides prisoners with time to think, grow and reflect on the past life and imagine a future of possibilities. It is further concluded that prison education provided an opportunity for employment; an avenue for one to turn his life around for better and a door for smooth transition to society.

The study therefore recommended that, the prison department should sensitize the community about the role of prison to enable society understand prison and improve the image of the department which in the long run helps prisoners in their transitional back to society. Prison authority should employ more trained and qualified teachers to cater for education needs of the prison population while developing follow-up programs and monitoring the progress of those released to society.

# **CHAPTER ONE**

## **INTRODUCTION AND BACKGROUND TO THE STUDY**

### **1.1 Background of the Study**

“He, who opens a school door, closes a prison”

- Victor Hugo

This research looks at the prison system in Kenya to determine the role education can play in enhancing the reformation scheme for prisoners and their ultimate reintegration into society as useful members. It is notable that imprisonment is a response driven by four fundamental principles: incapacitation, retribution, deterrence and rehabilitation (Bartol, 2002). When a person is sentenced to a term of imprisonment the two major goals of incapacitation (via the physical removal of the offender from the community) and retribution (via the deprivation of liberty) are evidently achieved (Lackner, 2012).

People are sent to prison in order to protect society from harm. Although, investment in bars, guards and guns alone may help to reduce offending in the short term, ultimately it does nothing to make society safer. This is because almost everyone in prison will eventually return to society at the end of their term. If they remain idle during their time in prison, they are likely to become bitter and resentful. If however prisoners are given meaningful things to do and are equipped with the skills and self-belief they need to support themselves

upon release, society becomes safer because rates of re-offending decreases (African Prison Project, 2014).

Education is thus one key aspect of the rehabilitative role in which prisoners can engage while in prison. It is not just a means of keeping the prisoner occupied, but has the capacity to form a stepping stone towards prisoner's inclusion into society. By providing positive learning environments, prisons can support the inmates to make good use of their sentence; to address gaps in their learning skills; to improve their employability; and to change their personal attitudes and perceptions. This in a long run helps them to understand the reasons for and consequences of their actions. All of these factors can reduce their chances of re-offending (Hawley, 2013).

Moreover, access to education is a fundamental human right and prisoners should not be denied the chance to exercise this right (Hawley, 2013). It can therefore be argued that imprisonment, even if it is viewed as justified punishment, should not bring with it the additional deprivation of civil rights, which include education (UNESCO, 1995).

This research, therefore, seeks to assess the prevailing environment in Kamiti Maximum prison to determine the extent to which prison inmates have been exposed to vocational training and formal education with a view to improving their rehabilitation and integration into the society.

## **1.2 Statement of Problem**

This study is premised on the concern that the issue of education has not been effectively explored as a rehabilitation tool even though it has somewhat

become a common culture of the prison reformation system. Indeed, Education and training in prison should play a key role in improving the employability of prisoners and therefore contribute to reducing recidivism. The broader commitment of prison education should be to increase the opportunity for the prisoner to have better chances of employment after prison, ensure successful re-entry into society and finally provide one with a real alternative to crime and thereby reduce criminality (HCEESC, 2005).

However, it may seem that education for prisoners has been of low priority for the government notwithstanding the effect seen in recent years of importance of education in prison. Therefore, research shows that most of the released prisoners still tend to return immediately to prison upon release (ODPM, 2002). Arguably, more emphasis should thus be put on the importance of delivering education, because it is the right thing to do in a civilized society (HCEESC, 2005). Education has a value in itself and it is important because it develops a person as a whole (HCEESC, 2005).

There is indeed need for further studies on how education can be used to harness reformation in prison population and to determine the extent to which this has been incorporated into the Kenyan prison system. Any study targeting education in prison must invariably target the viability of education in a constrained environment like that of Kamiti Maximum Prison. This is the primary locus of the study.



### **1.3 Objective of the Study**

The study seeks to explore the effectiveness of education in reformation and reduction of recidivism by using a case study of Kamiti Maximum Prison.

Its objectives are:

- i. To investigate the effect of education on rehabilitation of prisoners,
- ii. To examine the relationship between education and recidivism,
- iii. To evaluate the role of education towards inmates re-entry into society, and
- iv. To identify the challenges faced in the implementation of education in prison environment.

### **1.4 Research Question**

The study seeks to answer the following questions:

- i. What is the effect of education on rehabilitation of prisoners?
- ii. What is the relationship between education and recidivism?
- iii. What is the role of education in inmate's re-entry into society?
- iv. What are the challenges associated with implementation of education in prison?

## **1.5 Justification of the Study**

Opponents of correctional education may not see the value of educating a prisoner. They may question the rights of convicts to receive special services such as college courses. After all, prisoners enjoy limited rights while under incarceration. These prisoners only become ‘citizens’ once they complete their sentence. However, upon release, prisoners need to be able to gain employment to care for themselves as well as other family members. According to Moeller et al (2004) “...although literacy does not guarantee a better life outside prison walls; illiteracy guarantees a higher recidivism rate.” Thus, it was important to establish an argument for increased correctional education through data collection. The focus of this study is correctional education and its ability to change life of prisoners within prison and their transition back to society.

Education has been recognized as a fundamental human right and its importance in the free society is well known but its importance as a tool in reformation and rehabilitation in prison has not been recognized as it should be. Most of those incarcerated in prison have low level of literacy and their transformation and eventual re-entry into society requires a complete change in their thinking and behaviour, in order to ensure their successful re-entry back to society.

Emphasis is thus being put on education and many governments across the globe including Kenya are trying to offer free education to their people as a basis of economic empowerment and the growth of the country’s economy.

On the flip side, we have prisoners who are jailed for one reason or another and after serving their term, they look forward to reintegrate back to society. The question is, are they going to come back to society as they entered prison? It is from this background that this research looks at education in prison as the foundation upon which rehabilitation programs can be based. In the long run education will help prisoners to have a different view of life as well as a second chance in life. Unfortunately, prison education has not received much emphasis in African prisons, and Kenyan prison is no exception, because the education program is still wanting.

### **1.6 Scope of the Study**

This investigation is principally about the right to education as a human right entitlement that even the prisoners have irrespective of the condition they are in. Although Human rights are universal, indivisible and interrelated, a study of each of these tenets may be necessary to understand the extent of enjoyment, but such a study must necessarily limit to scope to be of value.

Kamiti prison will form the source for the research considering that, together with Naivasha Maximum Prison; it is core in the implementation of education programme in prison. Naivasha Maximum has an elaborate educational program and most of the time; it is in public domain because of the exceptional performance of its prisoner in education system. This does not however mean that other prisons do not provide education programs. It is from this backdrop that we explore the educational program in Kamiti Prison because it is the

biggest prison and most notorious prison in the country and it just natural to start from the top institution.

## **1.7 Definition of Operational Terms**

The study employed some key terms such as prisons, prisoners, prison education, rehabilitation and human right which requires some definition.

### **1.7.1 The Prison**

According to Lectric Law Library Lexicon (2003), a prison is a place where persons are confined or restrained from personal liberty. It can also be regarded as a correctional, detention or penal faculty. Hence, the prison is often referred to as a correctional institution where offenders are confined or punished. Narrowing the scope of the definition to the Kenyan context and legislation, a prison is taken to mean any building enclosure or place, or any part thereof declared by the minister in-charge of the prison service, by notice in Kenya gazette, to be a prison for the purposes of cap 90 of the laws of Kenya (Gok: Cap 90).

### **1.7.2 The Prisoner**

A prisoner is a person proved guilty of a crime alleged against him/her and legally sentenced to punishment of confinement in a prison. In other words, a prisoner is a person sentenced to penal servitude. The prisoner is confined with a view to correcting him or her (Omoni, 2009). However, the context may include within the term prisoner, person incarcerated prior to sentencing.

### **1.7.3 Prison Education**

Prison education means education given to prisoners to enable them leave prison with more skills to be in the position to find meaningful and long-term employment (Rhode, 2004). The correctional educators operate on the principles that attitude, ideas and behaviour can be corrected and that educated humans are capable of progressing to higher thresholds of awareness (Gehring, 1972).

### **1.7.4 Rehabilitation**

Rehabilitation means, to restore to a useful life through therapy, education, operation, or capacity. The assumption of rehabilitation is that people are not permanently criminal and that it is possible to restore a criminal as useful member of society (IED, 2004).

### **1.7.5 Human Right**

“Human right” is a modern term but the principle that it invokes is as old as humanity. It is that certain rights and freedoms are fundamental to human existence. They are inherent entitlements that come to every person as a consequence of being human, and are founded on respect for the dignity and worth of each person. They are not privileges, nor gifts given at the whim of a ruler or a Government. Nor can they be taken away by any arbitrary power. They cannot be denied, nor can they be forfeited because an individual has committed any offence or broken any law.

### **1.7.6 Recidivism**

This is the tendency to relapse into criminal behaviour. A recidivist is one who, after release from custody for having committed a crime, is not rehabilitated. Instead, he or she falls back, or relapses, into former behaviour patterns and commits more crimes.

### **1.8 Methodology**

Both qualitative and quantitative analysis was used based on data generated from the target population at Kamiti Maximum Security Prison. At the time of the field work there were 2000 male convicted prisoners in that facility. The study adopted descriptive and exploratory methods as well as purposive sampling technique was adopted to choose a sample population of 100 Prisoners.

Primary and secondary methods of data collection were employed in the study. Primary data collection involved the use of questionnaires, which were administered by the researcher and non-participatory observation. A semi-structured questionnaire consisting of both open-ended and close-ended question was used. The use of non-participant observation was also inevitable in the course of the data collection. Aspects observed included: admission, discharge processes and educational facilities available in the prison. Secondary sources included books, journal, newspaper and archival material.

## **1.9 Theoretical Framework**

This study will employ a number of theories;

### **1.9.1 Social Learning Theory**

This study is premised on the social learning theory, which essentially requires that in an effort to prepare incarcerated persons for a successful re-entry into society, work release programs need to offer more than skill based training. Educational segments of the Program need to include pro-social behaviour, so that inmates can better understand the consequences of their actions (Listwan et al, 2006). Social learning theory reinforces the idea that learning occurs within a social context. People learn from observing others' behaviours and the outcomes of those behaviours, Bandura (1991) further explains that social learning is a continuous reciprocal interaction between cognitive, behavioural, and environmental influences and that humans are able to control their behaviours through a process known as self-regulation. Self-regulation

involves three processes: self-observation, self-judgment, and self-response (Bandura, 1991). In self-observation individuals track their own behaviour. Self-judgment deals with comparing their observations with standards set by society and themselves. Self-response takes place when individuals reward themselves either positively or negatively, depending on their own observation of their performance (Bandura, 1991).

Environmental experiences can also have an influence on social learning. People are both products and producers of their environment. Human expectations, beliefs, emotions, and cognitive competencies are developed and modified by social influences that convey information and activate emotional reactions through modelling, instruction, and social persuasion (Bandura, 1986). In this regards, Inmates are there because of some type of deviant behaviour they have modelled from their environment before going to prison. People tend to model behaviour from others whether it is good or bad, most criminals model deviant behaviours. Social learning theorists have indicated that crime is a product of learning values and aggressive behaviours linked with criminality (Sutherland, 1993).

The prison environment can be an environment of negativity because everyone there has committed a crime. Within the environment of the prison, there can also be opportunities for inmates to engage in some positive social learning through work release programs that provide them with an education and job skills, so they can reintegrate back into society once they are released.



### **1.9.2 Social Control Theory**

In this study, the social learning theory is used to interpret the contribution of environment towards criminal tendencies. The theory was developed by French sociologist Emile Durkheim who explained that anomie; a state of lawlessness causes social disintegration that may lead individuals to commit suicide (Williams, 2001). Latter sociologists have used this theory to explain why people deviate from the laws of their society, and the rules and regulations of organizations.

According to Adler et al. (1995), Social Control Theory postulate that people break the rules and regulations of their society or organization when they have not developed attachments to the society or the organization. Further, Williams (2001) explains that the extent of an individual's social bond in his or her society, for instance attachment to other people, determines his or her propensity to be disobedient. In this case an inmate with a wife and children, parents and other dependants will refrain from indiscipline for fear of getting more charges or losing remission thus extending his/her stay in jail to the suffering of dependants.

This theory also explains that the extent of one's social and self-control will dictate whether she/he will break the laws and regulations or not. Self-control refers to an individual's ability to resist breaking rules. Low social and self-control leads to breaking of rules and regulations, and vice versa. Social control is also about the belief in the moral validity of rules, commitment to

achievement of society's or organization's goals, and involvement in conventional activities of the society or organization where the individual belongs. Social control theory also explains that self-regulation or control will restrain an individual from going against the norms of his or her own organization, or the laws of his or her society.

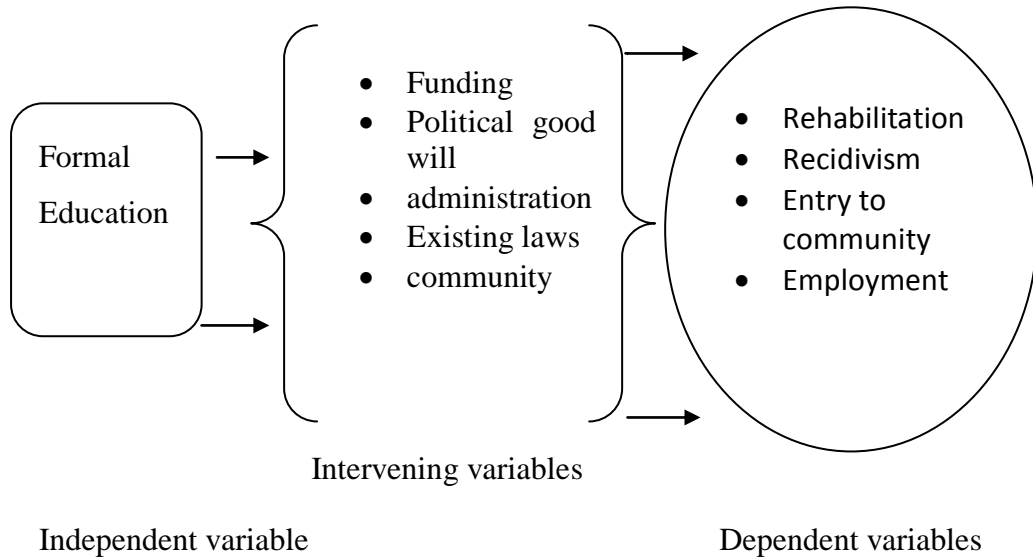
Siegel (1983) explains that commitment to conformity refers to a real, present and logical reason to obey the rules of the society or organization. For instance, a prisoner may feel that breaking the rules his/her of prison will deny him/her the chances for early release due to lose of remission.

This theory argues that involvement in conventional activities of the society or organization leaves little time for illegal behaviour. It is believed that involvement insulates a person from the potential lure of bad behaviour, while idleness enhances it; this implies that inmates who are adequately involved in the achievement of the goals of their incarceration will not be in disciplined. In this study social control theory helps to explain the link between prisoners, their environment and relationships.

## **1.10 Conceptual Framework**

The conceptualization of this study leads to an understanding of the impact of prison education on prison rehabilitation and prisoner re-entry to society. The factors that influence access to prison education include, but are not limited to, funding, political good will, administration, existing law and community which can be a hindrance to a prisoner's wholesome transformation. The diagram

below summarizes the concept of education in prison and eventual return of prisoner back to society.



The conceptual framework above shows the independent variable as formal education and dependent variables as rehabilitation, recidivism, entry to community and employment. The study will use the intervening variables to explain how the right to education in prison can be affected either positively or negatively. It has borrows from social learning theory that requires an effort to prepare incarcerated persons for a successful re-entry into society.

### 1.11Hypothesis

The study will be guided by the following research hypothesis:

- i. There has been a significant transformation of prisoner’s character due to the impact of education on rehabilitation in Kamiti Maximum Prison;
- ii. There has been a significant reduction in reoffending among inmates due to the effect of education;

- iii. Education significantly facilitates the smooth re-entry of prisoners into society;
- iv. Implementation of education programs in Kamiti Maximum Prison has been successful in spite of the challenge.

## **1.12 Chapter Structure**

This research is made up of seven chapters. After this introduction, chapter two, three & four essentially comprise literature review. Chapter two addresses the role of prison, history of prison and historical events that have characterised prison in terms human right violation.

Chapter three look at the prison environment and what characterize the prison environment in relation to the right to education.

Chapter four looks at the issue of education as a tool of reformation in prison. It will further address the link between education and rehabilitation of prisoners, the relationship between education and recidivism and finally inmates' re-entry into society.

Chapter five looks at the human rights question. It addresses the sources of human rights for prisoners at both International and National level.

Chapter six, moves to the empirical aspect of the study. It highlights on the methodology and analyses data collected.

Chapter seven, deals with overview of the study, recommendation and conclusion.

## **CHAPTER TWO**

### **THE ROLE AND HISTORY OF PRISON**

#### **2.1 Introduction**

A prison, jail or correctional facility, is a place in which individuals are physically confined or detained, and usually deprived of a range of personal freedom. These institutions are an integral part of the criminal justice system of once country. There are various types of prisons such as those exclusively for adults, those for children, females, convicted prisoners, under-trial detainees, and separate facilities for mentally ill offenders (Suresh et al., 2011).

Imprisonment or incarceration is a legal punishment that may be imposed by the state for the commission of a crime or disobeying its rule. The objective of imprisonment varies in different countries and may be: a) punitive and for incapacitation, b) deterrence, and c) rehabilitative and reformatory (Scott and Gerbasi, 2005). In general, these objectives have evolved over time as discussed later in this chapter. The primary purpose and justification of imprisonment is to protect society against crime and retribution.

In current thinking, punitive methods of treatment of prisoners alone are neither relevant nor desirable to achieve the goal of reformation and rehabilitation of prison inmates. The concept of correction, reformation or rehabilitation has come to the foreground and the prison administration is now expected to function in a curative and correctional manner (Karnataka Prisons,

2009). Human rights approaches and human rights legislations have facilitated a change in the approaches of correctional systems, and they have evolved from being reactive to proactively safeguarding prisoners' rights. The United Nations has also provided several standards and guidelines, through minimal rules or basic principles in the treatment of prisoners (United Nations, 1977).

This chapter addresses the role of prisons; Gives a brief history of prison; and finally explores the events that have characterized prison institution in relation to human rights violation.

## **2.2 The Role of Prison**

The analysis of the role of prison reflects basically three schools of thought. The first school believes that prisons should be retained as places of punishing offenders. They want prison conditions to be harsh and retributive. The second school revolves around those who believe that prisons are indispensable but should be reformed to make them less punitive and more humane with more of rehabilitation programmes. Finally, a third school subscribes to the view that prisons are centers for protection of society.

In light of these schools, one can discern three key functions of prisons, namely: punish offenders, rehabilitate or reform offenders and societal protection. This section addresses the three roles in detail.

### **2.2.1 Punishment**

The theory of punishment illustrates the notion that even in the absence of the law, there is a basic human instinct for revenge. Those who see punishment in this sense maintain that since the criminals wrong the society, they must be made to suffer for it and pay for their conduct. Thus, punishment is intended to deter members of society from committing crimes in future.

Cesare Beccaria (2000) proposed that the most effective way to administer punishment is to increase its certainty, swiftness, and severity. Making sanctions immediate, certain, and severe sends a message to society that the crime will not be tolerated.

### **2.2.2 Rehabilitation and Reformation**

The correctional system, apart from punishment and protection, is also supposed to rehabilitate inmates. During 19th century, the philosophy behind imprisonment changed and prison became more than an alternative to brutal corporal punishments. It was seen as redemptive and capable of changing the individuals from within to become better people (Conley, 1992). The process of rehabilitation may include vocational training, counselling and drug rehabilitation treatment. It is intended to shift the criminal from being a cost to society to being a contributing member of society. Reformation is therefore served when an offender leaves jail with a resolve to change his or her ways for the better.

### **2.2.3 Protection**

The development of the prison as an institution owes its origin from this theory. It is based on the thinking that some people are such a great risk to society, and are so beyond repair, that the only way to deal with them is to take them away from society by depriving them of their liberty (IED, 2009). Thus, in addition to punishing criminals, the correctional system is supposed to protect the rest of society. This is done by policing of streets as well as imprisoning criminals. By keeping criminals in jail, they are removed from the society and are thus not in a position to harm members of the society.

According to those who promote this theory, it is necessary for the offenders to be removed from the environment from where they committed the crime. This is done by jailing, deporting or exiling the offenders.

Initially, punishment and protection formed the basis for the establishment of prison. Later in 1960 and 1970 the philosophy of prison shifted from punishment and societal protection to correctional philosophy. Rehabilitation formed the basis of prison management.

Therefore, after recognizing the importance of prison as an institution for punishment and protection, this thesis concentrates on the role of prison as a centre for rehabilitation and reformation

## **2.3 History of Kamiti Prison in Kenya**

As already indicated, punishment and societal protection have been the primary goals of imprisonment. Since the dawn of this century, the focus has shifted



towards reformation. The structural problems in the development of the prison institution in Kenya did not however help either to fit it as a human rights respecting institution. These problems may best be appreciated against the backdrop of the history of this institution.

Kamiti Maximum Security Prison is a prison in Nairobi, Kenya. It is located in the agricultural district of Kiambu. Originally named "Kamiti Downs", it sits in the middle of its own 490-hectare (1,200-acre) estates which lie fallow and untended.

Many executions have been carried out in Kamiti. Rebel leader Dedan Kimathi was hanged by British colonial administration on February 18, 1957. Hezekiah Ochuka and Pancras Oteyo Okumu were executed there on May 17, 1987. No death penalties have been held in Kenya since, although capital punishment is not formally abolished.

The prison is arguably the worst prison in the entire world. Kenyans have long witnessed inmates coming out of Kamiti either seriously ill or dead. Human Rights groups have also raised concerns about the inhumane conditions of the prison but nothing ever seems to change. Kamiti was used by the colonial administration as a deterrent to dissent and sadly enough, the Prison has continued to be used in the same way in Independent Kenya (Anguka, 1998).

During the 1980s and early 90s, the days of single party rule in Kenya, many politicians critical of the ruling party KANU were very scared of the prospects of being sent to Kamiti, that they simply stayed quiet. Examples of some Kenyan leaders who had a stint at Kamiti include the legendary Mau Mau freedom fighter Dedan Kimathi, Kenneth Matiba, Raila Odinga, Koigi wa

Wamwere, just to mention but a few. As part of making the punishment more surreal, and discourage those that might be inclined to fall on the wrong side of the law and society, prisons evolved into hell-holes where only those with a death wish dared to find themselves. Prison warders gained a certain god-like autonomy and came to be feared as the judge, jury and executioner particularly for pre-trial detainees or those with short sentences (Daily Nation, 2000).

Kenya's prisons are infamous for poor conditions and inhumane treatment, although the situation has improved slightly during Mwai Kibaki's government since 2002 and some prisoners at death row have been released. There is still no reliable water supply, with over 200 prisoners hauling buckets of water around daily. The inmates working in the "industry" section are paid only 10 cents (Kenya shilling) per day, as per the outdated 1940s legislation which rules the organization. Within the prison, condemned "G" block is famed for its particularly brutal lifestyle, characterized by predatory sodomy and mobile phone confidence tricksters. The prison was built for 1400 prisoners, and it now houses over 3600 in conditions of unbelievable squalor.

On the 17th November 2008 a search was carried out in G block for mobile phones which resulted, ironically, in a brutal beating by the warders being captured on mobile phone video and given to the Kenya National Commission on Human Rights (KNCHR), and shown on Kenyan TV.

## **2.4 Historical Events that Characterized Kenya Prison Service**

From the historical perspective, many events have defined prison department in Kenya as an institution feared by many, over the years. The main problem has

been the issue of torture that was being exercised in prison oblivious of the law. Torture has defined prison in Kenya since its establishment back in 1911 and some of the notable torture events over time are explained below to highlight the transition and strides prison has made.

#### **2.4.1 Colonial Period**

During the colonial era torture was considered part and parcel of the daily working routine in the prison. After World War II there was clear international rejection of all aspects of torture and a number of international treaties were adopted to prevent its use. Despite the international outcry against any form of torture, the practice remained predominant in prisons across the globe, and Kenya in particular was no exception. The Hola incident, which is generally referred to as the Hola Massacre, epitomizes the repressive use of prisons during the emergency period in Kenya. The prisoners at Hola conformed to what the British colonial government referred to as "the last hard-core remnants of Mau Mau terrorism," who had "taken their bloody oaths, had killed and were warped by their savagery (Ebbe, 2009). On March 3, 1959, eight five prisoners were marched outside and ordered to work (Ebbe, 2009). When they refused to take these orders, arguing that they were political detainee and not prisoners, they were raged in a trench, twelve feet deep which was surrounded by about one hundred security guards armed with guns. Inside the trench, they were 30 other guards with the prisoners (Ebbe, 2009). The superintendent of prisons John Cowan (who was the colonial Prisons chief from 1957-1963), angry at the defiance, then blew his whistle and what

happened next was a brutal murder. The prison warders set upon the hopeless detainees with a despicable vengeance, and for the next three hours, they were pitilessly clobbered to death or maimed. When the assault had concluded, 11 prisoners had been beaten to death and around 60 others were seriously injured (Ebbe, 2009).

Other manifestations of torture in prison included the killing of inmates who tried to smuggle a letter to the outside world (Ebbe, 2005). Some of the Mau Mau prisoners who built a 37 mile irrigation canal at the South Yatta Camp were buried alive. The biggest of the fifty five main camps, which was located just outside Nairobi, had thousands of inmates who were used to build a seven-square-mile airport at Embakasi with their bare hands. The construction was funded by U.S. foreign aid but most of the hard labour was carried out by prisoners (Ebbe, 2009).

#### **2.4.2 Post-colonial Period**

It is evident from the history, that punishment and societal protection formed the backdrop of the Kenya prison service. At the post colonial period punishment also continued to be exercised with ruthlessness in order to prevent future crimes. During the days of single party rule in Kenya, many politicians critical of the ruling party Kenya Africa National Union (KANU) were very scared of the prospects of being sent to Kamiti, that they simply remained silent in spite of social evil of despotic rule. Examples of some Kenyan leaders who had a stint at Kamiti include the legendary Mau Mau freedom fighter

Dedan Kimathi, who was later executed there; Kenneth Matiba; Raila Odinga; Koigi wa Wamwere, just to mention but a few.

As part of making the punishment more surreal, and to discourage those that might be inclined to fall on the wrong side of the law and society, prisons evolved into hell-holes where only those with suicidal tendencies dared. Prison warders gained a certain god-like autonomy and came to be feared as the judge, jury and executioner particularly for pre-trial detainees or those with short sentences (Daily Nation, 2000).

According to Anguka (1998):

It is by sheer chance that an inmate leaves Kamiti Maximum prison intact. Either he will contract contagious diseases owing to the abominable conditions or leave the facility as a corpse. The authorities' indifference to basic human needs, even the simple right to life, is prevalent. It is nearly impossible for an ailing inmate to be taken to a hospital for medical care usually because there are no warders or Lorries and in the process, the prisoners' lives deteriorate fatally. After a prisoner dies, there is a whole prison lorry to take the corpse to the mortuary, of course, under a warder escort!

Therefore lack of information made many prisoners unaware about their right and thus rampant violation of human right. The importance of education is thus appreciated as it provided the relevant information and enlightenment required by inmates for survival in prison and as a basis for reformation.

### **2.4.3 Reformed Period**

After much emphasis on punishment and societal protection, Kenya prison service reviewed its policy from punishment to correctional philosophy. At the

100 years celebration since the establishment of prison in 2011, the theme of the celebration was “Paradigm shift from punishment to correction,” which is a clear indication of the transition from punitive correctional management to rehabilitation and reformation. Prison reform started in 2003 when the NARC government came to power. Prison Condition then started to improve, According to Wadham (2009), in a move meant to ease the “mental anguish” of prison inmates and make it possible to put them to work, the president commuted the sentences of the 4,000 people on death row to life imprisonment. He farther intimated that commuting all of the country's death sentences would help alleviate the “undue mental anguish and suffering, psychological trauma and anxiety” that comes with being consigned to death row for an extended stay (Wadham, 2009).”

Prisons have undergone major reforms that saw television sets, computers and educational facilities make their entry into prison and the prison service has also cultivated a good public image. Prisons have also introduced better standards for the treatment of prisoners by making them more accommodative and developing a human right attitude.

The department has gone a long way in changing the face of the prison systems in Kenya, which had been neglected over a long period. Sanitation has improved remarkably and the supply of water to prisons regularized. Prisoners’ diet- comprising *sukuma wiki*, cabbage, beans, *ugali* and beef improved and the rations become more and satisfying.

The open door policy helped open-up prison for public scrutiny while also helping the prison move away from the principle of seclusion and secrecy to a more open and accommodating institution. African penal institutions in countries such as in Uganda, Kenya, Zimbabwe, and Nigeria, this change in policy has seen stakeholders' participation encouraged and their work reflected in rehabilitation, improving prison conditions, human rights, legal reforms, access to Medical care, among others, as a means of reforming the prison institution (KNCHR, 2005).

**Table 2. 1: Provision of Effective Prison Education**

Years	Primary school graduate (KCPE)	High school graduate (KCSE)	College graduate	University graduate	Vocational program graduate(with grade test)
2004-2005	120	75	40		460
2006-2007	115	72	60		280
2008-2009	130	68	80		520
2010-2011	115	80	120		720
2012-2013	110	90	170	2	1200
Total	590	385	470	2	3180

Table 2.1 gives the number of those who have only sat for their Kenya Certificate of Primary Education (KCPE), Kenya Certificate of Secondary Education (KCSE), and those with college and university certificates. The numbers does not include continuing students. Class attendance is at an

average of 45 students per class for primary school, 23 students per class for secondary school and 40 students for college level classes.

Vocational program has the highest number of students and the program ranges from carpentry/joinery, dress-making, electrical wireman, General fitter, Leather work, and Masonry. Other vocational courses are motor vehicle electrician, mechanic, painters/decorators, panel beating, plant mechanic, plumbing pipe fitting, polishing, sheet metal works, shoe making, sign writing, spray painting, tailoring, upholstery, and welding electric and gas. Initially there were few programs but with time more programmes were introduced to cater for the large number of prisoners.

## **2.5 Conclusion**

Imprisonment is a legal punishment that may be imposed by the state for the commission of a crime or disobeying its rule. The objective of imprisonment varies in different countries from: punitive, deterrence, rehabilitative to reformative. Originally prison was meant to punish offender and keep the society safe. This purpose may either have been achieved or not but one thing for sure, is that prison population have been on the increase while the numbers of those returning to prison have also been soaring. This situation has forced both the prison administrators and policy maker alike to look for ways in which prison can play a role in changing the behaviour of prisoners and empowering them as they prepare to exit prison instead of the punitive way prison was known for. This led to the idea of correction instead of punishment as a strategy in the management of prison. From 1960 the correctional philosophy ensured proper rehabilitation and



reformation of prisoners thus reducing the rate of re-offending though the general trend is on the increase.

From this part, it already emerges that the prison system in Kenya has undergone much transformation from punishment and societal protection to correctional philosophy. Despite the historical event and the nature in which those acts were carried out on prisoners, prison institution have started to adopt human rights approach towards the management of prison and Kamiti prison is no exception.

From this historical understanding of the universal role of prison, to the history of Kenya prison, it is important to narrow the scope of the study to the prison environment where most of prison activities take place. The following chapter will address the happening in the prison environment in order to understand the conditions in which prison education thrives.

## **CHAPTER THREE**

### **THE KAMITI PRISON ENVIRONMENT**

#### **3.1 Introduction**

Having seen how the prison in Kenya has evolved with more emphasis being put on punishment and removal (other than on rehabilitation) in the last chapter, this chapter seeks to define the ascription of the prison environment in order to understand the circumstances under which prison education thrives.

The provision of education for persons in detention is inherently complex and, where it does take place, it does so in an environment inherently hostile to its liberating potential (Francisco, 2008). Frequently, inadequate attention and resources, both human and financial, dedicated to adequate education, combined with the damaging impact of detention, exacerbate often low levels of self-esteem and motivation of learners and create major challenges for prison administrators, staff and learners alike. While recognizing that detention itself is often questionable as a means of social control, the challenge before us is to create an environment for those who are detained that enables positive change and human capacity. The provision of accessible, available, adaptable and acceptable education is one vital element in this environment (Francisco, 2008).

Therefore the section addresses the issue of Kamiti prison environment and further looks at what characterizes the Kamiti environment in relation to the

right to education. It will look at Kamiti prison culture, living space, legal aid, health and finally punishment.

### **3.2 Kamiti Prison Culture**

The world of the inmate is a subculture with distinct moves and methods of communication and Kamiti Prison is no exception. It is noteworthy that upon incarceration and admission to prison, prisoners are stripped of their freedom, contact with loved ones, and normal daily routines. They are examined, photographed, and measured; prisoners must trade their own clothes for regulation uniforms and their names for numbers. Inmates are then exposed to surveillance, power structures in a rigid bureaucracy, and a strictly regimented schedule (Sobanet, 2008).

Prisoners have their own way of communication that is only understandable amongst themselves. As compared to other prison across the globe, prisoners at Kamiti Prison also have a slang that is all their, which exhibit a specific value systems such as solidarity among inmates and resistance to the power of the administration. People from all walks of life come to kamiti prison for one reason or another and they live together what Erving Goffman (2007) calls “batch living”, a situation in which individuals who are not members of the same family share living space.

The Guards are often corrupt and cruel. Warders smuggled in newspapers, cigarettes at a fee and apart from the cost of the paper, I had to pay a warder a “transportation fee”, which was much higher than the cost of the paper. Reading it was a hassle; an inmate had to be strategically positioned to

minimize the risk of being caught and after reading the inmate would hand the paper back to the warder to take it out but more often than not he resold it to other prisoners. In the meantime, the inmate who read the newspaper conveyed the content of the paper to fellow cellmates. (Daily nation, 2000)

The Riots, the pain of solitary confinement as a mode of punishment, sexual abuse among prisoners, vermin, filth, and inadequate nutrition represent other legitimate hazards. Finally, after being subject to the dehumanization of incarceration, prisoners find themselves stigmatized upon their release. Society still remains adamant to welcome prisoner after serving their term of sentence. They believe once a criminal always a criminal. To tell the story of a prison sentence is therefore tantamount to telling the tale of a person exposed to a universe with distinct risks, humiliations, values, and rules and regulations. (Sobanet, 2008).

The prison environment looks harsh from the above introduction but with some level of creativity from prisoners in terms of their socialization process and survival tactics. It is believed that nothing good could come out of prison and many have very negative perception about the prison institution. Education as rehabilitation tool is a source of refinement for prisoners and should be emphasized. Prisoners have much time in prison and to make that time meaningful, prisoners should be engaged in education in order to refine their language, mode of association and impact knowledge in order to prepare prisoners to exit prison as a whole and refined person.

### **3.3 Living Space**

The harsh prison conditions in developing countries like Kenya are characterized by overcrowding and congestion, poor diet, degrading clothing and beddings, lack of clean water, poor sanitation, infectious diseases, and homosexuality among others (Omboto 2010). This prison condition and increase in population can be attributed to higher rates of re-offending. Many of the institutions in Africa, and in particular Kenya, have been made to accommodate more prisoners than the facility was built for. To ensure that this situation is addressed, the prison institution should ascertain that effective rehabilitation programmes are conducted in order to guarantee that prisoners have changed their character and perception.

One of the ways in which this rehabilitation is done in Kamiti prison is through education. The provision of accessible, available, adaptable and acceptable education is one vital element in this environment. As one observer noted, “to clarify the content of the right to education in places of detention we need to make clear what it is we are trying to accomplish. I believe the obvious goal is to empower struggling people in a way that allows them to become major contributors to the health, growth and development of our global community” (Francisco, 2008). This recognition of the power of education in places of detention as a change instrument can improve the prison condition and uphold the dignity of those in prison. It empowers prisoners with skills, increase their chances for employment and prepare prisoner for re-entry back to the society.

### **3.4 Legal Aid**

It is important to note that, it is the right of every prisoner to be provided with a state counsel by state, especially those who are disadvantaged in the society. This provision is only in paper but actually not applicable in real situation thus forcing the inmates to look for ways to prove their innocence. The conditions at Kamiti prison compel one to use his initiative.

Most inmates are people of no means, Legal fees are simply out of the reach of many and the need for justice has turned many prisoners into self-made "legal experts". They 'study' the law and use case studies to conduct mock trials in prison. The remand prisoner appears in the mock trial presided over by fellow inmates and at the end a sentence is passed. Thereafter his colleagues help him to improve his case (African Tribute, 2002).

In the case of serving inmates, a mock appeal trial is held. The inmate is given time to write and submit his defence using the lower court judgment. The submission and any verbal representation by the appellant help the mock appeal to give its "verdict" and the inmate is helped to improve his submission. The concerns and commitment in writing in these appeals is so thorough and detailed that when the appellants appear before the appeal judges, nearly 90 percent regain their freedom. What was intriguing was that, in a number of cases, inmates had been represented by practicing lawyers at the initial trials before magistrates, but when he is left on their own, the legally illiterate defendants, representing themselves before judges, won their freedom (African Tribute, 2002).

This is an indication of how education has sharpened the wit of many prisoners. It has helped them to understand their right before law as well as the right to access justice despite lack of legal representation. This effort have made many achieve their freedom and also allowed many to accept the power of education as a tool for change.

### **3.5 Health and Access to Health**

A persons health is very important whether in prison or as a free citizen. In prison, due to the huge population of prisoners and the limited resources available maintenance of health has been a challenge. The persistent water shortages and lack of detergents has caused the eating and cooking utensils to be hardly washed. Consequently epidemics like tuberculosis, typhoid are common. The needles used to inject sick prisoners are disposable but because of shortages, they are "sterilized" over and over again, leaving them twisted, blunt and lethal.

For instance, Kariuki, a remand prisoner, had a heart disease. One Tuesday, his condition deteriorated. The authorities were informed, but they took no action. In the night, his condition worsened. For hours, his cellmates pleaded with warders for help in vain. , They did not as much as open the cell. Thus, Kariuki died while his cellmates watched helplessly. His corpse remained in the cell, among fellow inmates for the remainder of the night (Daily Nation, 2000).

In yet another incident, Peter a condemned prisoner at Kamiti became ill and was admitted to the prison's sick bay. One night his condition worsened. He called for help and his Fellow prisoners/patients joined him in calling for

assistance which never arrived. The authorities refused to send medical personnel to see the patient. In fact, a warder is reported to have mockingly asked in Kiswahili, whether the prisoner was brought to prison to be killed or to be treated. Groaning in pain and crying out for help, Peter fell off the bed and died, his hands chained and hanging on the bed (Daily nation, 2000).

These conditions have affected the provision of education in prison because if a person does not have good health his attendance and concentration in school is affected. Poor health heightens the stress level and at time affects the mental balance of prisoner to the extent that their participation in class is affected.

### **3.6 Human Rights in Kamiti Prison**

At Kamiti, a warder is always right and the prisoners are deemed to have no rights. Another case in point is of Onkoba, a condemned prisoner, who was suffering from pneumonia and requested to stay in the sun a little longer than the warder was willing to allow. Because the warder felt disrespected, he blew his whistle and the alarm went off. Other Warders, armed with *rungus*, machetes and spears, rushed to Condemn block 'G' where Onkoba was heartlessly beaten and cut all over the body and was left for dead (Anguka, 1998).

Violation of human right is rampant due to god-like tendency by the warders, who believe that they are the supreme authority and the prisoners are remnant from society. Warders exercise ruthlessness towards handling of prisoners issue and this kind of oppression opens more avenues for farther violation of human rights.



### **3.7 Punishment**

The infamous Kamiti Maximum Security Prison in Nairobi, Kenya is arguably the worst prison in the entire world. Kenyans have long witnessed inmates coming out of Kamiti either seriously ill or dead. Human Rights groups have over the years raised concerns about the inhumane conditions of the prison but nothing seems to change. Kamiti was used by the colonial administration as a deterrent to dissent but the Prison has continued to be used in the same way in Independent Kenya. During the days of single party rule in Kenya, many politicians critical of the ruling party KANU were very scared of the prospects of being sent to Kamiti, that they simply stayed quiet. Using the then moribund judicial system, the Government ensured famous people like Kenneth Matiba, Raila Odinga, Koigi Wa Wamwere, Ngugi Wa Thiong'o and Jonah Anguka graced the facility's registry (Anguka, 1998).

As part of making the punishment more surreal, and discourage those that might be inclined to fall on the wrong side of the law and society, prisons evolved into hell-holes where only those with a death wish dared to find themselves. Prison waders gained a certain god-like autonomy and came to be feared as the judge, jury and executioner particularly for pre-trial detainees or those with short sentences (Daily Nation, 2000).

Despite the opposition to the ultimate authority from the warders, the issue of punishment and the mode in which it is carried out have demoralized many prisoners towards rehabilitation activities, including education to consequently lead to high number of recidivism. Punishment is a cruel mode of reform and whenever exercised most of the time force is used and thus forceful rehabilitation has bore no fruit in reducing prisoners from re-offending. Education is one alternative way in which if administered properly within prison reduces the chances for re-offending and empower those with low level of skill and knowledge to become productive members of society.

### **3.8 Conclusion**

From this chapter, it has emerged that the provision of education for persons in detention is inherently complex and, where it does take place, it does so in an environment inherently hostile to its liberating potential. Frequently, inadequate attention and resources, both human and financial, dedicated to adequate education, combined with the damaging impact of detention, exacerbate often low levels of self-esteem and motivation of learners and create major challenges for prison administrators, staff and learners alike. Despite the harsh prison environment and the many challenges associated with prison environment, education has thrived in the same environment thereby empowering inmate with skills and opportunities for employment as they prepare to exit prison.

Furthermore, understanding the prison environment is vital because it gives us a picture of the conditions in which the prison education takes place. The prison environment with its distinct trait like the prison culture, the living space, the idea of seeking for justice and the mode of punishment have made prison environment as unique as it liberating potential. The following Chapter addresses the transformation that has taken place in prison, especially because of provision of education.

# **CHAPTER FOUR**

## **EDUCATION AS A TOOL OF REHABILITATION AND REFORMATION IN PRISON**

### **4.1 Introduction**

In the previous chapters, we looked at the establishment of the prison institution in Kenya, historical events that have marked the prison in Kenya as notorious human right violators to what has characterized the prison environment. This chapter turns to the transformatory role of prison as it prepares prisoners to exit prison and re-enter the society.

The general philosophy about prison is that it is not only a place to restrict those that went against societal norms but a place where offenders are reformed so that they become better citizens. A good reformation programme will therefore reduce the rate at which previous offenders will return to prison yards and more importantly prepare them to face life after sentence (Kadiri and Haliso, 2011).

### **4.2 Link between Education and Rehabilitation of Prisoners**

In understanding the link between educational inequities and incarceration, policy makers from the 1870 First National Correctional Congress endorsed provision of education within Prison. This endorsement has shaped our perception of incarceration as a form of reformation and rehabilitation. In 1970, one hundred years after the declaration of the principals, sections 136

and 137 of the Corrections Law in the State of New York were passed, requiring the Department of Correctional Services to assess a prisoner's "educational and vocational needs" and "provide each inmate with a program of education which seems most likely to further the process of socialization and rehabilitation" (Fine et al, 2001). The objective was primarily "...to return the inmates to society with a more wholesome attitude toward living, with a desire to conduct themselves as good citizens, and with the skills and knowledge which would give them a reasonable chance to maintain themselves and their dependents through honest labour" (Fine et al, 2001).

Education has had a consistent presence in correctional facilities over the past 200 years, though the form it has taken and the rationale behind its provision have changed over time. In 1798, education was introduced in the Americas first correctional facility—the Walnut Street Jail—in the context of religious instruction intended to help individuals repent for their crimes and develop spiritually and morally. The late 1800s marked the rise of the reformatory era, and educational offerings expanded beyond religious instruction to emphasize literacy and communication skills, as well as the inclusion of secular courses such as astronomy, geography, and history. Education was further entrenched within correctional institutions with the introduction of indeterminate sentences, which required evidence of self-improvement as a condition of release. Through the 1970s, often considered the "golden age" for rehabilitative programs, educational instruction proliferated, eventually including high school courses and general equivalency diploma (GED) preparation, vocational

training in specific trades, life skills programs, academic higher education program, and study release (Coley and Barton, 2006).

Although many prisoners need formal education and training, the Nordic Report (Gaes, 2008) also identifies ‘a major need for informal skills (life skills, the ability to function in a team at work, in society, in the family etc.)’. This adds to the evidence for the special needs of prisoners, and that remedial literacy and numeracy skills and upper secondary education are not enough to ensure rehabilitation. It also notes that participation in both creative and physical activities often encourages prisoners to go on to other kinds of education. However, the report describes education as ‘one important piece of a larger puzzle’ and notes that education can be more effective if it is combined with work, treatment programs, and other approved activities (Gaes, 2008).

Educational programming can serve another function other than academic and that is to help prisoners “do time” with fewer misconduct reports and less violence in the prisons (Vacca, 2004). Prisoners tend to stay in educational programming for many reasons. Prisoners are offered the opportunity to learn social, vocational and academic skills, and have the opportunity to apply the new skills instantly within their current environment. This learning includes appropriate anger management and social skills or basic reading skills required on most prison work assignments. Those who do so may move to a lower security level facility and are afforded more freedoms, privileges and opportunities to apply the skills learned, take more classes and some may even earn the opportunity to work in job assignments outside the prison gates

(depending on the type of crime and amount of time remaining on the minimum sentence). Prisoners often view education and programming as a privilege and an opportunity to learn and change (Gaes, 2008).

At 20 years of age, John Karera is one of the youngest prisoners at Kiambu Prison. He was sentenced for stealing property a crime he admits to have committed. He was sentenced for five years behind bars. He dropped out of school in class seven and found himself with lot of time and nothing productive to do, so he slowly drifted into life of crime. But, as he confesses, had he gone through the studies he is currently undertaking at Kiambu Prison, his criminal past probably would not have been a chapter in his life. Karera was among the 628 inmate who, through Fr Grol's welfare trust-an organization dedicated to transforming the lives of prisoners in Kenya have enrolled to sit the Kenya Certificate of Primary Education (KCPE) examination in 2013. He farther says "now I get to understand things I didn't use to. I can read well and will move on to secondary school and beyond, instead of getting back to crime," (Sunday Nation, 28 April 2013).

Joseph Mwangi who was found guilty of theft by servant and made to serve his sentence at Athi River prison was among the beneficiary of the welfare trust. When father Grol went to Athi River prison he found the boy in a workshop. He realized that Mwangi had the potential to make a good craftsman and promised to make sure that the boy left prison with at least a certificate. Fr. Grol organized for Mwangi to sit a directorate of industrial training examination. He passed and got his certificate. Upon release from prison,

Mwangi used his carpentry skill to make furniture for sale (Sunday Nation, 28 April 2013).

### **4.3 Relationship between Education and Recidivism**

The most convincing evidence that education for prisoners has a positive effect on post-release behaviour of prisoners in the United States was provided by the *Three-state recidivism study* (Steurer et al, 2001). This study, conducted in the states of Maryland, Minnesota and Ohio, compared two groups of offenders, those who had participated in correctional education while in prison and those who had not (referred to as non-participants). The study was designed to assess not only the impact of correctional education on recidivism but also on employment outcomes after release from prison. This study concluded that education for prisoners enhances employment opportunities, decreases criminal behaviour and, in so doing, reduces the overall cost of crime to the community. By focusing on the financial savings to the community, such studies have increased the likelihood of funding being made available for correctional education for prisoners (Steurer et al, 2001).

The Nordic study noted that many prisoners have had inadequate schooling compared with the rest of the population (Gaes, 2008). Therefore, from the humanitarian perspective, prisoners have the right to education and training since, without the skills and knowledge needed to face new employment situations in society, individuals will be excluded from the labour market. In terms of rehabilitation, education and training in prisons should be defined



broadly and considered investment in crime prevention in the sense that more prisoners will continue with their education and find jobs after release (Gaes, 2008).

Despite the different models for prison education and training, a joint Nordic starting point was found to exist in the sense that education and training are perceived as being both beneficial to the individual prisoners, for personal development, and a step on the way to the ability to cope upon release from prison—hopefully to a life free from crime and drugs. While the organisation, courses, methodology and priorities should, therefore, be based on the prisoner's situation, the teachers need the skills to enable them identify the different learning needs of the individual prisoners and, in terms of their language, religion and culture, where these may differ from the mainstream society. Although the field has not produced a clear understanding of the impact of correctional education on a full range of in-prison and post-release outcomes, there is fairly extensive research on the impact of education on recidivism and employment, which are often the outcomes of greatest concern to policymakers, criminal justice officials, and the public. Taken together, numerous studies suggest that correctional education can reduce recidivism and increase employment levels and wages. These positive effects have been found for a range of types of programming, including vocational training and adult basic, secondary, and postsecondary education (Gaes 2008).

The United States *Report of the Re-entry Policy Council* (Council of State Governments 2005) also highlights the importance of implementing a holistic

program which includes both in-prison and post-release support for offenders. According to Gail Spangenberg (2004): The fact is that unless parolees and others released from confinement have the skills needed to obtain and keep a meaningful job, they are apt to find themselves back in the same circumstances that produce the criminal behaviour in the first place (Spandenberg 2004).

The relationship between improved education and reduced recidivism was summarized simply by Lochner and Moretti (2004) who, in their study of young people, argued that education reduces the propensity to commit crime in two ways. First, education increases the alternatives available to young people and raises the cost of time spent in prison. Second, education makes individuals less impatient and more risk averse. Thus, more educated people have lower discount rates (Riddell, 2006) and individuals with a propensity for crime have higher time discount rates (Torre and Wraith, 2012). Most studies on the impact of correctional education on recidivism and post-release labour market success or community connectedness, disaggregated in-prison study into broad categories related to level of education. For example, Nally et al. (2012) used three categories of study – below high school; high school or General Equivalency Diploma (GED); and college education. No specific courses were mentioned by the authors, although they did discuss whether or not studying in prison represented up-skilling. These studies generally linked the attainment of skills through in-prison study directly to employability and hence, reduced recidivism. Anders and Noblit (2011) also argued that there is an indirect link between in-prison study and reduced opportunities for infractions

(misbehaviour inside prison), which can jeopardize parole or early release and may also jeopardize opportunities for employment.

Aaron Nduku, a Preacher and Carpenter who served a 14 years term is a transformed father of five who was welcomed by the entire community after rehabilitation. While in prison, Nduku enrolled for academics, sat for his Kenya certificate of secondary education (KCSE) exam at Naivasha GK Prison and scored a mean grade of D+. He later enrolled for carpentry and theological courses at the Nakuru GK Prison. “Fourteen years is a long time in prison. Having dropped out of school due to lack of school fees, I decided to go back to school to avoid idleness and acquire knowledge and skills,” he told the standard. He says most people indulge in criminal activities due to illiteracy and lack of employment. “While serving my term, I learnt that majority of prisoners indulge in crime due to illiteracy. More so because they do not know how to deal with issues affecting their livelihood,” he said. Nduku who is also a church leader, runs a small business at Kaptere centre in Kericho. He uses his theological knowledge to provide guidance and counselling services to the youth and members of his Chemasut Seventh Day Adventist (SDA) church to enable them grow into productive and responsible adults (The Standard, 2014).

#### **4.4 Inmate’s Re-entry into Society**

Effective re-integration programs, which Solomon et al. (2008) identified as being successful in helping ex-prisoners find suitable employment, were found typically to provide intensive job-placement services, ongoing monitoring and

support to assist with problems that arise to ensure job retention, and an extensive network of employers who have demonstrated their willingness to hire former prisoners. Successful employment placement and training approaches for hard-to-employ populations (such as former welfare recipients in USA) can be used to develop effective programs to re-integrate ex-offenders into employment and the community.

One recent report by the Management and Training Corporation Institute (2005) notes that the most effective prison-based treatment programs aimed at reducing recidivism are integrated programs that deal with more than one problem. The report concludes that: offenders who are prepared to transition into the community are those who have the required skills to gain legal employment, those who can find housing, and those who have an established family or community network that can help them attain the needed services (MTC, 2005).

McGuire (2002) is also of the view that interventions that tackle a range of problems will be more effective than those that tackle a single problem. This is because offenders often have multiple problems and criminogenic needs. A recent review of education and training provision in Victorian prisons (known as the Bearing Point Review) also foregrounded the need to deal with multiple criminogenic needs of prisoners. It noted that:

... In recent times, there has been a significant increase in the number of prisoners and a commensurate increase in the complexity of the needs of prisoner population. More prisoners now have substance abuse problems, mental health issues, chronic health problems, poor or limited vocational skills, low educational attainment and established histories of repeat offending than previously. Such are the multiplicity and complexity of needs [of prisoners] that they significantly limit an individual prisoner's capacity to be successfully reintegrated into the community. If strategies are not implemented to address these issues while the individual is in prison, their likelihood of successful reintegration into the community upon release is greatly reduced (Bearing Point 2003).

The integrated Offender Learning and Skills Services Program in the United Kingdom has been designed and funded by the Learning and Skills Council in partnership with the National Offender Management Service. This integrated service caters for offenders in custody and in the community. Prior to the program 'going live' in August 2005, researchers from the Learning and Skills Development Agency conducted an interim evaluation of the prototype activities in the three development regions. The evaluation notes that successful transition to the community can be helped by one-to-one support and motivation for prisoners who 'move through the gate' (Walker et al, 2005).

In 2004, President Bush signed a bill designed to help prisoners upon release from prison called the "Prisoner Re-entry Initiative (PRI)." Along with education, other forms of assistance are being offered to prisoners that include connecting prisoners with outside public and private agencies prior to release in order to arrange for needed services (Wheeler and Patterson, 2008). Services may include housing, food assistance, referrals for health services (including mental health) and education and training opportunities. These bills and laws

are designed to help prisoners make the transition from prisoner to successful and productive members of society. Most people who enter prison will not serve a life sentence.

#### **4.5 Conclusion**

It is evident that from this chapter that the general philosophy about prisons is that it is not only a place to restrict those that went against societal norms but a place where offenders are reformed so that they become better citizens. Looking back from the inception of prison as an institution for punishment and societal protection to the shift to correction philosophy, the rate of recidivism have reduced drastically, the population of prisoners has reduced and this can be attributed to better correctional method like the provision of education for incarcerated person. The objective of education is to return the inmates to society with a more wholesome attitude toward living, with a desire to conduct themselves as good citizens, and with the skills and knowledge which will give them a reasonable chance to maintain themselves and their dependents through honest labour. Although many prisoners need formal education and training, informal skills such as life skills, the ability to function in a team at work, in society, in the family also plays a major part in preparation of a wholesome person.

Education in prison has enlightened many in prison and besides doing their time; it has helped reduce misbehaviour and violence in prison. This program has made many busy while those with anger problem have received help in

managing their problem. Education for prisoners has been proved to enhance employment opportunities, decreases criminal behaviour and reduces the overall cost of crime to the community. This implication has been able to improved societal safety and also provided a soft landing spot for those who leave prison. Without the skills and knowledge needed to face new employment situations in society, individuals will be excluded from the labour market and many will feel cornered for lack of opportunity thus recidivism is eminent.

Finally, despite the many studies done on the impact of education as an effective rehabilitative tool and its contribution towards smooth transition back to society, more challenges have been faced by those inmates returning to prison, because that link between prison and society is still lacking effective measures such as half way home, effective monitoring and support programs, which should be formulated and implemented to prepare inmates effectively back to society.

Despite the success of education in changing the life of prisoners and their eventual return as whole persons back to society, these programs to be implemented in prisons require a legislative backing from both the international and domestic level. Thus the following chapter will address the relevant instrument on both International and National level relevant to prison work.

## **CHAPTER FIVE**

# **REGULATION INSTRUMENTS ON PRISONS AND THE HUMAN RIGHTS**

### **5.1 Introduction**

Before we turn to chapter six, the empirical investigation, it is important to look at the regulatory framework for prison in this country. this chapter addresses respective issues on prison and the relevant legislations at National and International level.

### **5.2 National Instrument on Prison**

At the National level it is state's responsibility to manage prison. In order to understand the law and management of prison in Kenya, it is important to know where that law is found. This chapter looks into the National instrument that guides the action of the prison personnel in their work. The key sources of law are:

### **5.3 The Constitution**

The constitution is the supreme law of the land, and any law that is inconsistent with it is null and void to the extent of that inconsistency. The constitution establishes the republic of Kenya and determines how it shall be governed. It therefore establishes the superstructure of the state of which the prison service



is part. Anything done under any law relating to prison must be consistent with the constitution, especially schedule IV of the constitution, which provides protection for fundamental rights and freedoms and section 51(1) of the constitution on the right of person detained, held in custody or imprisoned. It prohibits torture, cruel and inhuman or degrading punishment or treatment and upholds the highest standard of dignity of prisoners (IED, 2004).

### **5.3.1 The Prison Act**

Prison as an institution has the guiding instrument in the management of its duties which is the Prison Act. The Prison Act (Chapter 90 of the law of Kenya) was enacted to consolidate the law relating to prisons; to provide for organization, discipline, powers and duties of male and female prison officers; and other related matters. Its main legislation relate to the management of prisons (IED, 2004). The Act contains the progressive stage system; an earning scheme; Parole; corrective training; remission; and compulsory supervision orders. A prison review board, appointed by the president, was also introduced to review the sentences of prisoners and provide advice to the president on the exercise of prerogative of mercy. All these items are aimed to re-affirm the principle of human dignity and to bring the existing policy orientation in line with international penal practices (Abreo, 1972).

### **5.3.2 The Borstal Institutions Act**

The Borstal Institution Act (Chapter 92 of the law of Kenya) was passed in 1963 and commenced on September 02, 1963. It provided for the establishment

of Borstal Institution for young male and female offenders (IED, 2004). The Borstal Institutions Act ensures those young offenders are kept separate from adult prisoner to avoid their contamination. This separation helps in the rehabilitation of young offenders and the main source of rehabilitation program in Borstal Institution are the schools. The schools ensure that the young offenders acquire the relevant knowledge as they grow up. Many of them committed crimes without knowing the consequence of their action to the society, thus education helps to enlighten them on what is right and wrong and empowers them through general knowledge.

### **5.3.3 The Probation of Offenders Act**

The Probation Act (Chapter 64 of the laws of Kenya) was passed on the 20<sup>th</sup> December 1943 following the recommendation of the Bartley Committee which was set up in 1941 to look into the probability of introducing probation service in line with the practice in England then (IED, 2004). The programme helps to decongest prison by ensuring that petty offenders are rehabilitated within the society they wronged. The probation has helped many to carry out their business outside prison while also serving their sentence. Many of those in schools and colleges have been able to continue with their study outside prison. It is an alternative to imprisonment.

### **5.3.4 The Community Service Orders Act**

The Community Service Orders Act (No. 10 of 1998) entered into force on July 23, 1999 to introduce and regulate community service by male and female

offenders. It also repealed the Detention Camp Act part XII of the Prison Act relating to Extra Mural Penal Employment. By enacting the Act, Parliament recognized the importance of introducing an alternative sentence option which does not require keeping male and female offenders in custody to reduce congestion in prisons, which was quite high at the time the law was passed. Secondly, instead of keeping male and female offenders in jail at public expense, there was a policy benefit using them to perform community service free of charge (IED, 2004).

The legislation is in keeping with the international practice which is geared towards the improvement of criminal justice systems. It was used to support the rehabilitation of male and female offenders, reduce recidivism that may result from harmful influences in jail and to decongest, Kenyan prisons (IED, 2004).

### **5.3.5 The Children Act**

The Children Act (Chapter 506, laws of Kenya) which became operational in 2002, provided for the establishment of additional institution for male and female children, such as remand homes, rehabilitation schools and charitable children's foundations to add to the Borstal Institutions already established under the law. Its aim was to domesticate the United Nation Convention on the Right of the Child, and to provide for a comprehensive range of issues regarding male and female children in conflict with the law (IED, 2004).

The Act repealed the Children and Young Person's Act, which used to have provision for the protection and discipline of male and female children,

juveniles and young person. The Act also requires every court dealing with a male or female child before it to have regard for the best interests of the child and further take steps for removing him/her from undesirable surrounding and to secure proper provision for his/her maintenance, education and training. The Children Act, Section 190, prohibits the imprisonment of male or female children and also excludes male or female children from the death sentence (IED, 2004).

#### **5.4 Synthesis of Local Instrument**

The constitution is the supreme law of the land which provides for the protection of fundamental human right for all including those in prison. The main Acts that guide the prison in their work include the prison Act and Borstal Institution Act. Other subordinate legislation include the probation, children, and community service order, which are all in line with better international human right practices.

#### **5.5 International Instruments**

These are standards that have been agreed upon by the international community, usually through the United Nations. Throughout the second half of the 20th century there was a broad acceptance of the principle that human rights were to be applied universally. This was a principle which had come, not from theorists and academics, but from the horrors which were part of the Second World War. Although on occasion there might be failures in practice to reach these standards, there was an understanding that every attempt should be

made to implement them without exception. Prisoners were not to be excluded from these rights. Therefore the following section addresses the relevant international instrument on prison (Coyle, 2000).

The Kenya constitution in article 2(5) provides that international law is part of the Kenyan law, thus making international instrument to be of great relevance to the regulation of prison in Kenya. The relevant instrument include in this study maybe classified as:

#### **5.5.1 Instruments Pertaining to the State's Obligations on Prisons**

There are certain basic physical requirements that must be met if the state is to comply with its obligation to respect the prisoner's human dignity and fulfil its duty of care. These include adequate provision of accommodation, prison hygiene, clothing and bedding, food, drink and exercise. When a judicial authority sends someone to prison, the international standards are clear that the punishment imposed should be solely deprivation of liberty. Imprisonment must not include risk of physical or emotional abuse by staff or by other prisoners. It must not include risk of serious illness or even death because of the physical conditions or the lack of proper care. Prisoners must not be subjected to living conditions which are in themselves inhuman and degrading (Coyle, 2000).

According to the Standard Minimum Rules for the Treatment of Prisoners, from Rules 9 – 21, it states the responsibility of the state is to provide for the need of the prisoners and also ensure that, All accommodation provided for the use by prisoners and, in particular, all sleeping accommodation shall meet all

requirements of health, due regard being paid to climatic conditions and particularly to cubic contents of air, minimum floor space, lighting, heating and ventilation. In all places where prisoners are required to live or work, the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air, whether or not there is artificial ventilation.

Rule 13 farther encourages the state to ensure that adequate showering and bathing installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate. Moreover, in Rule 17, every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no way be degrading or humiliating.

In addition, Rule 20 (1) states that every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served and that Drinking water shall be available to every prisoner whenever he needs it.

### **5.5.2 Instrument on Constructive Activities and Social Reintegration**

It is not sufficient for prison authorities merely to treat prisoners with humanity and decency. They must also provide the prisoners in their care with opportunities to change and develop. Most prisons are filled with people from

the margins of society. Many of them come from extreme poverty; disrupted families; a high proportion will have been unemployed; levels of education are likely to be low; some will have lived on the streets and will have no legitimate social network. Changing the prospects in life of people with such disadvantages is no easy task. Prisons should be places where there is a full programme of constructive activities which will help prisoners to improve their situation. At the very least the experience of prison should not leave prisoners in a worse condition than when they started the sentence but should help them to maintain and improve their health and intellectual and social functioning (Coyle, 2000).

The International Covenant on Civil and Political Rights, Article 10 (3), states that, the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.

The Standard Minimum Rules for the Treatment of Prisoners, from Rules 65-66, states that, the treatment of persons sentenced to imprisonment, or a similar measure, shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility. To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of

each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

### **5.5.3 Instrument on Work and Skills Training**

Finding a way of earning a living is one of the most important elements of a prisoner's ability to reintegrate into society on release from prison. For many prisoners their time in prison may be the first opportunity to develop vocational skills and to do regular work (Coyle, 2000).

The main purpose of requiring prisoners to work is to prepare them for a normal working life on their release from prison, not to make money for the prison administration or to run factories for the benefit of other parts of the Government. It should be remembered that employment is only one element of social rehabilitation. A full response will require opportunities to develop all the skills needed to return to society; differing societies will require differing skills (Coyle, 2000).

The International Covenant on Civil and Political Rights, Article 8, states that, no one shall be required to perform forced or compulsory labour. The Basic Principles for the Treatment of Prisoners, Principle 8, states that, conditions shall be created to enable prisoners to undertake meaningful remunerated employment which will facilitate their integration into the country's labour market and permit them to contribute to their own financial support and to that of their families.



The Standard Minimum Rules for the Treatment of Prisoners, from Rule 71-76, states that, prison labour shall not be of an afflictive nature and that all prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer. While Rule 72, states that, the organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life and that the interests of the prisoners and their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution. The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or customs in regard to the employment of free workmen. There shall be a system of equitable remuneration of the work of prisoners. Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

#### **5.5.4 Instrument on Education and Cultural Activities**

Many people who are in prison have poor standards of education. A significant proportion lack basic skills of reading and writing. This low educational level will have affected their lives before coming in to prison and may well have played a part in their committing a crime. It is an unfortunate reality that for some individuals the very fact of being in prison, of having to remain in one location for a fixed period of time, may be the first real opportunity that they have had of pursuing a course of proper education. It is also important to

provide opportunities for cultural activities alongside more formal education since this will provide a further context in which prisoners may develop their sense of self-worth (Coyle, 2000). As the UN Special Rapporteur on the Right to Education points out, education in prisons is ‘much more than a tool for change, it is an imperative in its own right’ (Munoz, 2009).

The Universal Declaration of Human Rights, Article 26, states that, everyone has the right to education and that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. While Article 27 farther states that, everyone has the right to participate freely in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

The Standard Minimum Rules for the Treatment of Prisoners, Rule 40, 77 and 78, states that, provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

## **5.6 Conclusion**

From this chapter, it has emerged that many international instrument support the importance of education in prison. These are standards that have been agreed up by the international community, usually through the United Nations. The standard minimum rule for the treatment of prisoners emphasizes that the obligations of state to Prisons is to provide adequate accommodation, hygienic conditions, clothing and bedding, food, drink and exercise area and facility. The prison department must provide prisoners in their care with opportunities to change and develop. The International Covenant on Civil and Political Rights, Article 10, emphasizes the importance of providing a full programme of constructive activities which will help prisoners to improve their situation. These programs are aimed at improving the opportunity for prisoners to access employment after release in order to earn a living to be able to support themselves and their families.

Many people who are in prison have poor standards of education. This low level of education has affected their live to such an extent many committed crimes because opportunities for advancement were constrained by poor education. Education in prison is therefore the first real opportunity for prisoners to address this deficiency and enhance their productivity in society. The Universal Declaration of Human Right, article 26, emphasizes the importance of education for all irrespective of their condition in life.

One of the best tenets of human rights law is that human rights are inalienable and under no circumstances can any authority take away a person's basic

human rights. Human rights approaches and human rights legislations have facilitated a change in the management correctional systems as they evolve from being reactive to proactively safeguarding prisoner's rights (United Nation, 1977). The instruments discussed in this chapter clearly indicate that human rights have been in fore front in upholding the dignity of prisoners.

# **CHAPTER SIX**

## **EMPIRICAL RESEARCH METHODOLOGY AND DATA ANALYSIS**

### **6.1 Methodology**

#### **6.1.1 Research Design**

This section is an overall scheme, plan or structure framed to aid the researcher in answering the research questions. Most decisions about how research was executed and how respondents were approached are addressed at this stage. This study uses descriptive research design which according to Mugenda and Mugenda (1999) undertaken in order to ascertain and describe the characteristics of the variables of interest. Descriptive research design is chosen because it enables the researcher to generalize the findings to other prisons across the country.

#### **6.1.2 Target Population**

The target population of the study was 2000 prisoners. The study used purposive sampling method to select prisoners who were included in the study sample. A sample size of 60 was drawn from the eligible group for this research. Besides the prisoners the researcher interviewed, Community leaders (10), families of prisoner (10) and prison administrators (20). The study

followed selective criteria in identifying the respondents. The criteria of selection were:

- i. Convicted inmates
- ii. Respondents included trustees, life sentence, condemned and ordinary prisoners
- iii. Mentally stable

### 6.1.3 Sample Size and Sampling Procedure

The study used purposive sampling technique to identify the respondents. The distribution was; trustees (10), life sentenced (10), condemned prisoners (10), short term prisoners (15) and school attending prisoners (15) and key respondents from the administrative officers (20). The study also conducted focus group discussions of 12 respondents in the prisons. Simple random sampling will be used in determining the members of the focused group.

**Table 6. 1: Sample size and the distribution among the respondents.**

#### Sample size for prisoners

<b>Prisons</b>	<b>Kamiti Sample size</b>	<b>Total no. of eligible respondents.</b>
Trustees	10	100
Condemned	10	300
Life sentenced	10	800
School attending prisoners	15	100
Short term prisoners	15	700
<b>Total</b>	<b>60</b>	<b>2000</b>

**Table 6. 2: Sample size for Prisons Administrative Officers**

<b>Prisons</b>	<b>Kamiti</b>	<b>Total no. of eligible respondents.</b>
	<b>Sample size</b>	
Officer in charge	1	1
Deputy officer in charge	1	1
Senior officers	4	80
Non-commissioned officers	6	200
Junior officers	8	500
<b>Total</b>	<b>20</b>	<b>782</b>

#### **6.1.4 Data Collection**

The study used both primary and secondary data. Primary data was collected directly from the prison staffs and inmates through questionnaires, interview and focus group discussion. Secondary data was obtained through review of various reports on prison education, from the departmental heads, Human Resource Reports, Annual Report from Finance Department, Newsletters, Magazines, Departmental circulars and other published material. A semi-structured questionnaire consisting of both open-ended and close-ended question was used to collect primary data. The questionnaire was administered by the researcher with the help of a research assistant.

Observation was also used in data collection. Non-participant observation was used in the course of the data collection. The aspects of research exposed to observation included, among others: admission, discharge processes,

occupational and educational facilities available in the prison and the general prison environment.

#### **6.1.5 Data Collection Instruments**

The researcher employed quantitative method as the main method of data analysis supplemented by qualitative method. The quantitative method used the questionnaire which was filled by the respondents, while the qualitative methods employed observation, personal interviews and key informant interviews.

#### **6.1.6 Condition of Testing**

The research carried out a pilot study in order to determine the suitability of the questionnaire. The result of the pilot study was used to adjust the questionnaire accordingly. A group of 12 individuals was chosen. The pilot study allowed for the pre-testing of research instrument. The clarity of the instrument to the respondents was necessary so as to enhance the instrument's validity and reliability, thus ensuring that the intended data was collected.

#### **6.1.7 Research Ethical Issues**

The researcher ensured that complete confidentiality of the identities of the respondents was maintained. Secondly, the researcher respected the respondents' decisions on what information to give. In this case, the researcher did not coerce the respondents to give certain information or doctor their feedback. Thirdly, the researcher avoided cases of plagiarism by ensuring that all data obtained from secondary sources were acknowledged. Fourthly, the



researcher ensured that respondents are free to participate or withdraw from the study. Fifthly, the researcher shared feedback of the research findings to the Respondents. Finally, the researcher contacted the correspondent lawyer or chaplain of the respective prisoner during questionnaire administration and in conducting interview.

#### **6.1.8 Data Analysis and Presentation**

The data collected was analyzed and the discussions presented as findings. The completed questionnaires will be edited for completeness and consistency. The data will then be coded to enable the responses to be grouped into various categories as listed above for effective and thorough analysis of the responses. Data collected will be qualitative and will be analyzed through descriptive analysis. The descriptive statistical tools such as SPSS and MS Excel will help the researcher to describe the data and determine the extent used. The findings will be presented using tables and charts. Data analysis used frequency and percentage, data presentation was done using SPSS and Microsoft Excel.

#### **6.2 Data Presentation and Analysis**

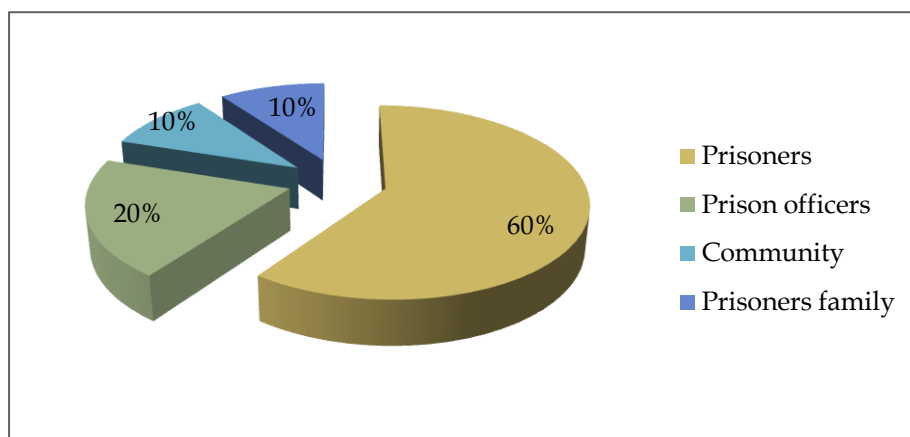
This section analyses data that was obtained from the questionnaire and the interview guide. The data has been analysed according to the objectives of the study which were the effect of education on rehabilitation, the relationship between education and recidivism, the role of education towards inmate's re-entry into society, and the challenges faced in the implementation of education in prison. The study used descriptive statistics in analysing the data and the

interpretation was made using tables, graphs and pie chart. The respondent of the study were 120 and distributed among the prisoners, prison officers, community leaders, and prisoners family.

### 6.2.1 Prison Association

Education was incorporated in prison in order to lay the foundation upon which other rehabilitative mechanism can be introduced to enable prisoners appreciate their environment, action and ultimate goal after prison. Therefore the study sought to find out the different groups of people who enter prison for one reason or the other. These people can be prisoners, prison officers, prisoners' family and community leaders. The findings reveal that 10% were community leaders, another 10% are prisoners' family, and 20% were prison officers while 60% were prisoners. This figure indicates, as expected that prisoners had most association with prison (Figure 6.1).

**Figure 6. 1: Prison association**



**Source, survey data (2014)**

### 6.2.2 Years of Association

The year of association was important to the study because it gave an estimate of the number of years they have served either before reform or after reform period in prison. The study indicated that 18% had less than 10 years of association, 22% of the respondents had between 11-15 years of association, while 32% had between 16-20 years of association, and 20% had between 21-25 years, and 8% had more than 26 years of association. These figure indicate that majority of the respondents had more than 10 years of association with the prison department at Kamiti and were aware of the education system in the prisons (Table 6.3).

**Table 6. 3: Year of association**

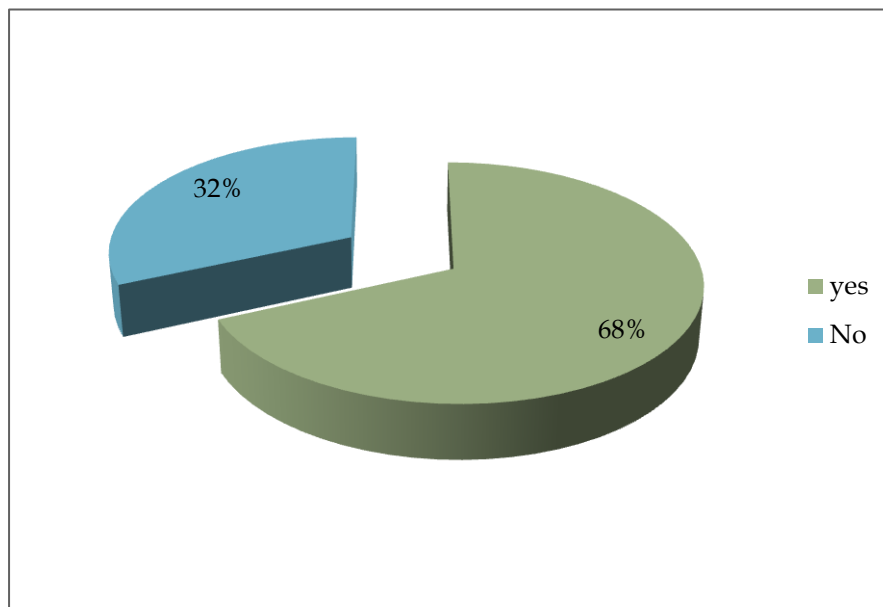
<b>Years</b>	<b>Frequency</b>	<b>Percentage</b>
Less than years 10	11	18
11-15	13	22
16-20	19	32
21-25	12	20
More than 26 years	5	8
<b>Total</b>	<b>60</b>	<b>100</b>

### 6.2.3 Educational Background and Formal Education in Prison

Formal education is a fundamental human right and essential for the enjoyment of all other human rights. Those within the prison setting do not loose this right

by mere incarceration. The study sought to find out whether the respondent had any formal education prior to their incarceration. The study revealed that 68% of respondent had formal education, while 32% had no formal education. This figure indicate that majority of respondents had formal education (Figure 6.2).

**Figure 6. 2: Formal education in prison**

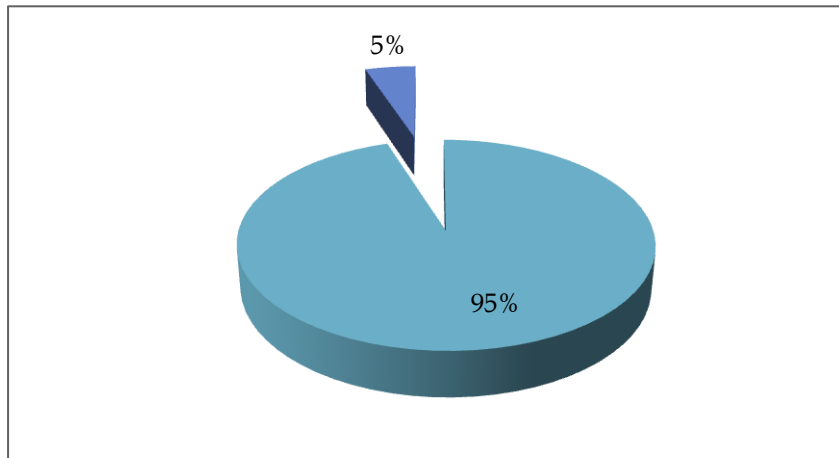


**Source, survey data (2014)**

### **6.2.3.1 Presence of Formal Education in Prison**

The study also sought to find out whether formal education system was available within the prison and 95% of the respondent indicated that there was formal education in prison while 5% of the respondent said no to the presence of formal education in prison (Figure 6.3).

**Figure 6. 3 : Presence of formal education in prison**



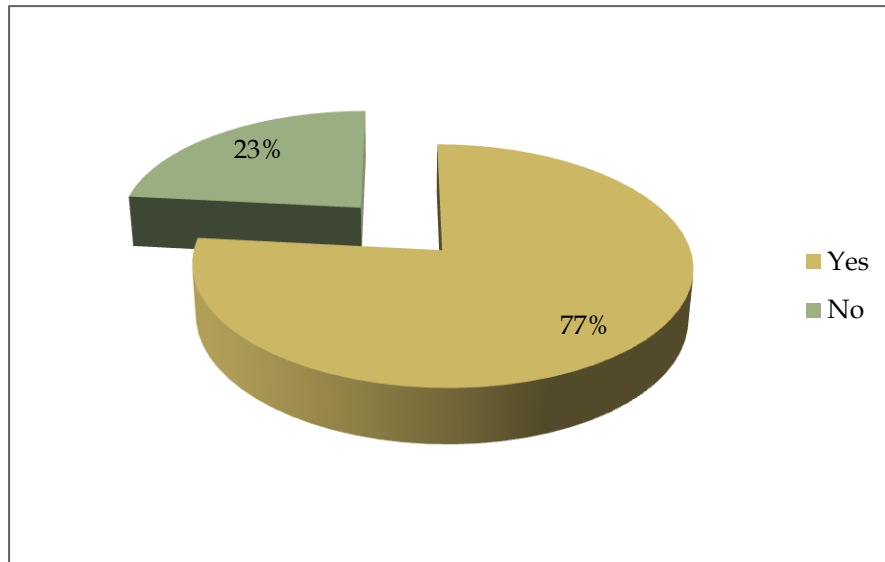
**Source, survey data (2014)**

Those who didn't have formal education gave various reasons which included financial problems, family reasons such as the illness or death of one of their parents, imprisonment, detention, personal illness or disability among other problems. Despite not having attended any formal education system the 32% reflected in Figure 4.2 had room to access formal education in prison. This provided an important avenue for self advancement that was lacking from their life.

### **6.2.3.2 Access to Prison Education**

The study further sought to find out whether education was easily accessible or not. The study established that 77% of the respondents were of the view that education was easily accessible while 23% of the respondents were of the contrary opinion (Figure 6.4).

**Figure 6. 4: Access to prison education**

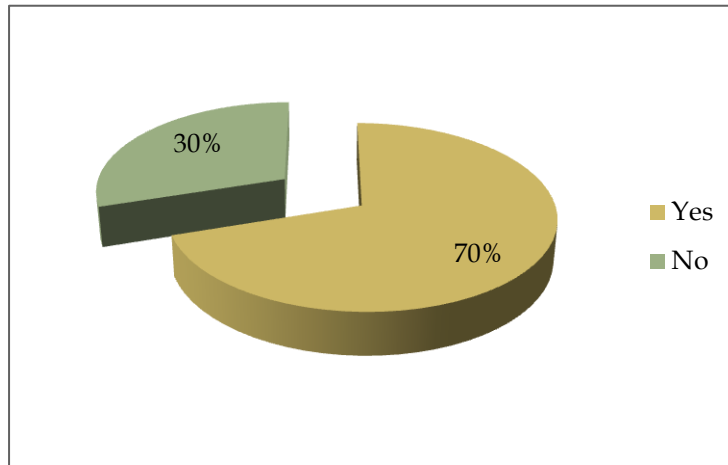


**Source, survey data (2014)**

#### **6.2.4 The Relationship between Prison Education and Education in a Free Society**

The presence of formal education in prison stimulated our study to compare the education in prison and education in a free society. The study found that 70% of the respondent agreed that prison education runs concurrently with education in a free society while 30% disagreed. This comparison informed us that prison education runs concurrently with education in free society (Figure 6.5).

**Figure 6. 5: The relationship between prison education and education in a free society**



**Source, survey data (2014)**

The study sought to find out the extent to which prison education runs concurrently with education in free society. The study found out that 38% strongly agreed to prison education and education in free society to be running concurrently, 28% agreed to the concurrency of education in prison and free society, 23% disagreed to concurrency of education in prison and free society while 11% strongly disagreed to the concurrency of prison education to the free society. This figures show that the majority agreed to the concurrency of prison education to education in free society and a significant number also disagreed to the concurrency of both educations because of the shift system in prison (Table 6.4).

**Table 6. 4: Extent of the relationship between prisons education and education in a free society**

<b>Response</b>	<b>Frequency</b>	<b>percentage</b>
Strongly agree	23	38
Agree	17	28
Disagree	14	23
Strongly disagree	6	11
<b>Total</b>	<b>60</b>	<b>100</b>

### **6.2.5 Prison Education and Job Opportunity**

The study sought to understand the relevance of prison education in the job market. The study found that 42% of respondent agreed that prison education is relevant in laying foundation for job opportunity to a very great extent, 33% to a great extent, 18% to a small extent while 7% to no extent. These figures illustrate the recognition that the kind of education offered in prison is relevant to expand and open up more avenues for prisoners to access employment after release (Table 6.5).



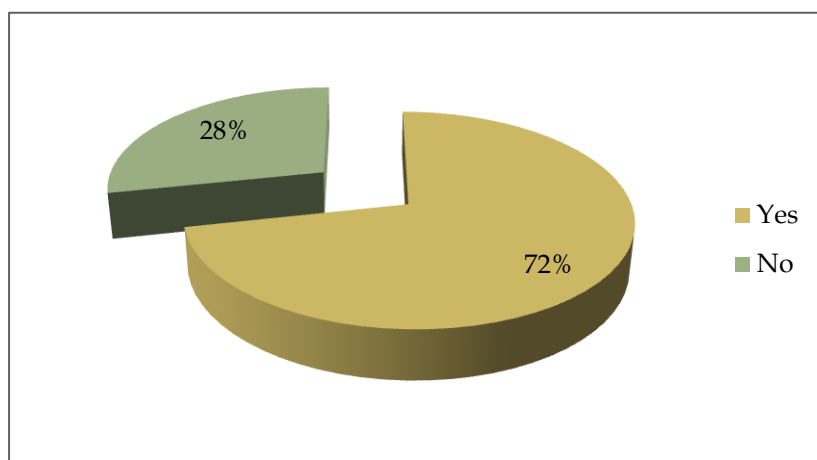
**Table 6. 5: Relationship between prison education and job opportunity**

Relationship	Frequency	Percentage
Very great extent	25	42
Great extent	20	33
Small extent	11	18
No extent	4	7
<b>Total</b>	<b>60</b>	<b>100</b>

### 6.2.6 Access to Information in Prison

The access to information is a vital principle to the right to education; information is part and parcel of learning. Ideally, information is accessible freely in prison with minimal restriction especially on material that may be thought to provoke violence or aggression among prisoners. The study found out that 72% of respondent agreed to the ease of access to information while 28% said that access to information in prison is still a problem (Figure 6.6).

**Figure 6. 6 : Access to information**

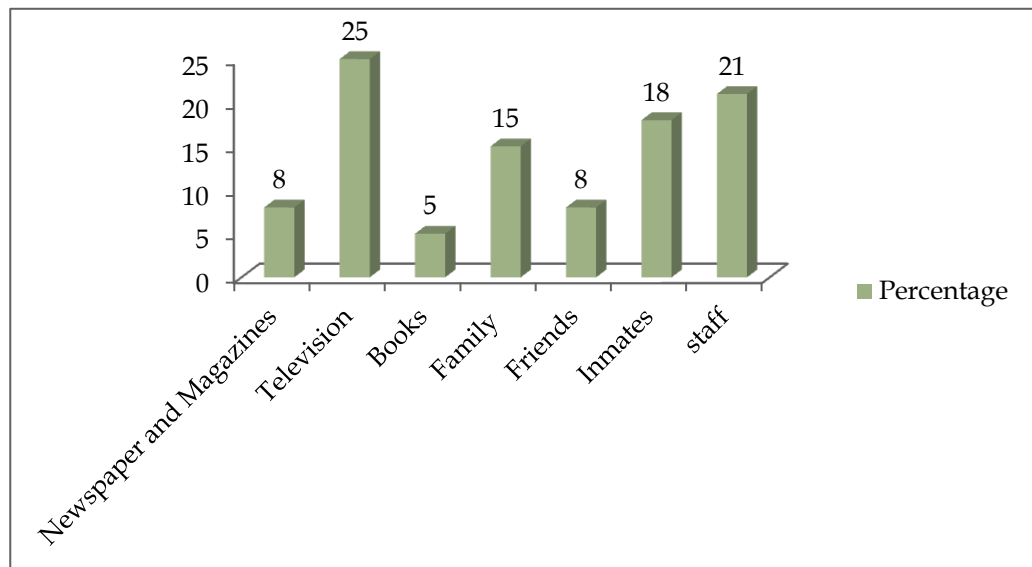


Source, survey data (2014)

Access to information is an important part of education because it provides learners with alternative means of enriching their knowledge besides what is taught in class. The study further sought to establish how prisoners access information within the prison setting. The finding of the study revealed that the available medium of access to information by prisoners was television which is (25%) staff (21%) inmates (18%) and family (15%). This was attributed to availability of television sets in prison, daily interaction between prison officers and prisoners, inflow and out flow of inmates who attend court session or daily admissions to prison, and from family visit.

The finding also revealed that there are other mediums of access to information which are minimally available. These included newspaper and magazines (8%), friends (8%) and books (5%). This low response from prisoners is attributed to the small number of prisoners who have the resources to buy newspaper. The number of respondents who receive visits from friends decreases very fast after imprisonment, hence the low percentage of this medium as a source of information.

**Figure 6. 7: Medium of access to information**

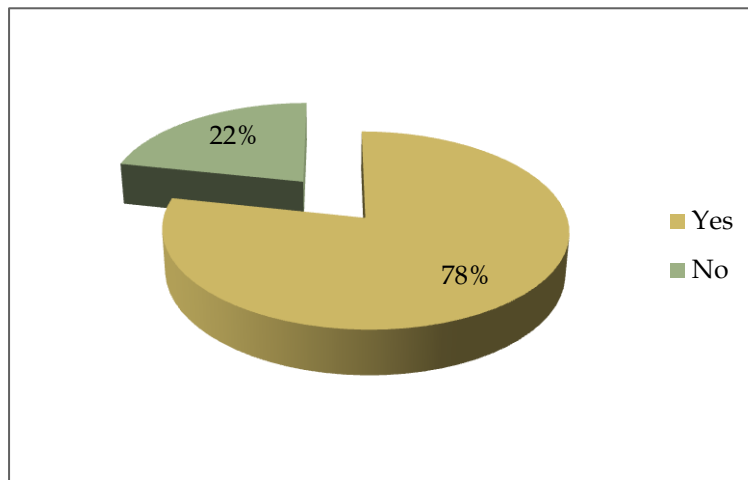


**Source, survey data (2014)**

### **6.2.6.1 Access to Library**

Library is an important facility in enriching knowledge and its availability in prison is very important because it helps to reduce idleness and empower those with zeal of more knowledge. The study sought to find out whether there was a library facility in prison and 78% agreed to availability while 22% disagreed. The figures illustrate that there was more accessibility to the library facility and this indicated that prisoners were gaining knowledge (Figure 6.8).

**Figure 6. 8: Access to library**



**Source, survey data (2014)**

The study farther looked into how frequently inmates access library services and the response was 45% of the respondent on daily basis, 22% on weekly basis, 13% on monthly basis, 20% never. These figures indicate that majority of respondent have daily access to library which is used to supplement class works (Table 6.6).

**Table 6. 6: Frequency of access**

	<b>Frequency</b>	<b>Percentage</b>
Daily	27	45
Weekly	13	22
Monthly	8	13
Never	12	20
<b>Total</b>	<b>60</b>	<b>100</b>

### 6.2.7 Prison Skills Attained

Prison is known to have different activities for acquiring skills because prison is a centre for rehabilitation. Different activities are found in prison so as to empower prisoners with skills and to reduce idleness in prison. The study found that 18% were undertaking carpentry, 15% tailoring, 12% welding, 22% upholstery while 28% were learning farming skill. These figures indicate the importance of providing skills to prisoners while in prison to prepare them for prison exit; reduce re-offending; increase opportunity for employment and enable them contribute to society positively (Table 6.7).

**Table 6. 7: Prison skill attained**

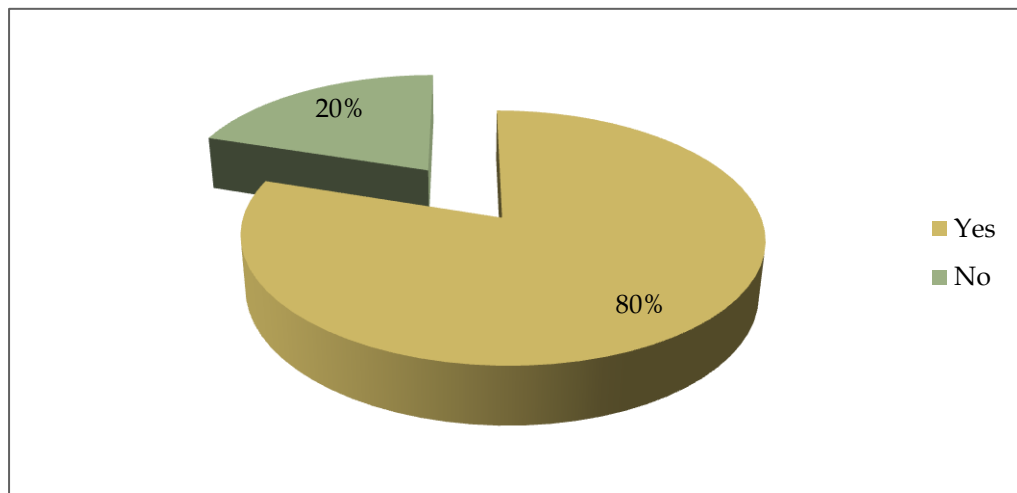
<b>Prison skill</b>	<b>Frequency</b>	<b>Percentage</b>
Carpentry	11	18
Tailoring	9	15
Welding	7	12
Upholstery	13	22
Agricultural skill	17	28
Others	3	5
<b>Total</b>	<b>60</b>	<b>100</b>

### 6.2.8 Character Transformation

Prison and its environment have made many prisoners to change their character immediately they step in prison, Due to the rules of engagement and the fear of punishment. The study sought to find out the impact education is having on

character transformation among prisoners. 80% of the respondent agreed that prison education has managed to help transform the character of prisoners while 20% of respondent disagreed with prison education being a transformative tool on prisoner's character. Many lectures on stress and anger management and much of the time spent on prison education have enabled prisoners to change their behaviour (Figure 6.9).

**Figure 6. 9: Character transformation**



**Source, survey data (2014)**

The recognition by prisoners that education in prison promotes character change has helped to provide a conducive environment for rehabilitation and co-existence among different people in prison. The study found that 23% of respondents indicated that prison education, to a very great extent, has promoted character change, 55% indicated that prison education transforms character to a great extent and 15% to a small extent (Table 6.8).

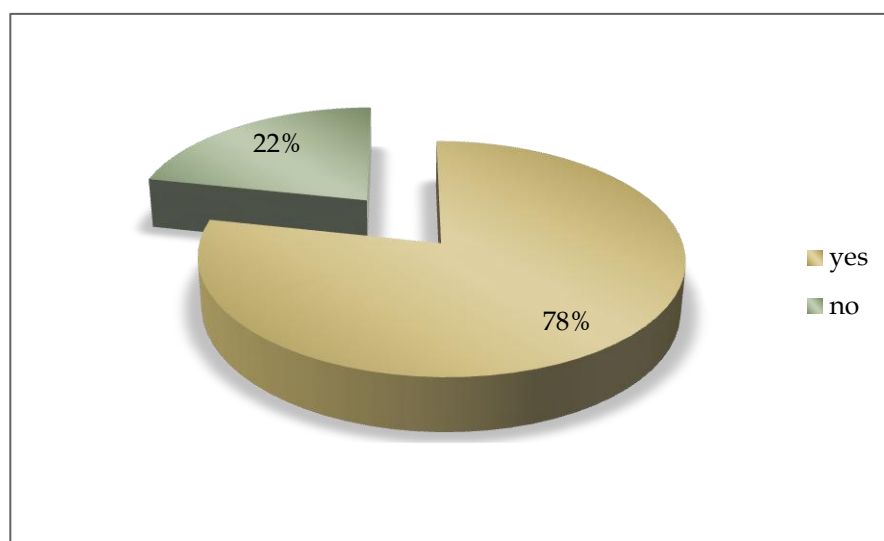
**Table 6. 8: Extent of transformation**

Response	Frequency	Percentage
Very great extent	14	23
Great extent	33	55
Small extent	9	15
No extent	4	7
<b>Total</b>	<b>60</b>	<b>100</b>

### 6.2.9 Prison Education and Reduction in Reoffending

The study found that 78% of respondent agreed that education reduces reoffending while 22% of respondent disagreed with education being able to reduce reoffending. Prisoners require equal playing field like all other people to avoid forcing them to associate with the wrong group of people (Figure 6.10).

**Figure 6. 10: Prison education and reduction in reoffending**



Source, survey data (2014)

Prison may not have follow-up programs to monitor ex-prisoner. However, according to the administrator those who have passed through the program have returned to society successfully. The study revealed that education is an effective tool in reducing reoffending with 32% of respondents indicating to a very great extent and 47% indicating to great extent. These figures show that the rate of recidivism has tremendously decreased due to education in prison (Table 6.9).

**Table 6. 9: The rate of reduction in reoffending**

<b>Response</b>	<b>Frequency</b>	<b>Percentage</b>
Very great extent	19	32
Great extent	28	47
Small extent	8	13
No extent	5	8
<b>Total</b>	<b>60</b>	<b>100</b>

#### **6.2.10 Student Enrolment in Prison Education**

Prisoner's enrolment is still wanting because out of a population of 2000 inmates at Kamiti, only 180 have access to the education facility. This number is a reflection of all students from primary, secondary, college and university education. 10% of the respondents indicated that the student population per class was 5-10, 25% said that classes had 11-15 student, 50% intimated that classes had 16-20 student, while 15% said the classes had 26 student and above



per class. This could be attributed to lack of space and facility which cannot accommodate large numbers of student (Table 6.10).

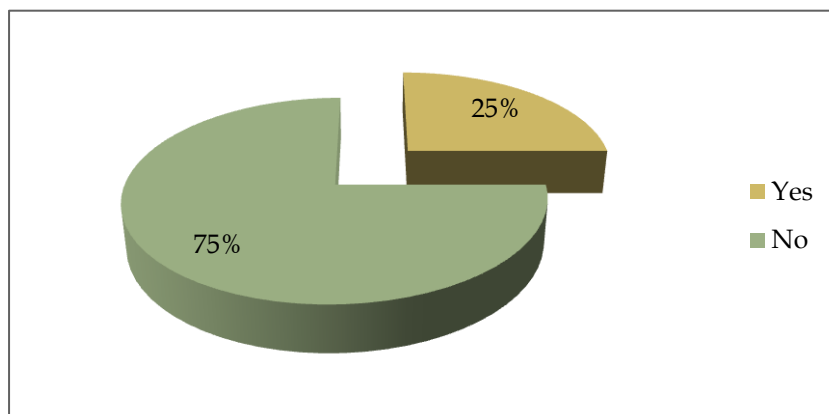
**Table 6. 10: Student enrolment in prison education**

<b>Student population</b>	<b>Frequency</b>	<b>Percentage</b>
5-10	2	10
11-15	5	25
16-20	10	50
26 and above	3	15
<b>Total</b>	<b>20</b>	<b>100</b>

### 6.2.11 Education Facility and Resources in Prison

The study sought to find out whether prison education in Kamiti had access to any funding. The study found out that 75% of respondent indicated no to access of funding while 15% indicated yes. These figures confirm that there is low access to funding of education programs in prison (Figure 6.11).

**Figure 6. 11 : Access to funding**



Source, survey data (2014)

Lack of funding has led to significant challenges for prison education. This was indicated by 40% of the respondents who said prison education was affected significantly, 30% indicated very significant, 25% indicated little significant while 5% indicated not significant. These figures show that the education is affected by lack of funds in prison (Table 6.11).

**Table 6. 11: Impact of lack of funding**

<b>Response</b>	<b>Frequency</b>	<b>Percentage</b>
Very significant	6	30
Significant	8	40
Little significant	5	25
Not significant	1	5
<b>Total</b>	<b>20</b>	<b>100</b>

#### **6.2.11.1 Adequacy of Prison Facility**

The study sought to find from the respondents whether the education facilities were adequate in prison and the findings revealed that 55% indicated inadequate, 20% indicated adequate while 25% indicated very inadequate. This illustrated that lack of funding also affected the adequacy of the educational facilities in prison (Table 6.12).

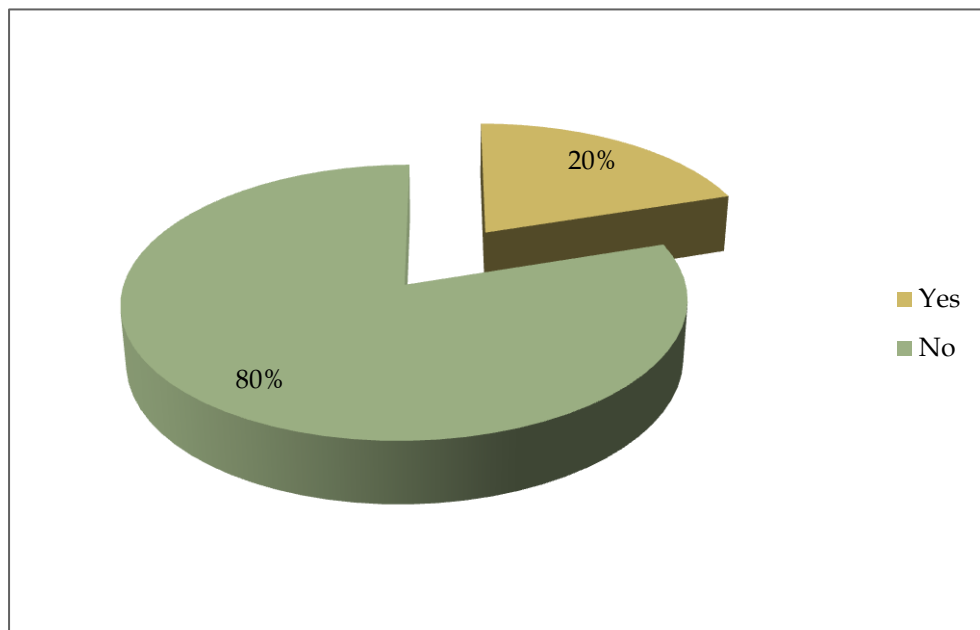
**Table 6. 12: Education facilities in prison**

Response	Frequency	Percentage
adequate	4	20
inadequate	11	55
Very inadequate	5	25
<b>Total</b>	<b>20</b>	<b>100</b>

### 6.2.11.2 Prison Teachers

For the success of the education programs there must be enough teachers to run the program in prison. The study therefore sought to find out whether there were enough teachers in prison. It was found out 80% that they were not enough teachers while 20% indicate they were enough teachers (Figure 6.12).

**Figure 6. 12: Prison teachers**



Source, survey data (2014)

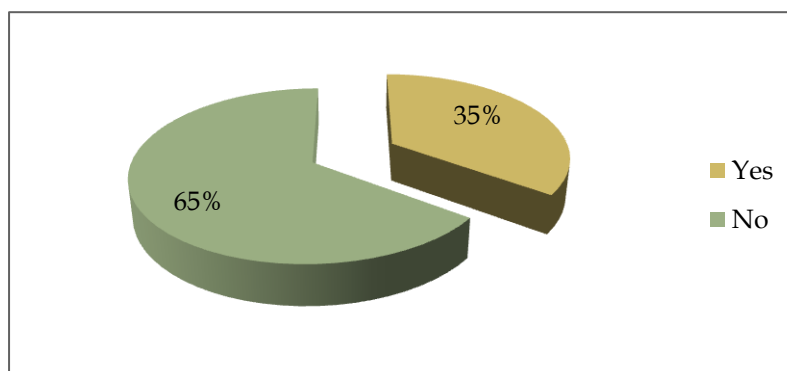
Lack of enough teachers has affected the prison education significantly. This was revealed by 40% of the respondents who indicated very significantly while 5% indicated not significant (Table 6.13).

**Table 6. 13: Lack of enough teachers**

Response	Frequency	Percentage
Very significant	8	40
Significant	6	30
Small significant	5	25
Not significant	1	5
<b>Total</b>	<b>20</b>	<b>100</b>

The availability of books in the library helps the student with reference materials. The study sought to find out whether the prison had enough books and it was revealed that 65% indicated that there were no enough books, while 35% indicated that there were enough books. These figures show that prisoners have no adequate books (Figure 6.13).

**Figure 6. 13: Lack of stationery**



Source, survey data (2014)

### 6.2.11.3 Books and Stationery

Lack of enough books and other stationery has greatly influenced the provision of education in prison. The study found out that 30% of the respondents agreed that lack of books and other stationery affects education to a very great extent, 40% to a great extent, 25% to a small extent while 5% to no extent. This can be attributed to lack of provision of reading material from government and overreliance on well-wishers (Table 6.14).

**Table 6. 14: Effect of lack of enough books and stationery**

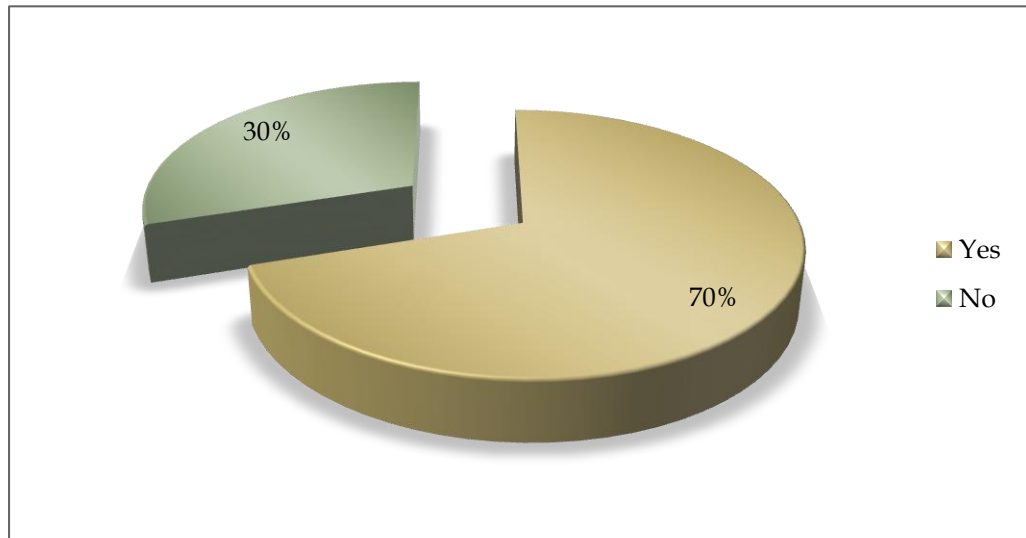
<b>Response</b>	<b>Frequency</b>	<b>Percentage</b>
Very great extent	6	30
Great extent	8	40
Small extent	5	25
No extent	1	5
<b>Total</b>	<b>20</b>	<b>100</b>

### 6.2.12 Prison education, skill and re-entry

Prison education is provided in order to prepare individual to join society after serving their sentence. Prison not only provides education but also other rehabilitative activity in order to prepare prisoners for release. The study sought to understand whether education and other rehabilitative instruments are able to empower and prepare individual for re-entry after release. The study found out that 70% of respondent agreed that prison education and skill help to prepare prisoner for re-entry by expanding their reach while 30% disagreed

that prison education and skill adequately prepare prisoners for release (Figure 6.14).

**Figure 6. 14: Prison education, skill and re-entry**



**Source, survey data (2014)**

### **6.2.13 Societal acceptance**

Societal acceptance is one of the challenges that prisoners face after release. The study sought to understand the degree of acceptance after release. The study found out that 10% of respondents contended that the level of acceptance was very high, 20% indicated high, 60% indicated low while 10% indicated very low. This figure shows that prisoners have a hard time integrating back to society because the level of acceptance is low to very low (Table 6.15).

**Table 6. 15: Societal acceptance**

<b>Response</b>	<b>Frequency</b>	<b>Percentage</b>
Very high	2	10
High	4	20
Low	12	60
Very low	2	10
<b>Total</b>	<b>20</b>	<b>100</b>

The level of acceptance also varies greatly with a small group of society welcoming the prisoner (in most cases those who are close to prison) while a large number in the society will welcome the prisoner with a degree of suspicion and fear with a set mind of once a criminal always a criminal. This immediate judgment from the society will disorient the transition process for the prisoner and his integration becomes a problem. The information about his return travels like a bush fire and some kind of fears is felt by the society at large. This result in isolation and discrimination by the society the prisoner looks up to help, for assistance and continued rehabilitation. This kind of reception from the society will lead the prisoner into the wrong company who in most cases easily accept him as one of them and will not question his character.

The society's perception and branding of individual from prison by associating to them with the crime they committed like the *rapist is back, murderer is back, thief is back* will affect the prisoners association with the society. Most respondent we interviewed talked about how the burden of proof about their

reformation lies solemnly with them. Many with qualification from prison like tailoring, masonry, carpentry, mechanical skills have spent most of their time convincing the society how much they have changed in character. Most find it very hard to get employment while the few who manage to get employment still have to proof themselves to the employer about their qualification and character.



## **CHAPTER SEVEN**

### **CONCLUSION AND RECOMMENDATIONS**

#### **7.1 Overview of the Research**

The research from the onset looked at the prison system in Kenya to determine the role that education can play in enhancing the scheme for reformation of prisoners and their ultimate reintegration into the society as useful members. The investigation was premised on the concern that the issue of education has not been effectively explored as a rehabilitation tool even though it has somewhat become a common culture of the prison reformation system. Indeed, Education and training in prison should play a key role in increasing the opportunities available to prisoners by bettering their chances of employment, successful re-entry into society and finally providing them with a real alternative to crime and thus reducing re-offending.

This study looked at the impact of education in imparting skills and preparing the prisoners for life after prison. From the many studies done across the globe, the power of education is recognized and accepted as an effective tool for change in prison. Besides the changes and successes associated with education in prison, the implementation of these programs in prison requires to be backed by legislation in order for it to work. The study looked at relevant National and International instrument on prison, especially on the right to education. Education as a right to all is universally recognized and backed by many international instruments like the Universal Declaration of Human Right,

Standard Minimum Rules for the Treatment of Prisoners, The Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment and The International Covenant on Civil and Political Rights, National Instrument like the Constitution, the Prison Act, the Borstal Act, the Probation Act, Children Act and Community Service Order also entrench the right to education.

The study used descriptive method for data analysis and used purposive technique to collect data. The data was analysed using SPSS and presented using tables and charts. The study found out that formal education was present and easily accessible to all inmates. The value and importance of prison education is recognized by a majority of inmates in Kamiti prison. The major challenge to Prison education is funding, especially in Kenya. Despite the challenges faced in providing education in prison, its power to change is without a doubt acknowledged and accepted across the globe by both scholars and prison administrators.

## **7.2 Further Findings of the Study**

The analysis of data revealed that correctional facilities present unique challenges for the provision of educational services. Instructors must educate prisoners in the face of limited funding, space, and resources. Interruption of programs and institutional security concerns significantly constrain programming. This means that although education should be provided

universally, the unique character of prison environment constrains the provision of quality education.

### **7.2.1 Lack of Enough Resources**

This is evident when you visit the school section at Kamiti Maximum Prison where you find classes being combined i.e. class 4 and 5 study in the same class contrary to the practice in the free society. Space is also associated with the fact that many correctional facilities were not designed with programming in mind; classroom space is limited and cramped. Classrooms may have to be shared with other programs, and space for computers or specialized equipment for vocational training is scarce. Noise is another problem whereby the school section is in the same compound with tailoring, carpentry and mechanical section where noise from the machine keeps on interfering with the student concentration in class.

### **7.2.2 Frequent Transfers of Prisoners**

Farther more, Inmates may be transferred from one prison facility to another with little advance notice, and the new facility may or may not offer comparable educational programming. This means that students, though committed to education, face constant interruption which frustrate their endeavours and those of instructors.

### **7.2.3 Lack of Enough Trained and Qualified Teachers**

This has been among the major challenge to provision of education in prison. Kamiti prison has 26 teachers of whom 10 are uniformed teachers and 16 are

inmates' teachers. Of the 16, inmates' teachers only 4 have teaching qualification. The 26 teachers provide teaching services from primary to secondary education indiscriminately.

#### **7.2.4 Lack of Fund**

Lack of funding and lack of provision of teaching aid by government has also hindered the provision of education in prison. The prison does not get fund from government to finance its program or buy stationery for students of who mostly is dependent on well-wishers. Consistent, dedicated funding streams for correctional education are often lacking, as funding may come from multiple sources and may be one item among many in a facility's general programming budget. This means that education is not a priority in the budget of Kamiti Prison.

#### **7.2.5 Time**

Time is also a major problem because of the shift system in prison and the many security issues under consideration in prison. The school opens at 0800hrs and after 3hrs they break for lunch and in the afternoon they attend only one hour of class session compared to ten hours of education in free society. This implies that prisoners get less attention compared to other students, which makes them less competitive in the national examinations.

#### **7.2.6 Prison Image**

The image of the prison department is very poor because prison is thought of as a place of punishment and human rights violation. Many believe that nothing

positive can come out of prison. The society has no idea of the rehabilitative programs being undertaken by students to empower them for release. The information, if provided to public, will help reduce the high level of rejection from the society. This requires concerted sensitization of the public by the government and prison administration.

### **7.2.7 Lack of Follow-Up Program and Financial Assistance in**

#### **Re-integration of Prisoners back to Society**

Programs like half way homes which are important for sensitization are lacking and thus the process of integration to society becomes a burden to prisoners to handle on their own. Prisoners will spend 15 to 30 years in prison and upon his release there is no financial support or any other form of assistance given to them to help him start life after prison. This increases the possibility of recidivism.

### **7.3 Recommendation**

After careful analysis of the impact of education in prison the study came up with the following recommendation;

First, the prison department should create public awareness on the role of prison and its rehabilitative programmes. This in the long run will improve the image of the department and also provide a platform for more sensitization on prison education.

Secondly, the government should employ more trained and qualified teachers to cater for the education needs of the prison population. Prison education has a

serious shortage of teachers and more teachers need to be recruited to cater for the large number of prisoners. This will help in ensuring smooth rehabilitation of prisoners.

Thirdly, the prison department should create a follow-up program, in conjunction with the probation department, to enable the department monitor the progress of those released into society. This will help in reducing re-offending and also ensure that those released receive the necessary support while in society.

Fourthly, the government should be more involved in the prison education system especially in terms of funding and any other forms assistance required. They should farther come up with an elaborate policy paper on education in prison to ensure that education is compulsory to all inmates in prison. This will help prepare prisoners for other rehabilitative program; empower prisoners with knowledge and increase their opportunity for employment after release. They should also build more schools in prison away from other noisy section to enable students learn in a conducive environment.

Fifthly, the government should encourage mentoring programmes in prison as a way of motivating and encouraging prisoners and enhancing their prospect of employment after release. It should also encourage more entrepreneurial activities within prison in terms of business enterprises, experience for practical links with the industry and collaboration with educational institutions.

## **7.4 Conclusion**

People from all walks of life pursue education for much the same reason: because it provides an opportunity for self-improvement, a better life, and the means to provide for oneself and one's family. This opportunity should be available to all irrespective of the condition they are in. Education's power to transform lives in both tangible and intangible ways makes it one of the most valuable and effective tools we may have for helping people rebuild their lives after incarceration, as well as for combating crime and reducing criminal justice costs (Brazzell et al, 2009).

Despite prison education being able to reduce criminality in the society, more needs to be done to ensure that prison education receives support from both government and stakeholders in equal measure. Prison education has proved to be a sure way of reforming prisoners and empowering them with skills as they prepare to exit prison and re-enter society. It has helped to reduce recidivism drastically because education has improved the opportunity for employment. There is need to convince correctional administrators, policymakers, and the public that education is a sound investment that can reduce costs, enhance security and improve behaviour within facilities, and produce positive outcomes after release (Brazzell et al, 2009). Prison education has impacted a sense of responsibility which in the long run has reduced re-offending to a great extent.

The study was guided by the following hypothesis; in hypothesis one where it states that there has been a significant transformation of prisoner's character

due to the impact of education in rehabilitation of inmates at Kamiti Maximum Prison. The study has proved that education have shaped prisoners life in many ways. It has provided prisoners with skills so as to increase their chances of employment while also preparing them for life in society.

The second hypothesis states that, there has been a significant reduction in reoffending among inmates due to the effect of education. This was also evident when we posed the question and the acknowledgement that education has reduced the re-offending. This is reflected in the 78% of the respondent who agreed that education have reduced re-offending to a great extent.

While the third hypothesis states that Education has significantly facilitated the smooth re-entry of prisoners into society, is true because the moment you acquire skills in prison and relevant education, you tend to become more productive to society. Those who have tailoring, carpentry, masonry and any other skill, upon entry to society their chances of acquiring employment is high thus smooth transition with few restriction.

Finally hypothesis four, Implementation of education programs in Kamiti Maximum Prison has been successful in spite of the challenge. Many lives have been changed due to provision of education in prison. Prisoners have changed the behaviour of prisoners, empowered them with skill, reduced their chances of re-offending and finally improved their chances of employment and smooth societal re-entry.

Despite the many successes and challenges education has faced in prison there is one sure thing about prison education and that is, it is a sure way of



rehabilitating prisoners and their eventual entry back to society as a wholesome person.

### **7.5 Suggestion for Further Study**

The researcher suggests that farther studies be carried out on the challenges associated with the implementation of prison education in Kenya because the matter is an emerging issue. The whole world has moved away from the retrogressive way of managing prison as a punitive institution to an era where prisons are managed under the human right principle with correctional philosophy as the basis of prison programs.

The study was conducted in the male prison and therefore other studies also should be carried in woman prison and young offenders prison because they all provide unique challenges which deserves attention.

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## APPENDICES AND ANNEXES

### Appendix I: Questionnaire

Dear Respondent,

My name is STEPHEN G. GUYO. I am a Master of Arts student in human rights at the University of Nairobi. The purpose of this questionnaire is to collect information on the right to education and its impact in Kenya prison service. The information received from you will be treated with utmost confidentiality. You are not required to reveal your name. Your honesty in answering the questions in this questionnaire is vital in helping to understand how the right to education in Kenya prison service is transforming prisoners and their eventual smooth integration into society; this study will assist in the improvement of prison management in Kenya.

#### Instructions;

- Do not write your name on this questionnaire.
- The information given will be treated with strict confidentiality.
- Please give honest and correct answers to the questions asked in this questionnaire.

Thank you.

#### Section A: Background Information

*(This section should be filled by prison officers/prisoners/prisoners family members and community leaders)*

1. What is your association with prison?

Prison Officer                      [ ]

Prisoner                                [ ]

Prisoner family                      [ ]

Community leader                    [ ]

2. Have you ever been associated with prison department

Yes        [ ]        No            [ ]



3. If yes for how long have you been associated with the prison department?

Less than 10 Year

11 - 15 Years

16- 20 years

21-25 years

More than 26 years

4. Have you attend formal education system?

Yes  No

5. If No, give reason for your answer?

.....  
.....

**Section B: Effect of Education on Rehabilitation of Prisoners,**  
*(should be filled by prisoners)*

6. Is there formal education program in prison?

Yes  No

7. If yes, what kind of education program do they offer in prison?

K.C.P.E  K.C.S.E  College  Degree

8. Is education in prison freely accessible to prisoners?

Yes  No

9. Does the education program in prison run concurrently with the education system outside the prisons in terms of time and syllabus?

Yes  No

10. To what extent do you agree or disagree with the above statement?

Strongly agree  agree

Disagree  strongly disagree

11. In your opinion, to what extent is the prison education relevant to the job opportunity outside the prison?

Very great extent  great extent

Small extent  no extent

12. Do you get information on current affair?

Yes  No

13. If yes, indicate the medium of access?

Newspapers

Radio and television

Magazines

Books or brochures

Family members,

Friends,

Inmates or staff

14. What skill/s would you say you have acquired during the period you have stayed in prison?

Carpentry  Tailoring

Metal welding  Upholstery

Mention any others .....

15. Does prison education help to transform the character and perception of inmates towards life?

Yes  No

16. To what extent does prison education help transform the character and perception of inmate towards life?

Very great extent                       great extent

Small extent                       No extent

17. In your opinion, has prison education reduced the rate of reoffending for prisoners after being released from prison?

Yes                       No

18. If yes, how would you rate the reduction in reoffending?

Very great extent                       great extent

Small extent                       No extent

19. How would you rate education provided in prison?

Very Good       Good       Poor       Very poor

**Section C: Education and Re-offending (*to be filled by prison officers*)**

20. Do you allow any inmate irrespective of their educational background to access education in prison?

Yes                       No

21. If Not, state the reasons?

.....  
.....

22. How many prisoners are enrolled in the prison education program?

5-10                       11-15

16-20                       21-25

26 and above

23. In your institution, do you have access to any funding?

Yes  No

24. If yes which is the common source of funding for the prison education program?

Government  NGO

Private organization  foreign donors

25. Is the funding provided enough for smooth running of the education program?

Yes  No

26. If no, how does lack of enough funding affect the smooth running of the school?

Very significant  significant

Little significance  not significant

27. How do you rate facilities in terms of adequacy?

Very adequate  Adequate  Inadequate

Very inadequate

28. Do you have enough teachers for the program?

Yes  No

29. If no, to what extent does lack of enough teachers affect the education of prisoners?

Very significant  significant

Little significance  not significant

30. Do you have enough books and other stationeries?

Yes  No

31. If no, to what extent does lack of books and other stationeries affect the implementation of the program?

Very great extent [ ]                      great extent [ ]

Small extent [ ]                      no extent [ ]

32. Has education in prison reduced reoffending for graduate?

Yes            [1]                      No            [2]

33. If yes, to what extent?

Very significant [ ]                      significant [ ]

Little significance [ ]                      No significance [ ]

**Section D: Re-entry back to society (*To be filled by prison officers/prisoners/prisoners family members/community leaders*)**

34. Education has been known to be the foundation upon which, other rehabilitation program can be carried on, do you agree?

Yes [ ]                      No [ ]

35. If yes to what extent do you agree?

Strongly agree [ ]                      agree [ ]

Disagree [ ]                      strongly disagree [ ]

36. Do those who have skills from prison received well than those without any skill?

Yes [ ]                      No [ ]

37. In your opinion do you regard those educated in prison and acquired skill to have easier re-entry than those without?

Yes [ ]                      No [ ]

38. How does society perceive former prisoners released from prison?

.....  
.....

39. What is the level of acceptance of former prisoner in society?

- |           |                          |          |                          |
|-----------|--------------------------|----------|--------------------------|
| Very high | <input type="checkbox"/> | high     | <input type="checkbox"/> |
| Low       | <input type="checkbox"/> | very low | <input type="checkbox"/> |

40. What challenges do you think these people face in society after being released from prison?

.....  
.....

41. What do you think society should do to facilitate successful reintegration of the people in society?

.....  
.....

***Thank You!!!!!!!!!!!!***