

UNIVERSITY OF NAIROBI

THE INSTITUTE OF ANTHROPOLOGY, GENDER AND AFRICAN STUDIES

THE SOCIO-ECONOMIC CHARACTERISTICS OF WOMEN OFFENDERS AT
LANG'ATA WOMEN'S PRISON, NAIROBI

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DECLARATION

This research report is my original work and has not been presented for a degree in any other University.

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DEDICATION

I dedicate this research project to the Lord to whom belongs all glory and honor and to my loving parents, Benjamin and Lydia Achode for having stood by me and encouraged me during all these years of study.

“I finally ate the tail Daddy..!”

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ABSTRACT

Until recently, criminal behavior has mostly been discussed from a male perspective and has been about men, for men and by men. It is generally accepted that men commit more crime than women; a statistic that has led many to look for an explanation for such disparity between the sexes. In the recent years the rate of criminal activity has significantly increased and a range of theories has purported to explain why this is so. These have alluded to changes in biological, physiological, emotional and environmental norms.

This study provided an overview of the socio-economic demographic of the women offenders incarcerated at the Lang'ata prison in Nairobi, Kenya. It set out to answer three questions: whether a woman's level of education influenced the type of crimes committed; whether age affected the type of crimes committed by women offenders; and whether economic status influenced the type of crimes committed by women offenders.

This study adopted a descriptive research design with the total number of respondents being 100 out of the possible 364 women incarcerated at the Prison facility at the time of the study. Data was analyzed and presented in the format of frequency distribution tables and percentages and sorted out under thematic subheadings.

The study found a strong relationship between the socio-economic circumstances of women offenders and the types of crimes they had committed. It recommended various actions by state agencies in counteracting the effect of these circumstances.

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CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Women offenders are often seen in the eyes of society as women and girls who have betrayed our idealistic image of what women and girls should be. That is to say, they do not appear to be like our sisters, daughters, or wives. They have broken the law and displayed errant behavior. They have spent time in prisons, and/or in detention centers. This gender betrayal somehow makes them seem less worthy in the eyes of many (Zaplin, 1998).

Criminology has treated women's role in crime with a large measure of indifference. The intellectual tradition from which criminology derives its conception of the sexes maintains esteem for men's autonomy, intelligence and force of character while disdaining women for their weaknesses of compliance and passivity (Adler, 1975). The perception that women may be *mad* because they 'dared to go against their natural biological givens such as 'passivity' and a 'weakness of compliance' appears to originate from the view that women who conform as pure, obedient daughters, wives and mothers benefit society and men (Feinman, 1994). Women become 'doubly damned' that is, they are seen as weak and in need of protection while being judged as having 'uncontrollable sexuality' (Bottoms, 1996). Results from studies (e.g., Sparks, 1979; Smart, 1978; Lloyd, 1995) show how sexual promiscuity amongst girls' results in them being institutionalized and treated for 'abnormal' behavior.

This study investigated the socio-economic characteristics of women involved in crime with a view to understanding their impact on the type of crimes committed by them. It specifically looked at the women inmates at Lang'ata Women's Prison in Nairobi. Until recently, criminology has been primarily focused on men and crime with little reference to women (Miedzian, 1992). Although the field of criminology comprises of offenders, victims and those who work within the criminal justice system such as the police, the judiciaries and other institutions, this study concentrated on the women offender.

In recent times, academic debate has generally accepted that crime and criminality are the domain of the male (Campbell, 2002; Miedzian, 1992; Heidensohn, 1994; Leonard, 1982), a view endorsed by official statistics and self report studies, which have long indicated that men are more likely than women to be both the perpetrators and the victims of a wide range of criminal acts (Home Office, 2002; Flood-Page et al., 2000; White and Kowalski, 1994). Equally, it has become generally accepted that women commit a small share of all crimes, which are less serious and less professional in nature, resulting in their smaller representation within the criminal justice system (Heidensohn, 1968). This suggests that gender may be of greater statistical significance in differentiating between criminals and non-criminals than any other characteristic (Worrall, 2001; Morris, 1987; Stoll, 1974).

Recent years have however, seen a substantial increase in the number of women coming into contact with the criminal justice system, and in particular an increase in the number of women incarcerated. Explanations for this have typically come from one of two

standpoints: that women simply commit fewer crimes, or that women commit as much crime as men but that this remains hidden (Stoll, 1974).

Whilst the latter stand has found some empirical support - that women are treated more leniently by courts, for example, Box (1983), most research fails to find this to be the case (Hedderman and Gelsthorpe, 1997) and suggests that the use of severe sentences, such as imprisonment, may actually be increasing disproportionately for women against the rate of use for men (Hedderman, 2003). Research suggests therefore that women commit significantly less crime than men (Kruttschnitt et al., 2002), that their offences are typically less serious in nature and that their criminal careers are shorter (Fawcett Society, 2003; Hedderman, 2003).

1.2 The Statement of the Problem

While criminologists insist that women offenders represent only a fraction of the crime perpetrated in our society, the numbers of women criminals appear to be growing (Kenna & Burstein, 2005). Studies on women criminals tend to make assumptions that women do not commit violent crimes, and that if they do, it is upon the urging of male counterparts, or in retaliation to something that has been done to them (Williams, 2004; Verona & Carbonell, 2000). Some act out in male-women teams while many initiate crimes on their own. Women killers get more media coverage than offenders in other type of crimes, yet the less violent behaviors still do reveal a lot about women who break the law. Nadler (1987) talked with a variety of women in prison and found that they tended to fit into one of several categories.

Some of these categories included those acting out or defying an image who wanted to do something outrageous to prove that they are not what people thought; those who snapped, meaning that someone was pushed by events to the breaking point; and those who tended to be the outlaw, pursuing crime to develop an image that they perceive as “cool” or working outside social boundaries. Other categories included those who had an addiction, for example, substance abuse; those following a role model especially in gangs; those trying to keep someone's attention or affection; and those with an obsession.

Nadler’s study (1987) as well as the other studies mentioned above did not to expound conclusively on the socio-economic characteristics of the women offenders, and whether these impacted directly on the type of crimes committed. They talked about how women got involved in crime stating that some women were duped by boyfriends or spouses to become part of an illegal operation, and they unwittingly participated and got arrested. Other studies referred to women in terms of their biological impulses and hormonal balance or in terms of their domesticity, maternal instinct and passivity (Kim, 2003; Moffit et al., 2001). This study explored the socio-economic characteristics of the women offenders in terms of their age, economic status and education level in order to determine if these influenced the type of crimes they commit.

The study sought to answer the following questions:

1. What was the influence of a woman’s level of education on the type of crimes committed?
2. What effect did a woman’s age have on the type of crimes committed?

3. What was the impact of a woman's economic status on the type of crimes committed?

1.3 Research Objectives

1.3.1 General Objective

The general objective of this study was to explore the socio-economic characteristics of women offenders and their influence on the type of crimes committed.

1.3.2 Specific Objectives

1. To determine whether a woman's level of education influences the type of crimes committed.
2. To examine the effect of age on the type of crimes committed by women offenders.
3. To determine whether economic status influences the type of crimes committed by women offenders.

1.4 Justification

Some studies showed that the crime patterns of women suggested that social changes in gender roles were associated with increased women criminality (Pettitway, 2006). They noted that the increasing participation of women in established criminal organizations increased women crime levels in general. Other studies argued that involvement with deviant boyfriends or husbands not only introduced women to addictive drugs, but also contributed to greater crime participation (Moffit *et al.* 2001). Measures of the domestic

network, crime commitment, drug use, ethnicity, and participation in vice and predatory crimes were used to focus on women's formation and participation in crime (Williams, 2004).

This study was important because it sought to understand the co-relation between women, their socio-economic characteristics and crime. The need to critically examine whether age, education and economic status, especially in the Kenyan context had anything to do with women's involvement in crime was paramount in demystifying the women criminal. In examining and questioning the condition and position of women who were imprisoned, it was hoped that the findings of this study would hopefully, shed light on the ever increasing yet still little understood phenomenon of women as criminals.

It was also intended that this study would act as a guideline for people who wanted to learn more about women offenders with the aim of formulating appropriate services and support that could be offered to them. The target audience included faculty members, and students in criminal justice, practitioners in the fields of criminal justice and gender and development, line officers, wardens, managers and staff working in programs for women offenders, including volunteers and medical service providers. It would also be of interest to anyone else who was looking for a better understanding of the fastest growing population in the criminal justice system – women.

1.5 Scope and Limitation of the Study

This study focused on Lang'ata Women's Prison, being the only women prison within the Nairobi. The sample size was 100 women, roughly one third of the convicted population of 364 women. Access and participant recruitment in the prison setting was an anticipated obstacle to conducting research, prison administrators understandably allowed very little (if any) research (Carlen and Worrall, 2004). This was overcome by getting written official letters of introduction from the faculty stating what the research entailed and how it was to be carried out. This allowed the prison administrators to verify the authenticity of the researcher and the intended research.

Secondary research allowed opportunity for longitudinal analysis. However, there was no control over the quality of the sources and the data collected was for the purposes of the researcher, therefore, there was a risk that the research question would not be fully addressed (Bryman, 2004). Whilst ethical issues were minimized using secondary research, there was a possibility that data and information would be manipulated to suit the researcher. A vast majority of the literature was taken from key feminist writers and it became apparent in the course of research that there was often a failure to highlight the fact that similar issues and problems facing women prisoners also affect male prisoners. Dantzker and Hunter (2000) noted that total objectivity was often unattainable, but every reasonable effort was taken to overcome any subjective interests that would have influence the research outcomes. This approach of inter subjectivity was adopted in this paper in the attempt to overcome biased resources.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter covers the review of the theoretical and analytical literature. This review provided a context for identifying the gaps in the literature and identified the areas in which reforms were needed in the socio-economic aspects of women prisoners. Lastly it also identified the gaps to be filled by the study and how it differed from past studies.

2.2 General Characteristics of Women Offenders

A history of sexual and physical abuse and violence is common among women prisoners (Morris, 1987). Compared to male prisoners, women prisoners are much more likely to have sought help for mental or emotional problems prior to incarceration and more women prisoners have drug dependencies at that time. Unlike male prisoners who may express their anger and frustration through riots, escapes or violence to others, women prisoners rarely pose a security risk to others. They are far more likely to self-harm (Zaitzow and Thomas, 2003).

Several factors can influence women offending behavior and these often reflect a history of childhood abuse and stressful life events (Verona, and Carbonell, 2000), illustrated by Table 2.1 below.

Table 2.1: Stressful life events of Women Offenders (Source: Singleton et. al. 1998)

Stressful life event Prisoners	Remand Prisoners	Sentenced
Violence at home	51%	48%
Bullying	21%	26%
Sexual abuse	34%	31%
Serious illness/injury	16%	13%
Violence at work	3%	4%
Relationship breakdown	46%	46%
Death of close friend or relative	41%	47%
Death of parent or sibling	30%	30%
Death of spouse or child	17%	15%
Stillbirth of baby	10%	11%
Expelled from school	41%	33%
Running away from home	59%	50%
<i>Serious money problems</i>	50%	48%
<i>Sacked or made redundant</i>	26%	31%

Coercion by men can form a route into criminal activity for some women (Corston, 2007). Such offences may include prostitution or drug smuggling. Heidensohn, (1994) noted that women convicted of offences relating to prostitution are not people with criminal intention, but simply women looking for money. In an extreme situation, the manslaughter of a partner is often the reaction to a long history of domestic violence

(Wedderburn, 2000). It should be recognized that such circumstances are fairly rare and it would be wrong to assume that the jails are full of women who have killed their abusive partners. However, it does point out that there is often complex reasoning behind women's offending. Following the examination of offences and pathways to imprisonment, it is important to identify the personal and socio-economic characteristics that a majority of women in prison share. It should also be noted that male offenders suffer from similar experiences. Interestingly, Moffit *et al*, (2001) noted that as a woman gets older and takes up marital duties she has more responsibilities and also develops a higher aversion to risk.

2.2.1 Level of education influences the type of crimes committed

Machin and Meghir (2000) attribute to education an important role in the prevention of the crime for several reasons: firstly, education increases the outcome of legal work by increasing the productivity of the workforce. This in turn induces the increase in the cost of participating in illicit activities. Secondly, education makes the time wastage due to the imprisonment much more costly for more educated potential offenders. Finally, schooling may alter preferences in indirect ways, which may affect decisions to engage in crime. For example, education may increase one's patience in gaining status or increase aversion risk. Simply put, education provides a civilizing effect, which reduces the recrudescence of criminality (Usher, 1993). However, it must be noted that education can also increase the gains from a criminal activity by a skilled individual (Lochner and Moretti, 2004).

Despite the many reasons to expect a causal link between education and crime, empirical research is not conclusive. Witte (1997) argues that neither years of schooling completed nor receipt of a high school degree has a significant effect on an individual's level of criminal activity. However, this is based on only a few available studies, including Tauchen, et al. (1994) and Witte and Tauchen (1994), which found no significant link between education and crime after controlling for a number of individual characteristics. While Grogger (1998) estimates a significant negative relationship between wage rates and crime, he found no relationship between education and crime after controlling for wages.

Table 2.2: Education History of Women Offenders (Source: Singleton, et al. 1998).

Education	Remand Prisoners	Sentenced Prisoners
A Level or higher	13%	13%
GCSE	42%	36%
Other	1%	1%
None	44%	48%
Excluded from school	-	33%

2.2.2 Women's age as a determinant of the type of crimes committed

When it comes to opportunities to participate in criminal activity age is an important variable. Research has shown that more young women (aged 14 – 25 the peak ages for criminal activity) live in urban areas, which provide more opportunities for crime: more shops, offices, businesses, cars, houses, etc. (White & Kowaski, 1994; Worrall, 2001). In

this age group, women also face fewer opportunities for serious work-related crimes because they are usually young and are rarely in positions of authority (Stoll, 1974). Such opportunities occur more frequently for older women. Further, middle and upper class women have fewer opportunities for crime because they are more likely to be in full-time education up to age 21/22 as opposed to the lower class women (Usher, 1993). Working and lower class women are more-likely to be in low-paid, low skill employment or to be unemployed. It was also observed that women had fewer opportunities to commit crimes if they had a home/children to look after (Zaitzow and Thomas, 2003).

In terms of opportunity structures surrounding age and criminal activity in women, after age twenty five research indicates a steep drop in criminal activity as women take-on new roles such as wage-earners, parents, spouses, etc. The possibility of jail time becomes a relatively more-serious matter because of the impact it will have on her life and responsibilities (Smart, 1990). Given that the vast majority of crime is relatively petty, older women may cease to follow a lifestyle, e.g. clubbing, that gives them opportunities for these crimes. As they get older they take on more personal responsibilities such as work/career and social responsibilities like children or a spouse which makes them consider the effect their behavior might have on people they love/value (Pollack, 1989).

However, lack of responsibilities might also lead to the opposite happening – more crime being committed because the woman does not have to consider others, even though this goes against her socialization (Nadler, 1987). Women and especially young women are rarely in a position to commit major work-related crimes (such as computer fraud)

because their work roles are usually fairly low-level and do not involve having authority over others. They are more likely to be managed at work rather than being a manager (Leonard, 1982). However, although the number of women in top management positions has increased by nearly 60 percent over the past decade, the number of women in executive positions is still quite small. A recent survey in Fortune (Fisher 1992) reported that only 4.8 percent of top managerial positions were held by women, compared to 2.9 percent in 1986.

2.2.3 Women, economic status and involvement in crime

The issue of women in jail needs to be viewed within a broader community context. Determinants such as substance abuse, HIV infection, violence issues, and disadvantaged socioeconomic conditions are all intertwined. Kim (2003) states that difficult life circumstances - poor socioeconomic conditions and limited access to health care - make these women vulnerable even before their involvement in crime. (Leonard, 1982) emphasize gender socialization as the cause of crime. Women involvement in criminal activity is not restricted to a few areas. While women do not tend to commit crimes of violence (violence by women tends to occur within the family, mainly as a final response to male violence), they are involved in a wide cross-section of crime.

In terms of opportunities to perpetrate crime, both men and women may have equal opportunities when it comes to certain crimes, Marsh (1986) *e.g.* shop lifting. However, while in theory, women have similar opportunities as men to commit crime these may be limited by other factors. For instance, where the opportunities differ, the crime too may

differ. Burglary is predominantly a male crime and one way of explaining the difference is that this type of crimes tends to be a relatively solitary pursuit that takes place late at night. A woman alone late at night is both more-likely to, attract attention and/or involve some degree of personal danger. Likewise, in employment related crimes, fewer women than men work, therefore, less opportunity exists. Women tend to occupy less powerful positions within an organization. They are more likely to be subject to close supervision, have less opportunity for acting on their own initiative, unsupervised, and so forth. Hence, they generally have less opportunity for committing "white-collar" crimes such as fraud, embezzlement, etc (Moffit *et al.* 2001).

Unemployment plays a great role in criminal activity. Fleisher (1966) and Gould *et al.* (1998), in their analysis of the impact of unemployment, income level and income disparity on crime, postulate that a strong fall of the wages of women (without qualifications) increases the probability of committing crimes and property crimes. Impoverished women are specifically criminalized as poor women. Women who live in poverty and have no access to productive resources are often charged with property offences and are criminalized for activities they regard as necessary for their economic survival, including sex work. About 70% of prostitutes are mothers, "mostly single mothers struggling to support families" (Street Sheet, 2005). Faced with difficult economic choices and "the evisceration of health, education and social services," women living in poverty may become entangled in the criminal justice system.

Poverty does not necessarily lead to crime, but poverty is woven into the fabric of these women's lives, reducing their options, crippling their morale, and rendering them outsiders (Carlen, 1989). Further, with women's wages still pitched at less than 76% of men's, most jobs available to women go nowhere near covering the costs of survival. Welfare 'reform' has destroyed the safety net, which saved many from destitution – over 11 million mainly women-headed families have lost their sole income (Street Sheet, 2005).

Table 2.3: Employment History of Women Offenders (Source: Singleton et al., 1998)

Working	26%	34%
Unemployed	24%	23%
Living off crime	14%	12%
Long-Term sick	14%	8%
Bringing up family	13%	17%
Other	9%	6%

2.3 Theoretical Framework

The feminist school of criminology was developed in the late 1960s and into the 1970s as a reaction against the distortions within traditional criminology (Adler, 1975). Of these, the most relevant to this study is the liberal feminist theory. This is an ideological holding that women suffer oppression, discrimination and disadvantage as a result of their sex and which calls for equality in pay, opportunities and education (Seigel, 2009). This theory suggests that the women crime rates could be explained by their second-class economic

and social positions. Seigel posits that if a woman's social roles changed and her lifestyle became more like the economically empowered males, the crimes and the crime rate would reflect this new status. Seigel found that gender-based crime rate differences remained significant and argued that the emancipation of women would have an influence on the crime rates.

Adler (1975) attributed the rise in women crime rates in the 1960s and 1970s to an increasing number of women adopting "male" roles, and by doing so increasingly masculinizing their attitudes and behavior. She proposed that the emancipation of women during the 1970s increased economic opportunities for women and allowed women to be as crime-prone as men. While women have demanded equal opportunity in the fields of legitimate endeavors, a similar number of determined women have forced their way into the world of major crime such as white-collar crime, murder, and robbery.

2.3.1 Relevance of the theory to the Study

This theory is relevant to the study as it explains how a woman's socio-economic characteristics such her economic status and her education play a role in the crime rates and in the types of crimes committed. This theory also explains that crime rates amongst men are affected by similar characteristics and the only reason these have been more noticeable is because of the women's' subordinate role to men in society. This theory is used to form the basis from which an understanding of today's women criminal can be based.

2.4 Assumptions

The following three assumptions guided this study:

- A woman's level of education influences the type of crimes committed.
- A woman's age affects the type of crimes committed.
- A woman's economic status impacts on the type of crimes committed.

2.5 Definitions of terms

Socioeconomic characteristics – The characteristics dealt with in this study were mainly economic ability, educational level and age.

Education in this study was taken to mean the level of formal training attained by the participants through structured classroom teaching. It was measured by the highest level of education attained by the participants prior to their being jailed i.e. primary, secondary and tertiary.

Age for the purposes of this study was taken to mean the numerical number of years a participant has lived and was measured as years since birth.

Economic status was taken to mean the ability of one to generate income by the individual women and to sustain their day to day existence by being able to afford certain basic goods and services. It was measured by the types of employment held and income earned by the participants prior to being jailed, *i.e.* self-employment, employed or unemployed and the amount of income received there from.

2.6 Research Gaps

From the literature review, it was evident that the studies on women criminals tended to make assumptions that women did not commit violent crimes, and that if they did, it was upon the urging of male counterparts, or in retaliation to something that had been done to them. This study differed in this sense in that it sought to establish whether women committed crimes on their own based on their socio-economic backgrounds.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter described the research design and methodology that was employed in the study, including the study site, the design, the target population, the sampling procedure, data collection instruments and data analysis.

3.2 Research Site

The geographical area of this study was Lang'ata Women's Prison in Lang'ata District of Nairobi Province. Nairobi, the capital city of Kenya, is the largest city in East Africa, the region's commercial hub and Kenya's industrial and political heart. It is also the region's youngest, most modern and most rapidly developing city and has enjoyed a relentless growth curve. It is situated at an elevation of about 1660 meters in the highlands of the southern part of the country. Nairobi is Kenya's principal economic, administrative, and cultural center and is one of the largest and fastest growing cities in Africa.

The livelihood of most inhabitants of Nairobi comes from informal economic activities, and formal wage employment. The informal sector, to which most of the poor belong, has been noted to generate more employment than the formal sector. Estimates of the size of the informal sector vary. The 2002 Economic Survey (GOK 2002), shows that the contribution of informal sector employment has grown by 176 per cent compared to – 0.43 per cent from the formal sector. Those with relatively little capital turn to informal

income-generating activities such as the unregulated and unprotected production of goods and provision of services.

Earnings from many informal sector activities in Nairobi compare favorably with those from urban unskilled or rural agricultural wage employment. The formal and informal sectors are generally thought to be symbiotic, with the vitality of the informal sector depending upon the wages and demand generated by the formal sector (House, 1978). Mbogua (2000) argues that the lack of employment opportunities in the city has led to informal trading manifested in the form of haphazardly distributed kiosks, some of which are licensed by the City Council but the majority of which trade without a valid license.

3.3 Research Design

This study adopted a cross-sectional descriptive design. A descriptive study ascertains and describes the characteristics of the variable interests within the situation (Kothari, 2004). In this case the variables were level of education, economic status and age. Both primary and secondary data was collected.

3.4 Study Population

The universe was all the women inmates held at the Lang'ata women's prison. The prison holds an estimated total number of 655 women with 364 having been the convicted and 291 being un-convicted. The women jailed at this prison are convicted of various crimes ranging from murder, robbery with violence, peddling and living off the proceeds of prostitution to assault and drug trafficking.

The sampling frame was taken from the Ministry of Home Affairs, Prisons Department which carries a comprehensive list of all the prisoners being held at any facility at any given time.

3.5 Study Sample

The unit of analysis for this study was the convicted women prisoner jailed and held at the Lang'ata Women's prison. The sample population was drawn from women serving jail terms at *Lang'ata women's prison*. The sentences these women received were as varied as the crimes committed and the women held.

3.6 Sample Size

The total number of respondents who participated in the research was 100, roughly one third of the convicted inmate population of 364 women. The categories for the quotas were the number of years served. A systematic selection was carried out to obtain the sample size.

3.7 Sampling Procedure

The study utilized non-probability quota sampling. This is similar to stratified random sampling. Both of them can be used to sample a population that has been subdivided into classes or categories. However, in the use of quota sampling the classes cannot be isolated prior to sampling; the respondents were categorized into the classes as the survey proceeded. As each class filled or reached its quota, additional respondents that fell into these classes were rejected or excluded from the results.

- The first quota was those serving sentences ranging from 1 month to 7 years (30 women) for petty crimes, e.g., stealing, causing nuisance, etc.
- The second quota was those serving sentences ranging from 7 years one day to 15 years (30 women) for misdemeanors, e.g., theft by servant and simple robbery.
- The third quota was those serving sentences ranging from 15 years one day to life imprisonment (40 women) for felonies, e.g., murder, grand larceny and robbery with violence.

3.8 Data Collection Methods

3.8.1 Survey Technique

The study utilized the survey technique of data collection. A questionnaire was administered to the 100 respondents. This contained closed questions and open-ended questions. The survey method was chosen as it was the most efficient way of collecting information from a large number of respondents and is relatively easy to administer. The issues captured in the survey were the respondents' economic status prior to incarceration, their age as at the time of the survey, and their level of education prior to their conviction and jailing.

3.8.2 Key Informant Interviews

The study also utilized key informative interviews with 4 of the in-charge wardens. This was because they had a vast knowledge of the units of the study population having had the benefit of being with them for years. The purpose of these qualitative interviews was to provide key data from the wardens who have first hand information about the study

population. It utilized both face to face interviews as well as telephone interviews for the wardens that could not be reached at the research site.

3.8.3 Secondary Methods

Existing data was extracted from books, journal articles, internet resources, court documents for types of crimes the women were sentenced for and prison records to determine the lengths of prison sentences handed out. Quantitative research utilized official statistics from the Office of the Vice President, Prison Service and online resources to gather data. There were many advantages of using secondary data analysis not the least being that there was an overwhelming amount of information available. King and Wincup (2000) recognize that there was more than enough data available for secondary analysis. Secondary research was advantageous in terms of saving time and money (Bryman, 2004).

3.9 Data Processing Analysis and Presentation

The quantitative data analysis was done and presentation made in the format of frequency distribution tables and percentages. It was sorted out and classified using thematic subheadings. It was analyzed using the descriptive statistics model which allows social science researchers to organize and summarize data in a meaningful way (Frankfort-Nachmias & Nachmias 2000). Description is essential to positivist science and a necessary step before any further statistical analyses.

Qualitative data analysis was done by examining, comparing, contrasting, and meaningful patterns or themes. Meaningfulness was determined by the particular objectives of the research as stated in the introduction. The data was condensed for the sake of manageability and displayed in an organized, compressed assembly of information that permitted conclusion drawing (Miles and Huberman, 1994).

3.10 Data Presentation

Data was presented under thematic subheadings arranged by research question to facilitate readability. Due to the fact that most of the data gathered was quantitative it was compiled and presented in the form of tables, charts and schedules.

3.11 Ethical Concerns

Prisoners are an especially vulnerable class of potential research participants who historically have been exploited by physicians and researchers seeking expedient solutions to complex research problems (Hornblum, 1997, 1998). They are the classic “captive population.” The ethical issues surrounding research on any human population require serious consideration. Certain unique circumstances faced by prisoners, however, require particular attention (Gostin *et. al.*, 2007).

First among the problems were those related to informed consent (Hammett, 2006). The researcher ensured that the setting permitted the processes of informed consent and refusal. The respondent’s participation was voluntary and no group was disadvantaged by being excluded from consideration.

Secondly on the issue of privacy, although this was much more difficult to ensure within a correctional setting, the study was done in a manner that did not prejudice the prisoners. This involved liaising with the prison authorities in order to be able to provide a private setting in which the prisoners freely expressed themselves and thus addressed all the issues covered. It was noted that in a prison or jail, everyone could see who moved where and could thus speculate.

As for the privacy and concerns as far as the prisons authority were concerned, the research was conducted in light of the moral and legal obligations pertaining both to the researcher and the prison facility and authorities. Written letters of introduction from the University to the authorities were presented to the authorities and permission to conduct the research gained through the authorized channels.

CHAPTER FOUR

PRESENTATION OF FINDINGS

4.1 Introduction

This study sought to ascertain the socio-economic characteristics of women offenders by establish whether a woman's level of education influenced the type of crimes committed; whether age affected the type of crimes committed by women offenders; and whether economic status influenced the type of crimes committed by women offenders. This chapter contains the findings of the study. The data collected was collated and reports produced in form of tables.

Below are tabular presentations of the socio-economic characteristics of the respondents in Lang'ata Women's Prison:

Table 4.1: Socio-economic profile of the respondents according to age, marital status, education levels and economic empowerment.

Variable	Sample			
N = 100	%	Mean	Std. deviation	
Age	100	--	34.75	8.871
18-24	5	5		
25-34	44	44		
35-44	26	26		
> 45	13	13		
Not stated	12	12		

Marital status 99

Single	43	43	--	--
Married	28	28	--	--
Separated	18	18	--	--
Divorced	4	4.1	--	--
Widowed	6	6.1	--	--

Education level 100

Primary	22	22	--	--
Secondary	47	47	--	--
Polytechnic	11	11	--	--
University	9	9	--	--
Informal education	9	9	--	--
Unknown	2	2	--	--

Economic empowerment**Employed prior to incarceration**

Yes	--	62	--	--
No	--	38	--	--

Type of employment

Self employed	--	32	--	--
Full time employment	--	--	26	--
Part time employment	--	--	9	--
Under employed	--	4	--	--
Unemployed	--	29	--	--

Table 4.2: Previous Criminal History of the Respondents

Variable	Sample			
N = 100	%	Mean	Std. deviation	
Number of previous arrests		100		
Never	62	62	--	--
Once	24	24	--	--
Twice	7	7	--	--
> Twice	7	7	--	--
Previous convictions		100		
Never	73	73	--	--
Once	17	17	--	--
Twice	6	6	--	--
> Twice	4	4	--	--
Nature of offence		100		
Murder		19	19	--
Drug related offences	11	11	--	--
Robbery with violence	3	3	--	--
Robbery		4	4	--
Stealing by agent	22	22	--	--
Assault		10	10	--
Property crimes	7	7	--	--
Moral crimes		7	7	--
Forgery		2	2	--
Stealing (87A)		2	2	--
Unknown		4	4	--

4.2 Age as a Factor

As can be seen in Table 4.1, the mean age of the women was 34.75 (Standard deviation=8.871) with maximum and minimum ages of 18 and 61 years, respectively. This shows that a lot of the women incarcerated were adults beyond the recognized 'peak ages' for criminal activity (14 – 25 years). The inference could be drawn that these women were engaged in criminal activity within those peak ages and were subsequently incarcerated for relatively long terms of imprisonment, hence the mean age standing at 34 years. That most women are involved in criminal activity during this period is also supported by the fact that 44% of the women sampled in the survey were between the ages of 25 – 34 years. The assumption here is that these women were not convicted on their first offences and were engaged in criminal activity for some time before the law caught up with them. Hence if they were incarcerated when they were above 25 years of age they were thus involved in criminal activity when they were below the age of 25, which falls neatly within the noted 'peak period' for criminal activity which is between 14 – 25 years.

Age was grouped into four categories (<25, 25-34, 35-44, and >45) as shown in table 4.1 above. Almost two thirds (66.0%) of the women offenders were aged between 25 and 44 years. Only 13.0% of the offenders reportedly were aged over 44 years.

4.2.1 Age of the respondent and Crime

Stealing by agent was highly mentioned (20.7%) by the offenders. Of the 20.7% offenders who stole by agent majority (40.0%) were aged below 25 years. Offenders aged between 35 and 44 were more likely to commit murder compared to the rest of the age categories. This age group was also likely to commit moral crime (11.6%).

Table 4.3: Proportion of women by crime committed and age

Age group (yrs)	Murder	Drug related offences	Robbery with violence	Robbery	Stealing by agent	Assault	Property crimes	Moral crimes	Other crimes	Don't know	Forgery	Stealing (87A)
Below 25	0.0%	20.0%	0.0%	0.0%	40.0%	0.0%	20.0%	0.0%	20.0%	0.0%	0.0%	0.0%
25 to 34	16.3%	7.0%	4.7%	2.3%	18.6%	16.3%	2.3%	11.6%	9.3%	4.7%	4.7%	2.3%
35 to 44	23.1%	15.4%	3.8%	3.8%	26.9%	11.5%	3.8%	3.8%	3.8%	3.8%	0.0%	0.0%
Over 44	15.4%	23.1%	0.0%	7.7%	7.7%	0.0%	23.1%	7.7%	15.4%	0.0%	0.0%	0.0%
Total	17.2%	12.6%	3.4%	3.4%	20.7%	11.5%	6.9%	8.0%	9.2%	3.4%	2.3%	1.1%

The data presented in table 4.3 shows that a majority of the crimes committed were committed by women within the age bracket of 25>34. Further, the largest percent of violent crimes – murder and assault – were also committed in this age bracket.

4.3 Women's Marital Status

43% of the respondents were single, coupled with the relatively young median age of 34 for the respondents; a correlation can be made between being young and single and propensity to engage in crime (refer to table 4.1 above). Other studies mentioned earlier (Moffit *et al*, 2001) also observed this correlation with the rationale being that as a woman gets older and takes up marital duties she has more responsibilities and also develops a higher aversion to risk. Over two fifths of the offenders considered themselves married at the time of the survey. Divorced and widowed offenders comprised the minority of the offenders (4% and 6%, respectively).

4.3.1 Marital Status of the Respondents and Offence Committed

Although marriage is associated with a plethora of adult outcomes, its causal status remains controversial in the absence of experimental evidence. Among the married offenders, robbery was quite common while single offenders were prone to assault. Widowed and divorced offenders were rarely mentioned in committing most of the offences.

Table 4.4: Type of offence committed by marital status

Type of offence	Single	Married	Separated	Divorced	Widowed
Murder	47.1%	23.5%	17.6%	5.9%	5.9%
Drug related offences	45.5%	27.3%	18.2%	9.1%	3.6%
Robbery with violence	33.3%	33.3%	0.0%	0.0%	33.3%
Robbery	25.0%	50.0%	25.0%	0.0%	0.0%
Stealing by agent	40.9%	31.8%	18.2%	0.0%	9.1%
Assault	60.0%	30.0%	10.0%	0.0%	0.0%
Property crimes	57.1%	28.6%	0.0%	0.0%	14.3%
Moral crimes	57.1%	28.6%	14.3%	0.0%	0.0%
Other crimes	33.3%	11.1%	22.2%	22.2%	11.1%
Don't know	0.0%	25.0%	75.0%	0.0%	0.0%
Forgery	50.0%	50.0%	0.0%	0.0%	0.0%
Stealing (87A)	0.0%	100.0%	0.0%	0.0%	0.0%
Total	43.30%	28.9%	17.5%	4.1%	6.2%

Family ties were common amongst the respondent group with 57% of them having been married, separated, divorced or widowed (refer to table 4.1).

4.4 Highest Education Level

47 % of the respondents had secondary level education. This is the age of teenage rebellion as well as being the age where students are most wont to drop out of school owing to a variety of reasons ranging from legitimate ones such as lack of school fees to others such as deviant behavior. It is also the most likely age at which one may engage in deviant behavior such as drug abuse or succumb to peer pressure and engage in criminal activities.

4.4.1 Type of Offence and Highest Education Level

Most of the offenders had completed secondary education whereas university graduates and offenders with informal (informal or adult learning) comprised the minority (9.1% each category).

Table 4.5: Type of offence committed by highest level of education

Type of offence Highest education level attained prior to incarceration

	Primary	Secondary	Polytechnic	University	Informal	don't know
Murder	31.6%	31.6%	10.5%	0.0%	26.3%	0.0%
Drugs	9.1%	72.7%	0.0%	9.1%	0.0%	9.1%
Robbery w/v	0.0%	33.3%	66.7%	0.0%	0.0%	0.0%
Robbery	25.0%	25.0%	25.0%	0.0%	25.0%	0.0%
Stealing b/a	9.1%	63.6%	18.2%	9.1%	0.0%	0.0%
Assault	20.0%	50.0%	0.0%	20.0%	0.0%	10.0%
Property	42.9%	42.9%	0.0%	0.0%	14.3%	0.0%
Moral	28.6%	71.4%	0.0%	0.0%	0.0%	0.0%
Other	44.4%	11.1%	11.1%	11.1%	22.2%	0.0%
Forgery	0.0%	50.0%	0.0%	50.0%	0.0%	0.0%
Stealing (87A)	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%
Total	22.2%	46.5%	11.1%	9.1%	9.1%	2.0%

4.5 Previous Criminal History

As can be seen in Table 4.1 61 % of the respondents stated that they had never been arrested before whereas 72.4 % stated that they had never been convicted of any other crime. However, there was no independent verification of these responses. If true then it would indicate that a vast majority of the respondents were first time offenders with the leading offence being stealing by agent (22.2%) with murder coming a close second (19.2%). This data is represented in table 4.6 below.

Table 4.6: Type of offence by the number of times one has been arrested before the crime for which in prison

How many times have u been arrested before this crime				
Type of offence	Never	Once	Twice	More than twice
Murder	84.2%	15.8%	0.0%	0.0%
Drug related offences	45.5%	18.2%	36.4%	0.0%
Robbery with violence	33.3%	33.3%	0.0%	33.3%
Robbery	75.0%	25.0%	0.0%	0.0%
Stealing by agent	52.4%	38.1%	4.8%	4.8%
Assault	50.0%	20.0%	20.0%	10.0%
Property crimes	57.1%	28.6%	0.0%	14.3%
Moral crimes	28.6%	57.1%	0.0%	14.3%
Other crimes	66.7%	11.1%	0.0%	22.2%
Forgery	100.0%	0.0%	0.0%	0.0%
Stealing (87A)	100.0%	0.0%	0.0%	0.0%
Total	61.2%	24.5%	7.1%	7.1%

4.6 Economic Status of the Respondents

62% of the respondents were working prior to incarceration with 31.8% being self-employed as contrasted with 26.1% who were in full time employment. However, those unemployed represented 29.5% of the total respondents. It is interesting to note that despite the relatively high rate of those who were in employment, when it came to self perception in terms of economic status/ wealth 27% described themselves as poor with 23% describing themselves as very poor. When tied into the fact that theft by agent was the offence for which most respondents were convicted then an inference can be drawn that these women engaged in criminal activity solely for economic gain by stealing from their employers.

Table 4.7: Women's self-assessment of their economic status by type of offence committed

How would you assess yourself Economically					
Type of offence	very poor	poor	Medium	Rich	very rich
Murder	26.3%	10.5%	57.9%	5.3%	0.0%
Drug related offences	18.2%	9.1%	63.6%	9.1%	0.0%
Robbery with violence	0.0%	0.0%	66.7%	33.3%	0.0%
Robbery	0.0%	50.0%	50.0%	0.0%	0.0%
Stealing by agent	9.1%	40.9%	40.9%	9.1%	0.0%
Assault	40.0%	20.0%	20.0%	20.0%	0.0%
property crimes	28.6%	57.1%	14.3%	0.0%	0.0%
moral crimes	71.4%	14.3%	14.3%	0.0%	0.0%
Other crimes	33.3%	33.3%	33.3%	0.0%	0.0%
Don't know	0.0%	25.0%	25.0%	50.0%	0.0%
Forgery	0.0%	50.0%	50.0%	0.0%	0.0%
Stealing (87A)	0.0%	100.0%	0.0%	0.0%	0.0%
Total	23.2%	27.3%	40.4%	7.1%	0.0%

4.6.1 Type of offence and highest education level

Most of the offenders had completed secondary education whereas university graduates and offenders with informal (informal or adult learning) comprised the minority (9.1% each category).

Table 4.8: Type of offence committed by highest level of education

Type of offence Highest education level attained prior to incarceration

Primary	Secondary	Poly	University	Informal	don't know	
Murder	31.6%	31.6%	10.5%	0.0%	26.3%	0.0%
Drug	9.1%	72.7%	0.0%	9.1%	0.0%	0.0%
Robbery w/v	0.0%	33.3%	66.7%	0.0%	0.0%	0.0%
Robbery	25.0%	25.0%	25.0%	0.0%	25.0%	0.0%
Stealing b/a	0.0%	9.1%	63.6%	18.2%	9.1%	0.0%
Assault	20.0%	50.0%	0.0%	20.0%	0.0%	0.0%
Property	42.9%	42.9%	0.0%	0.0%	14.3%	0.0%
Moral	28.6%	71.4%	0.0%	0.0%	0.0%	0.0%
Other	44.4%	11.1%	11.1%	11.1%	22.2%	0.0%
No	25.0%	0.0%	25.0%	50.0%	0.0%	0.0%
Forgery	0.0%	50.0%	0.0%	50.0%	0.0%	0.0%
Stealing (87A)	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%
Total	22.2%	46.5%	11.1%	9.1%	9.1%	0.0%

Table 4.9: Women's self-assessment of their economic status by type of offence committed

Women's economic self-assessment

Type of offence	very poor	poor	Medium	Rich	very rich
Murder	26.3%	10.5%	57.9%	6.3%	5.3%
Drug related offences	18.2%	9.1%	63.6%	9.1%	0.0%
Robbery with violence	0.0%	0.0%	66.7%	0.0%	33.3%
Robbery	0.0%	50.0%	50.0%	0.0%	0.0%
Stealing by agent	9.1%	40.9%	40.9%	9.1%	0.0%
Assault	40.0%	20.0%	20.0%	20.0%	0.0%
Property crimes	28.6%	57.1%	14.3%	0.0%	0.0%
Moral crimes	71.4%	14.3%	14.3%	0.0%	0.0%
Other crimes	33.3%	33.3%	33.3%	0.0%	0.0%
Forgery	0.0%	50.0%	50.0%	0.0%	0.0%
Stealing (87A)	0.0%	100.0%	0.0%	0.0%	0.0%
Total	23.2%	27.3%	40.4%	7.1%	2.0%

CHAPTER FIVE

DISCUSSION OF FINDINGS

5.1 Introduction

This section discusses the findings in relation to the questions posed by the study. It looks at the socio-economic characteristics of Kenyan women generally and those characteristics of the women prisoners at the Lang'ta Women's Prison. The socio-economic characteristics that were under scrutiny in this study were age, marital status, education, and economic capacity. These attributes were chosen specifically because of their impact in women's lives. Women generally face life circumstances that tend to be specific to their gender such as sexual abuse, sexual assault, domestic violence, and the responsibility of being the primary caretaker for dependent children.

At the broadest level of study, many of the environmental or societal factors that have been identified as contributors to women's violent behaviour draw attention to women's status in a gendered society. Unemployment, low socioeconomic status, poverty, and lack of access to educational and vocational opportunities, have all been cited in this regard (Campbell, 2002; Pollack, 2009).

The significant increase in the number of women under criminal justice supervision has called attention to the status of women in the criminal justice system and to the particular circumstances they encounter more so, their socio-economic circumstances. Accompanying this increase in population are several questions about women offenders:

why has women's involvement with the criminal justice system increased so dramatically? Are women committing more crimes? Are these crimes becoming more violent? How have their socio-economic circumstances contributed to this exponential growth?

As in any examination of women prisoners, the first point is to note that they constitute a small percentage of the total number of people incarcerated in Kenya. In addition, while their relative proportions are small, the growing numbers of women being sent to women is disproportionate to their involvement in serious crime. The number of women imprisoned in Lang'ata at the time the study was conducted totaled 364 representing 0.8% of the prisoner population which stood at 46,662 (National Prison Administration Brief, 2009).

The women offenders in this study tended to be low-income, undereducated, and unskilled with sporadic employment histories. Many of the ones who had committed violent offenses claimed it had been either in self-defense or in trying to protect their spouses or their young. Several had been convicted of crimes involving drugs or property prior to this incarceration. Their property offenses were economically driven, motivated by poverty and by the abuse of alcohol and other drugs. Table 4.1 summarizes salient socio-economic characteristics of women in the criminal justice system.

Although some progress has been made towards improving women representation in some economic activities as well as in other broader areas of existence, inequalities still exist, which to a large extent constrain the general well-being of women. A few out of these are discussed below:

5.2 Overview of the Socio-Economic Status of Women in Kenya

Men and women tend to have different socio-economic profiles within an economy in terms of the positions they occupy, the activities they engage in and their overall economic status. In this regard, economic growth and development will not obviously benefit men and women equally. In this context, gender inequality acts as a constraint to growth and poverty reduction as evidenced by emerging macroeconomic analysis on Africa¹. This inequality is especially in access to a wide range of economic, human and social capital assets that comprises key poverty dimensions in Africa.

Specific issues of concern relate to the unequal or disadvantaged position of women as compared to men and by extension girls as compared to boys in education and economic activities including employment and access to financial assets. Education for All (EFA) and Millennium Development Goals (MDGs) goals, underscore importance of achieving gender equality in education by 2015, with specific focus on ensuring girls' full and equal access to, and achievement in basic education of good quality². To achieve these targets,

¹ Alfred Latigo, a Senior Economic Affairs Officer in his paper addressing the members of the Women's Empowerment forum at the UNFEM workshop held on the 8th March 2009.

² United Nations Educational, Scientific and Cultural Organisation - UNESCO, 2003

countries have to develop feasible and informed strategies to improve participation of both male and female citizens in various socioeconomic activities including education.

5.2.1 Social, Cultural and Traditional Practices

Social, cultural and traditional practices and unfounded norms deny women various opportunities to effectively participate in production systems. Cultural norms form a major challenge in Kenya. Most Kenyan cultures still regard the place of a woman as being in the kitchen and raising children as part of the reproductive role. This kind of socialization makes it hard for many men to fathom the idea that they can share the same platform with a woman. Consequently, women are locked out of political representation and hence locking them out of participation in decision making forums. By joining politics, women in such cultures are still considered as breaking the rules that govern gender roles.

5.2.2 Education

Further, although gender gap has reduced in primary and secondary education, gender disparities persist in tertiary education (technical and university) and participation rates are equally low at secondary school level. Disparities are also more prevalent among tertiary education programs with male students dominating such courses as engineering, technology and finance. This contributes to limited knowledge among women to excel in more lucrative sectors such as manufacturing and highly profitable entrepreneurship programs.

These disparities can be attributed to factors such as long distance to schools which disadvantage girls due to other home care activities, cultural bias in favor of boys, early marriages and associated parental responsibilities leading to dropouts, heavy workload for female pupils at household level, high poverty incidence and unfavorable schooling environment that does not favor girls especially at adolescent stage (Onsomu, Kosimbei and Ngware, 2006). The gender disparities in Nairobi Province can be attributed to the poor socioeconomic and environmental conditions in the informal settlements (slum areas); where close to 60% of the urban population lives.

5.2.3 Economic Participation

In terms of economic participation, the low participation of women in productive employment activities in major sectors can be attributed to factors that curtail women's mobility in economic domain and conflicting role mainly domestic and reproductive responsibilities and constraining nature of occupations where domestic responsibilities cannot be easily combined with economic activity.

Another constraining factor could be limited access to required skills especially during the undertaking of education and training programs. Unfounded beliefs about women's aptitudes, skills and dispositions, and reproductive responsibilities could also work to hinder women participation in some production sectors.

5.2.4 Political Participation

In terms of participation in the political arena, political campaigning exercise is very distressful particularly in terms of financial expenditures. Whereas men can mobilize financial resources through several ways including sale of property such as land, women are constrained because property ownership in most communities is dominated by men. Such beliefs and attitudes, sometimes depending on their intensity in particular regions of the country and the associated consequences determine the voting pattern in Kenya. For example, in the just ended general election of December 2007 where only 15 women were elected out of the 269 who won nomination tickets, 6 women constituting 40% of the elected women to the 10th Parliament are from Rift Valley Province, 3 women each are from Nairobi and Eastern Provinces. Only one woman each was elected from Central and Coast provinces and no woman was elected from Nyanza and Western Provinces.

Associated to the cultural impediments is the vulnerability to violence and insults that often accompany political campaigns. Consequently, women who would otherwise vie for leadership posts are discouraged out of fear and a feeling of inadequacy. It should be noted that in some instances, the violence and insults against women results in loss of life and property, like was recently witnessed where a woman opposition supporter was killed during the election campaigns. Women are often intimidated by insults hurled at them. For instance, the 2007 General elections campaign platform was described as male dominated, tough and intimidating for women candidates. The physical and psychological abuses can be viewed as demeaning and bringing the integrity of women to question so that the male opponents can have an advantage over them.

5.2.5 Women and the HIV Pandemic

The HIV & AIDS prevalence also varies across provinces, with Nairobi recording highest rate of 10.1% (12.3% for female) while North Eastern Province recorded the lowest HIV & AIDS prevalence rate of 1.4% (1.8% for women). The high prevalence in Nairobi followed with Nyanza and Coast provinces can partly be attributed to the urbanization challenge. This is a confirmation of the assertion that women are more vulnerable to HIV & AIDS infection than men.

To a larger extent, women are more susceptible than men to infections in any given heterosexual encounter due to greater area of mucus membrane exposed during sex in women than men, greater quantity of fluids transferred from men to women, higher viral content in male sexual fluids and micro-tears that can occur in vaginal tissue through sexual penetration.

Moreover gender norms in many communities allow men to have more than one sexual partner and encourage older men to have sexual relations with younger women, which exposes women to more risks of infection. Gender Based Violence in many communities also prevents women from negotiating safer sex (KDHS, 2003).

5.2.6 Domestic Violence

According to the Kenya Demographic and Health Survey (KDHS) 2003, one out of every four women experience violence from husbands with 40% experiencing physical violence and 16% experiencing sexual violence. The same report shows that the major challenge in handling domestic violence has more to do with attitudinal or cultural perceptions than policy.

A majority of the respondents, according to the Kenya Gender Data Sheet, 2005 indicate that a husband is justified to beat the wife if she burnt the food or argued with him. While it may be argued that the key issue related to persistence of gender violence is the rate of economic dependence of women on men, it is also worth noting that due to cultural reasons and the impact on children in case of women who want to end such violence through divorces, even economically independent women persevere and therefore allow the vice of domestic violence to persist.

Domestic violence has locked up potential and opportunities for women who cannot develop themselves because they are afraid of the husband's attitude and reactions. Gender violence also takes the form of emotional abuse and attitudes of indifference. Sometimes it really threatens the family unit and it is an issue that requires urgent crusade and activism if this country is to maintain the social fabric upon which the family unit and hence the society and the economy are rooted.

5.3 Evidence of the Liberal Feminist Theory in the Study

This theory posits that women suffer oppression, discrimination and disadvantage as a result of their sex and which calls for equality in pay, opportunities and education (Seigel, 2009). This theory suggests that the women crime rates could be explained by their second-class economic and social positions. Seigel posits that if a woman's social roles changed and her lifestyle became more like the economically empowered males, the crimes and the crime rate would reflect this new status. The findings in this study supported this theory.

5.4 Socio-economic Status of Women and Crime

From an analysis of the data collected it would seem the most common pathways to crime for women are based on survival of abuse, poverty, and substance abuse. All these pathways are commonly found in the lower echelons of society. The research findings confirmed the importance of the following interconnected factors:

5.4.1 Age and Crimes Committed

It would seem that the majority of the women below the age of 25 committed property crimes i.e., petty offences such as shop lifting, stealing by agent and property crimes such as vandalism. This indicated an aversion by the young women to serious crimes such as assault, murder or robbery with violence. They commit these crimes later on in life, possibly after being inducted into crime via the "soft crimes". This finding therefore validated the *assumption that woman's age affects the type of crimes committed, the older they got, the more daring and violent the crimes got.* This also tied in with the

social stigma associated with inmates and thus the inability of the women to reintegrate into society after release and hence returning to criminal activities.

5.4.2 Marital Status and Crimes Committed

In this study nearly half (43%) of the women in jail and prison reported that they had never been married. This may also in part have been attributed to their relatively young median age – 34. Approximately 70% of all women under correctional supervision have at least one child. This however had no particular effect on the type of crime committed. The results indicated that the number of children did not deter the mothers from committing the various crimes. Also, the fact that only 28% of the respondents were married alluded to the fact the more socio-economically stable married counterparts were more averse to committing crimes.

Several scholars such as Korenman *et al* (1991) and Glueck, S. & Glueck E., (1959) have suggested that life changes - such as desistance from crime - maybe shaped by social structures through a process called “knifing off.” Individuals are thought to change their lives by severing themselves from harmful environments, undesirable companions, or even the past itself. Despite the frequent use of this terminology in criminology and other fields, the concept of knifing off remains underdeveloped. Marriage in part promotes desistance from crime because in individual’s routine activities, including reduction of time in unstructured activities and in association with criminal peers

This study agreed with these assertions that marriage had the potential to “knife- off” the past from the present in the lives of disadvantaged women and lead to one or more of the following: opportunities for investment in new relationships that offer social support, growth, and new social networks; structured routines that center more on family life and less on unstructured time with peers; forms of direct and indirect supervision and monitoring of behavior; or situations that provide an opportunity for identity transformation and that allow for the emergence of a new self.

5.4.3 Education and Crimes Committed

Among the population under study 22 percent completed their primary education but did not proceed to secondary while 47 percent completed the secondary education. Only 20 percent of the population had proceeded to tertiary institutions with 11 percent attending polytechnics and 9 percent having gone to university. The fact that the population with the highest levels of education constituted the smallest percentage goes towards buttressing the assumption that education is indeed a crime reducing mechanism. It emerged that the higher the education the higher the probability of getting a good income and therefore the less the likelihood of jeopardizing the legitimate income through illegitimate activities.

Conversely, some evidence showed that education could also increase the earnings from crime as certain skills acquired in school could be inappropriately used for criminal activities. All the women prisoners who had attained tertiary level education had committed white-collar crimes in their respective areas of occupation and accounted for

the bulk of the offenders of stealing by agent as opposed to the less educated ones who committed basic crimes such as moral crimes.

5.4.4 Economic Status and Crimes Committed

The results presented a consistent picture of the relationship between unemployment and property crime that negated the theoretical arguments that economic status influenced the type of crimes committed by women offenders. The major crime committed was stealing by agent at 22%. By its very nature, this offence required that the women prisoner be employed at the time they committed it. However, the same cannot be said for violent crime. Murder came in a close second at 19% and had nothing to do with whether the women prisoner was employed at the time. Interpreting these results would indicate that unemployment did not decrease one's propensity toward violence. While possible, this seems unlikely considering the results for property crime rates and the possibility that violence may be a by-product of economically motivated crimes. A large percentage of the women stated that they had never been arrested or convicted prior to their current incarceration.

CHAPTER SIX

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

This study provided an overview of the socio-economic demographic of the women offenders incarcerated at the Lang'ata prison. It set out to answer three questions: whether a woman's level of education influenced the type of crimes committed; whether age affected the type of crimes committed by women offenders; and whether economic status influenced the type of crimes committed by women offenders.

6.2 Summary of Findings

6.2.1 The influence of a woman's level of education on the type of crimes committed

This study established a positive correlation between the level of a woman's education and the type of crimes committed. By and large the large of majority of women with low levels of education tended to commit physical crimes such as assault, robbery, property destruction and even murder, while those educated past the high school level – tertiary institutions, tended to commit more “sophisticated: white collar crimes such as theft by agent and forgery.

This study contradicted the findings by Witte³ in terms of the causal link between education and crime. Witte argued that neither years of schooling completed nor receipt of a high school degree had a significant effect on an individual's level of criminal activity. Unlike Grogger⁴ this study found a relationship between education and crime.

The study also established that a negative correlation between education and crime did not necessarily imply that education reduced crime. If anything this study showed that the more educated women had tended to commit more “sophisticated” crimes. To the extent that education increased wage rates (and reduced the likelihood of unemployment), it increased the opportunity costs of crime and tended to reduce post-school criminal activity. Higher wages raised the opportunity costs of crime in two distinct ways.

First, since crime required time to commit, that time could not be used for other productive purposes like work (here, it is useful to think of all of the time involved in planning a crime, locating a target and, potentially, evading detection and arrest). Second, each crime committed would entail an expected period of incarceration, which was more costly for individuals with better labor market opportunities and wages. Lochner (2004) calculated that for each assault, the perpetrator could expect to spend 63 days incarcerated; however, the expected incarceration period for a burglary was only 13 days. These time costs would appear to exceed the direct time costs associated with committing

³ *Supra*

⁴ *Supra*

most crimes. Thus, changes in wages or unemployment rates could have greater effects on violent crimes than on property crimes⁵.

This study further found that the role of peers or social networks to be important determinants of crime and educational attainment. Women who drop out of school could be influenced by a more negative set of peers, which might exacerbate any tendencies to engage in crime. Similarly, women who engage in crime would be encouraged to leave school by their peers. Crime, or arrest and incarceration, also came with a stigma, which made school more difficult for the young women.

In all this study found that there were four possible reasons that education and formal schooling may affect crime and the types of crimes committed: (i) education raised wage rates, which raised the opportunity costs of crime; (ii) education directly affected the financial rewards from crime i.e. low levels of education, “low-brow” crimes – higher levels of education, more sophisticated crimes likely to yield a higher return; (iii) education altered preferences for risk-taking or patience Machin and Meghir (2000); and (iv) schooling affected the social networks or peers of individuals. For most crimes (except, possibly, white collar crimes), one would expect these forces to induce a negative effect of education on crime.

⁵ The estimated effects of low skill wages on violent crime are larger than on property crime for some specifications in Gould, et al., (2002)

6.2.2 The effect of a woman's age have on the type of crimes committed

This study found that age did in fact play a major role in the type of crime committed. In the course of the study it emerged that a majority of the women incarcerated were adults beyond the recognized peak ages of 14 – 25 years for criminal activity with the youngest woman being 18 years of age (Worrall, 2001). An inference was therefore drawn that these women were engaged in criminal activity within those peak ages and were subsequently incarcerated for relatively long terms of imprisonment, hence the mean age standing at 34 years. This results of this study tended to disagree with the traditional sociological view is that crime tended to peak in adolescence or early adulthood and then generally declined with age given that 44% of the women sampled in the survey were between the ages of 25 – 34 years.

The results observed in this study also resonated with the views expressed in White & Kowaski (1994) that posited that younger women had fewer opportunities for serious work-related crimes because they are rarely in positions of authority. In this young age women also face fewer opportunities for serious work-related crimes because they are usually young and are rarely in positions of authority (Stoll, 1974). The study noted that most of the white collar crimes such as theft by agent were committed by women outside of the median age meaning that they had more opportunities for work-related crime as they were older and therefore in positions of authority.

The results in this study also confirmed that there was a tendency of crime declining with age. This was consistent with the views posited by Pollack (1989) that as women grew

older they tended to “out-grow” crime. Growing older meant that amongst other social changes, they took on more personal responsibilities such as work/career and social responsibilities like children or a spouse which made them consider the effect their behavior might have on people they loved/valued. Like Zaitzow and Thomas, (2003) it was observed that women had fewer opportunities to commit crimes if they had a home/children to look after.

6.2.3 The Impact of a Woman’s Economic status on the type of crimes committed

Economic marginalization was found to be a leading contributor to women committing crime. Absolute measures of the women’s perception of their poverty level and their employment (lack of) were used in this study to test whether a woman’s economic status affected the type of crime she committed. Box (1983) found women’s unemployment to be positively associated with their commission of violent crimes and property offenses, whereas Sparks (1974) found that the percentage of female-headed households was positively related to female arrests for major property crime, burglary, and prostitution.

This study established a direct and positive correlation between a woman’s economic status and the type of crime she committed. Like Fleisher (1966) and Gould *et al.* (1998), who postulated that short fall of the wages of women (without qualifications) increased the probability of committing crimes and property crimes, this study found a majority of the unemployed women and those who considered themselves to be poor to be the biggest perpetrators petty crimes. Faced with difficult economic choices the women

living in poverty become entangled in the criminal justice system by trying to fend for themselves and their families.

Further, the study also noted that employment, under employment and unemployment as a measure of economic status played a major role in whether or not women committed crimes and the type of crimes that were committed. There was a direct effect of unemployment rate on the criminal motivation of the women who become unemployed

6.3 Conclusions

As was stated at the beginning of this discourse, women offend for several reasons. Coming out clearly was the fact that they committed crime out of desperation and lack of resources. They had a duty to support a family or needed to make their opportunities by stealing or committing crime because they had no access to opportunities to get by legitimately. Other reasons women offend are to respond and react out fear and a need for survival. These economic motivations led them to commit crimes like stealing, or prostitution, or drugs.

When women were abused or assaulted, they reacted out of fear for their lives. Their motives seemed to have an emotional characteristic to the crimes they committed. They felt constrained or limited and had no other way to deal with things. As Morash (2006) put it "...socially disorganized neighborhoods with inadequate education, inadequate job training, and lack of sustainable community-level employment can promote involvement in an alcohol- or drug-related lifestyle". The goal was to keep their families safe.

Enhancing gender equality is critical for any country's development. Despite the fact that women represent 51% of the Kenya population, their representation in post primary education, wage employment, enterprise ownership and decision making processes is limited. They are also adversely affected by such factors as traditional and social practices, poverty and domestic violence, among other challenges.

Increasingly women who are incarcerated in this country for petty offences account for the largest source of the total growth among women inmates. The popularity of imprisonment as a sanctioning tool has significant implications for Kenya prisons which traditionally allocated few resources for institutional or community based programs for women offenders. Because the overall population of women prisoners is still small relative to the total prison population, the special problems of women prisoners – while creating a wide range of recent individual and social concern – continue to be minimized. The picture that emerges of the women prisoners is troubling. Women criminal behavior in society at large appears to be the product of continuing personal social and economic problems. That most women are involved in criminal activity are young adults between the ages of 25 – 34 is a pointer to the fact that they are falling through the cracks and engaging in deviant behavior at an early age and thus do not grow up into responsible adults. Interventions need to be put in place to ensure that such girls finish school since this would vastly improve their chances of securing gainful employment which would go a long way towards their socio-economic empowerment, the key factor that makes most women resort to criminal activity.

6.4 Recommendations

This study recommends the following based on the findings and conclusions:

- i) The government needs to put in place policies to promote schooling as these may benefit society by reducing crime, in addition to the more obvious gains from increased productivity.
- ii) There is also need to look beyond imprisonment for petty offenders and have them serve sentences that would rehabilitate them into responsible citizens. Such petty offenders who are young women and most often single mothers should not serve custodial sentences as this just serves to entrench them in the cycle of criminal activity and imprisonment.
- iii) Improving women profile in all sectors through, among other factors, reducing gender disparities will not only benefit women alone, but also men, children, poor and rich as well. This will also enhance women empowerment and contribute to sustainable economic growth, reduce poverty and social injustices and other forms of inequalities.
- iv) In its literature review, this study found that the available literature in terms of the socio-economic characteristics of women was focused highly on European and American demographics with no in-depth analysis of the African context. The literature also did not contain any systematic study of the age-crime distribution over time and by offense type. It is therefore recommended that this be considered a further area of research. A deeper understanding of the relationship between age and crime can be gained through further study and research of this characteristic with a particular reflection on the African and Kenyan context.

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APPENDIX I

QUESTIONNAIRE

Questionnaire for women prisoners detained at Lang'ata Women's Prison Nairobi

Interview date Time:

Interviewer:

Respondent ID. number:

Location:

The personal details of the interviewees will be kept confidential and their names will not be publicized under any circumstance.

This questionnaire aims to study the factors affecting the women's entry into crime and their subsequent incarceration.

The interview may last an hour. The interviewee is free to maintain decline to answer any of the questions of this questionnaire.

Kindly tick / answer as appropriate.

A. RESPONDENT'S PERSONAL DETAILS

1. Full name of the respondent (Optional):.....

2. D. O. B (DD/MM/YY) Don't know

3. Place of Birth: Don't know

4. Ethnicity:

5. What language(s) do you speak?

English Swahili Mother Tongue Other

6. Marital status:

Single Married Separated Divorced Widowed Other

7. Number of children - if any: (tick as appropriate)

None	1 - 2	3 -4	5	5 >

B. CRIME HISTORY AND CASE DETAILS

8. How many times have you been **arrested** before this crime? (tick below as appropriate)

1 = Never	2 = Once	3 = Twice	4 = More than twice	5= Don't Know

9. Have you ever been **convicted** of any other crime in the past *i.e.* before the current imprisonment? (Tick below as appropriate)

1 = Never	2 = Once	3 = Twice	4 = More than twice	5= Don't Know

10. How long have you been in prison in the current imprisonment sentence? (tick as appropriate)

One Month to Seven Years	Petty Offences	
Seven Years to Fifteen Years	Misdemeanor Offences	
Fifteen Years to life imprisonment	Felony Offences	

11. Do you know the offence for which you were imprisoned? (tick as appropriate)s

Murder		Drug Related Offences	
Robbery with Violence		Stealing by agent	
Robbery		Property Crimes	
Assault		Moral Crimes	
Other		No	

C. ASSESMENT OF ECONOMIC STANDING AND EDUCATION

12. Education: level of education attained prior to incarceration

a. What level of education have you attained?

Level	Years of study	Remarks
Primary education		
Secondary education		
Polytechnic		
University		
Postgraduate		
Informal (<i>Gumbaru /adult learning</i>)		
Not known		

13. Employment: were you working at the time immediately prior to incarceration

Yes No

a. If yes, what type of employment?

1 = Unemployed	2 = Under employed	3 = Part time employed	4 = Full time Employed	5 = Self employed

14. How would you assess yourself economically?

1 = Very Poor	2 = Poor	3 = Medium	4 = Rich	5 = Very Rich

15. In your chosen category, describe the assets you have that would in your opinion, support your assessment?.....

16. Do you feel you were given fair treatment in the criminal justice system?

Yes No

a. If so to what extent?

1 = The system worked against me	2 = Not Really	3 = Moderately	4 = Very much	5 = Extremely