FACTORS INFLUENCING WOMEN TO COMMIT CRIMES IN KENYA: A STUDY OF INMATES AT LANGA'TA WOMEN MAXIMUM PRISON

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2010
DECLARATION

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

Signed ................................................... Date ..............................
Salome Nyawira Kananu C50/71464/2008

This project has been submitted with my approval as university supervisor.

Name of Supervisor: Dr. Edward Ontita

Signed ................................................... Date ..............................
DEDICATION

To Charles, Mark and Morris for their love.
ACKNOWLEDGEMENT

First and foremost, I would like to thank the Almighty God for giving me the opportunity and strength to pursue further education. It is His abundant grace in each stage that has brought this research project to fruition. I would also like to give special thanks to my supervisor, Dr. Edward Ontita, for his guidance and support despite his busy schedule.

Special thanks go to the most important people in my life and to whom these efforts were directed and have been my anchor, my family. They relentlessly stood by me even when I barely had time for them in pursuit of this course. Their understanding and support went a long way in making this a success. God bless you all.
ABSTRACT

Crime is a major social problem in the world and is as old as human race. Men and women are subjected to the same imprisonment but little consideration has been given to the different needs and problems of imprisoned women compared to those of men. The overriding need of every society is to protect its own existence a feat which is undermined by crime as it impairs the overall development of a nation, undermines spiritual and material well being, compromises human dignity, creates a climate of fear and violence, endangers personal security and erodes the quality of life. While women are seen as nurturing, weak and in need of protection, criminal activities orchestrated by the same is viewed as normal and even some view women who are criminals as being 'mad' and judged as having 'uncontrollable sexuality'. This study thus sought to establish the factors influencing women to commit crime, subsequent meted and the effectiveness of such punitive measures.

This study adopted a qualitative research design on women in prison in Langata Women Maximum Prison as unit of analysis from which three focus discussion groups were formed consisting of eight to thirteen members. Content analysis technique was used in the analysis of the data which was then presented in prose in accordance with the order of flow of objectives.

The study found that women were driven into crime owing to stress, anger, emotions, temper, family wrangles, economic hardships, poor family background, single parenthood, parental neglect and low education levels. The study findings indicated that women are likely to commit robbery with violence, stealing, murder, attempted murder, manslaughter, drug trafficking,
stealing, unlawful abortion, child neglect, child mistreatment, handling of stolen goods, loitering and hawking. The study recommends that women criminals should be punished fairly, not threatened by police to admit a crime, should be dialogued to rather than punished severely by administering such as community service work, probation, reporting to local chief daily and manual work.
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CHAPTER ONE

1.0 INTRODUCTION

This chapter contains the background of the study by introducing the idea of women in crime; it also provides the statement of the problem and the general and specific objectives. The chapter also provides the significance and the scope of the study.

1.1 Background of the Study

Crime is a major social problem in the world. Crime is as old as human race. The overriding need of every society is to protect its own existence. Next to nuclear war, crime is the next biggest threat to the existence of human race. Although a society without crime is inconceivable (Phillipson, 1971:56), the escalation of crime poses a great challenge to governments and individual citizens globally.

Crime impairs the overall development of a nation, undermines spiritual and material well being, compromises human dignity, creates a climate of fear and violence, endangers personal security and erodes the quality of life (Gimode, 2001:295).

According to Lopez (1990), the causes and origins of crime have been the subjects of investigation by many disciplines. Some factors that are known to affect the volume and type of crime occurring from place to place are: Population density and degree of urbanization, variations in composition of the population particularly youth concentration and the stability of the population with respect to resident's mobility, commuting patterns, and transient factors. Others include the modes of transportation and highway
system, economic conditions, including median income, poverty level and job availability, cultural factors and educational, recreational and religious characteristics, family conditions with respect to divorce and family cohesiveness. The citizen's attitudes toward crime and the crime reporting practices of the citizenry affect the ability of the crime fighting agencies to be effective.

Although men tend to be identified more with criminal activities, women also commit crime although as statistics all over the world indicate, the rate of female criminality is much lower than that of male criminality (Lopez Rey; 1990:199). This is seen in the whole world without any exception of age or community (Adwani: 1978; 38). In recent decades, the number of women under criminal justice supervision has increased dramatically.

In 1990, there were approximately 600,000 women in prisons or jails, on probation, or on parole in the United States; in 2000, the figure had risen to more than one million women. Although the rate of incarceration for women continues to be far lower than for men (58 of 100,000 women versus 896 of 100,000 men), the number of women imprisoned in the United States since 1980 has increased at a rate nearly double the rate for men. Nationally, the number of women in state and federal prisons increased nearly eightfold between 1980 and 2001, from 12,300 to 93,031 (Bureau of Justice Statistics 2002; National Institute of Justice, 1998).
According to Kenya Prisons Service Department (2003-2007), the rate of female criminality in Kenya has been going up in the past few years thus more and more women in Kenya are today facing trial and conviction and getting committed to penal institutions because of criminality. Available statistics in Kenya reveal that female criminality rose during the period 2003-2007. In 2003 number of female offenders committed in Kenyan prison was 10,313, in 2004 the figure rose to 11,384, in 2005 11,004 (noticeable decrease) in 2006 12,644 and in 2007 12,740.

The above figures indicate that three years out of five show an increase in female criminality whereas two out of five show a decrease. This may indicate a general inclination towards an upward trend.

1.2 Problem Statement

Men and women are subjected to the same imprisonment but little consideration has been given to the different needs and problems of imprisoned women compared to those of men. This omission may reflect the fact that women prisoners are a minority of the overall prison population: only four percent worldwide.

Throughout the world, prison regimes are almost invariably designed for the majority male prison population and therefore do not provide for the needs of women. Women prisoners' physical, mental and emotional needs differ from those of men. Prisons may be unable to offer adequate maternity and ante-natal care, or appropriate access to feminine
hygiene products. Women can have different needs relating to problems such as substance addiction, mental health, and anger management as well as a history of psychological, physical or sexual abuse (Women in Prison Project Group 2007).

In general, prison regimes are devised for male prisoners and tend to ignore the particular problems of women prisoners who are a small (though growing) proportion of people held on prison. A large majority of women in prison have one or more children for whom they are the primary carers, so that these children suffer as a result of their mother’s imprisonment. The children are often left to fend for themselves and most drift to the streets, creating juvenile delinquency and a ready pool of child labour. Due to the small number of prisons for women, they tend to be imprisoned further from their and visiting arrangements are more difficult for the families of women prisoners than for men. Women in prison are exposed to various forms of physical violence, sexual and moral harassment as well as being exposed to low hygienic standards.

In Kenya studies have been done on crime. There are also specific studies on women and crime. Oketch (1999) looked at factors affecting female criminality in Kenya. She carried a case study of Lang'ata Women's Prison and concluded that most women offenders were young, single and illiterate. Anyango (2006) did an analysis of sociological effects of long term imprisonment on nuclear family. She too carried a case study of Lang'ata Women's Prison. While all these studies on women and crime have been done, none of them was able to answer as to why women commit crimes and the extent to which affect
their social life. Although Oketch gave an overview of types of crimes committed and
Anyango mentioned the subjected to women, none of them focused on socio-economic
factors leading women to commit crimes.

Owing to the above limitations, the present study therefore sought to analyze the
underlying factors which influence women to commit crimes. This helped in establishing
the root cause of women crimes in Kenya.

1.3 Research Objectives

The general objective was to analyze the underlying factors which influence women to
commit crimes in Kenya. To realize the above general objective, the study was guided by
the following specific objectives.

1) To establish the types of crimes committed by women prisoners in Lang'ata
   Women's prison.

2) To establish why women commit crimes.

3) To establish the rehabilitation approaches adopted at Lang'ata Women's Prison.

4) To determine the effectiveness of the rehabilitation practices adopted at Lang'ata
   Women's Prison.

1.4 Research Questions

Based on the afore-mentioned objectives, the study answered the following research
questions:

1) Which crimes have women in Lang'ata Women's prison committed?

2) What are the reasons for committing these crimes?
iii) What are the rehabilitation approaches adopted at Lang'ata Women's Prison?

iv) How effective are the rehabilitation practices adopted at Lang'ata Women's Prison?

1.5 Justification of the Study

The establishment of causal factors in women as criminals offered solid basis for relevant understanding and potential redress for criminality. The study's findings is useful to policy makers who have the responsibility of crime control and prevention. The data and information generated by this study is helpful in devising strategies and programs that can help in combating crimes.

The findings of this study can help social workers understand why women commit crimes and hence devise strategies in their design of community social programmes. The study also provides invaluable data to the legal and judicial mechanisms in their design of the justice system in Kenya. Finally, understanding of these factors even at individual level helps individuals to take precautionary measures and may avoid being victims of violent crimes.
2.0 Introduction

The specific requirements to address the situation of female offenders have been emphasized by the United Nations in various contexts. For example, in 1980 the Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders adopted a resolution on the specific needs of women prisoners, which recommended that: (1) In the implementation of the resolutions adopted by the Sixth United Nations Congress on the Prevention of Crime and the treatment of offenders, recognition should be given to the specific problems of women prisoners and the need to provide the means for their solution; (2) In countries where it is not yet done, programmes and services used as alternatives to imprisonment should be made available to women offenders on an equal basis with male offenders; and (3) The United Nations, the governmental and non-governmental organizations with consultative status and all other international organizations should make continuing efforts to ensure that the woman offender is treated fairly and equally during arrest, trial, sentence and imprisonment. Particular attention should be paid to the special problems which women offenders encounter, such as pregnancy and child care.

2.1 Crimes Committed by Women

Women's offending and imprisonment is closely related to women's poverty. Women are particularly vulnerable to being detained because of their inability to pay fines for petty offences and/or to pay bail. Women on remand constitute a large percentage of the
women's prison population in many countries. Women offenders typically come from economically and socially disadvantaged segments of society. Typically, they are young, unemployed, have low levels of education and have dependent children. Many have histories of alcohol and substance abuse. A high proportion of women offenders have experienced violence or sexual abuse (United Nations, 2000).

In most countries women are in prison for non-violence, property or drug offences. Generally, women have a lower involvement in serious violence, criminal damage and professional crime. According to (Smart, 1977; 13), women are currently engaging more frequently in more varied forms of crime such as burglary, robbery, theft, handling of stolen goods, drunkenness and fraud.

Muga in his study in 1975 reveals that women offenders in Kenya commit crimes such as possession of African Spirituous Liquor, trading without license (hawking), overcharging, possession of cannabis sativa, possession of poisonous drugs, forgery, burglary and theft, handling stolen property and disorderly conduct (Muga; 1975:68-70). Most incarcerated women are serving time for non-violent crimes. Women only commit about fifteen percent of all homicides. The majority of women are incarcerated for drug offense. Drug offences are followed by property offences and then violent offences.
2.2 Why Women Commit Crimes

It is often assumed that the main causal direction runs from poverty to imprisonment, that poverty leads people to commit crimes and that crime leads to imprisonment. However, the causal relationship is not that straightforward. Within a given time and place, there is generally a positive relation between committing crime and getting arrested and sentenced to prison for crime, as well as a positive relation between being poor and being arrested and sentenced for crime. Even these individual-level relationships are more complex than this. Depending on the crime and the time and place, one's race, ethnicity, gender, age, and class all affect the likelihood both of being caught and arrested given that a crime has been committed, and of being sentenced to prison given that an arrest has occurred (Oliver and Yocon, 2004). There are several reasons which several scholars consider to be contributing to the increase of women involvement in crime.

2.2.1 Education Level and Women Crime

One's level of education is significant especially in the modern society where ascribed status has largely been replaced by achieved status. A point worth noting is that, one's level of education has a bearing on the type of occupation one will be engaged in. Glaser (1972:34) asserts that, persons who are well educated are less likely to commit crime compared to those who are not educated. The reason being that education level is related to the job placement and hence incomes earned. Individuals with low education have less skills and are therefore unlikely to find a stable job placements. As a result they end up in unskilled and semi skilled type of occupations with low and/or irregular incomes. Such
persons are likely to engage in crime activities.

2.2.2 Women’s Emancipation

The other reason is the emancipation of women from all forms of oppression, exploitation, ignorance and poverty. According to (West; 1967:197), he believes that as women become liberated, they get convicted of more crimes. This is mainly because they become more aware of equal rights with men and the exposure which might result in crimes concerning economic problems and its influence on women and crime.

2.2.3 Marital Status

According to Adwani (1978:37) he carried a study of 172 female offenders where it was found that the single or divorced were more frequent in convict population in comparison to married offenders. This is because a good number of the women had children and this could be a good indicator as to why the inmates had committed mainly socio-economic crimes of different types, these being to them an extension of their normal income generating activities.

Cressy and Ward argue that the rate of commitment to prisons and population of the same marital status is lowest for the married, second lowest for the widowed, the single and highest for the divorced. Cressy and Ward (1969) therefore conclude that marital status is a direct causative factor in crime.
2.2.4 Income Levels and Women Crimes

One's occupation determines the income levels attained. Furthermore, income levels determine a person's placement in the socio-economic status. It is likely that women in the low-income levels do not have adequate means to cater for their basic needs given the high cost of living especially in the urban areas. Wolfgang (1968:262) found that in Philadelphia, representatives of unskilled group had committed all homicides. This group earned low incomes as compared to those in the higher social class.

2.2.5 Women and Drug Use

Drug Use Forecasting (DUF) surveys in America have consistently shown that people who make up the criminal population are also heavily involved in drugs. Women have been more than once convicted of drug dealing. Drug use distorts judgment hence situations that could be solved amicably end up being solved in a criminal way. It may therefore be proposed that the effects of drug use may increase tendencies for criminal activities.

2.2.6 Unemployment and Under-Employment

Mbiti, in his documented 1979 address to Prison Officers, attempted to explain criminality (both men and women) in Kenya. He stated it was caused by unemployment and underemployment and various social tensions such as poor conditions of life in rural areas that cause an influx into urban areas where people imagine life is easier. Mbiti goes on to state that by the year 1982 Nairobi's unemployment rate had risen to 35% and
that the situation was likely to be worse by 1992, with only one out of 10 school leavers expected to get a job. The situation is getting progressively worse since more than a decade has passed and women are more of victims because they are generally less educated as compared to their male counterparts. Many women without reliable income sources who depend on changaa brewing or hawking for survival end up in prison but after release they go back to the same crimes.

A closer examination of the type of women who get caught in the criminal justice process indicates that this increase is due to socio-economic vulnerability of women more than to crime per se.

2.3 Rehabilitation Approaches Adopted

Recent thinking has led to the growing belief that sentences should be designed to assist in the reformation, and eventual rehabilitation of the offender. Reformation is about changing character from bad to good. The proponents of this theory argue that it provides an opportunity for the state to control crime by reforming offenders. Other people argue that beyond character reformation the system of punishment should include measures to assist offenders to fit back, or be re-integrated, in society. This is what rehabilitation is about.

Proper use of parole can aid rehabilitation by providing the offender with an opportunity to go back to the community at various times and to begin re-constructing his or her life.
before the final release from prison. Examples of rehabilitation mechanism in the law include remission of sentence, compulsory supervision orders, probation and temporary release on parole.

Girls in conflict with the law are often detained in prisons, frequently together with adult female prisoners, due to lack of appropriate responses to the situation of children, and in particular girls in conflict with the law. It is important to note, however, that separate strategies and policies in accordance with international standards, in particular the United Nations Standard Minimum Rules or the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice Systems, need to be designed for the treatment and rehabilitation of this category while institutionalization should be avoided to the maximum possible extent (UN, 2000).

In most countries, women constitute minority of the prison population, usually between 2% and 8%. Prison systems and prison regimes are almost invariably designed for the majority male prison population – from the architecture of prisons, to security procedures, to facilities for healthcare, family contact, work and training. Women’s prisons are an adaptation of prisons for men. As a consequence, prisons tend not to meet the needs of women prisoners, and women in prison are affected by imprisonment in a particularly harsh way. All too commonly, the human rights and basic dignity of women in prison are systematically violated. (Quaker United Nations Office 2005).
The needs and concerns of women prisoners are different from those of men prisoners. Women prisoners are very often the sole or primary caregiver of young children, and have other family responsibilities. They may be particularly vulnerable to abuse in prison. Women prisoners have different health needs, including related to sexual and reproductive health. In some countries, women may be pregnant and may give birth in prison. Women prisoners suffer from very high rates of mental illness.

Whilst problems such as overcrowding, poor hygiene, and inadequate visiting facilities affect both men and women prisoners, there are many concerns that are specific to women, or which affect women prisoners in a different or particularly harsh way. Particular groups of women, such as female juvenile prisoners, women with disabilities, women who are foreign nationals, and indigenous and other minority women, have further needs specific to them as women (UN Congress on the Prevention of Crime and the Treatment of Offenders, 2000).

Louise Arbour (now UN High Commissioner for Human Rights), on conducting an inquiry into Kingston Prison for Women in Canada, summarized many of the key problems in women's imprisonment: Women serve their sentences in harsher conditions than men because of their small numbers. They have suffered greater family dislocation than men, because there are so few options for the imprisonment of women. They have been over-classified or, in any event, they have been detained in a facility that does not correspond to their classification. For the same reasons, they have been offered fewer
programs than men, particularly in the case of women detained under protective custody arrangements; they have had no significant vocational training opportunities, few opportunities for transfer and very little access to a true minimum security institution.

The equality of rights between men and women is a fundamental norm reaffirmed in all major human rights instruments. Women and girl children who are imprisoned are entitled to equal enjoyment and protection of all their human rights without any discrimination. (Quaker United Nations Office 2005)

2.4 Effectiveness of rehabilitation processes

Women leaving prison face many problems in addition to the pressures which may have caused them to commit their initial crime. Such problems may include getting a job, finding accommodation, staying drug or alcohol free and regaining custody of their children who have been in other party’s care during their imprisonment. Even a short prison term may lead to the mother losing the rented accommodation in which she had been living and it is common for a mother to be unable to regain the custody of her children if she does not have anywhere to live. This makes it very difficult for women to resume normal lives outside of prison and maybe a factor which contributes to re-offending.

Although all released prisoners face issues surrounding their efforts to reintegrate into society, for parents especially mothers, these maybe compounded by the need to
reconcile with children who may have changed (as well as grown up) during their absence. These children may have taken on new roles in the family and developed close relationship with alternative carers, both of which can cause tension if the returning parent tries to go back to the "way things were".

While incarcerated women are more likely to be unemployed prior to prison, the statistics show that once women are released from prison they are even worse off. Even if a job can be secured after learning, her earning power will drop ten to twenty percent from where it was before she was incarcerated. Prison isolates women socially, strains relationships and creates more economic burdens.

The experience of imprisonment can have damaging effects for mothers and can exacerbate mental health issues or problematic drug or alcohol addiction among women in prison. In order for the principle of non-discrimination to be put into practice, account needs to be taken of the distinctive needs of women prisoners in the application of the rules. Providing for the special needs of women prisoners, including pregnant women, women with children and other categories included in these rules, should in no way be regarded as discriminatory (1980 the Sixth UN Congress).

2.5 Kenyan Criminal Justice System

It includes the police, the courts, judicial officers and the prisons. The criminal justice focuses on decision making processes, operations and such justice-related concerns as the efficiency of the police, courts, and correctional systems. It also looks at the just
treatment of the offenders, their needs and the effect of changes in sentencing philosophy.

Once a suspect has been arrested, he/she is taken to court to be proved guilty or not. If proved guilty, one may be fined or imprisoned. In some cases innocent people have been declared guilty when in real sense they are not guilty. Some criminals once set free will go on revenge mission because of the injustice meted on them by the judicial system. We note that punishing innocent people for crimes they never committed is not rehabilitative but criminogenic.

2.6 Kenya Prison Act

The Kenya Prisons Service was created vide Circular number 1 of 18th March 1911 issued by the Prisons Board, making the Prisons Service autonomous with effect from 1st April 1911. The control of prisons was vested in a Board known as the Prisons Board. The Board was answerable to the Inspector General of Police who continued to perform the duties of Inspector General of Prisons.

The Kenya Prisons Service has grown gradually since its inception on 1st April 1911. At inception the prisoners' population was at 6,559 with the staff strength of 319. There has been gradual increase to both staff and prisoner population to date. Presently authorized uniformed posts are 17,943 and civilian posts are 661 totaling 18,604.

There are 89 Penal institutions, two Borstal institutions and one Youth Corrective Training Center in the Republic, with inmate population averaging over 40,000. These institutions are coordinated under provincial Prison command at provincial level. The Provincial Prisons Commanders are answerable to the Commissioner of Prisons based at...
Over the years, many changes and reviews have taken place leading to the current Prisons Act Chapter 90 and Borstal Act Chapter 92. More recently in 1999, the Extra Mural Penal Employment was abolished and replaced by Community Service Orders (CSO) under the Department of Probation and Aftercare Services.

2.7 Women's Imprisonment in Kenya

Toughening criminal justice policies worldwide has meant that a growing number of women are being imprisoned for petty offences. In some countries, tough legislation for drug-related offences has had a significant impact on the numbers of women in prison and the rate of their increase. In countries where legislation derives from certain interpretations of religious laws, women are often discriminated against, and imprisoned for so-called moral crimes. Vulnerable and economically disadvantaged women are increasingly likely to be detained pre-trial due to their inability to afford bail or the services of a lawyer. In many countries, the proportion of women held in pre-trial detention is equivalent to or larger than that of convicted female prisoners. In some countries, the rate is growing faster than that of male pre-trial detainees, despite the principle set out in international instruments that "pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim" (The Quaker Council for European Affairs, February 2007).
The majority of these women do not need to be in prison at all. Most are charged with minor and non-violent offences and do not pose a risk to the public. Many are imprisoned due to their poverty and inability to pay fines. A large proportion is in need of treatment for mental disabilities or substance addiction, rather than isolation from society. Many are victims themselves but are imprisoned due to discriminatory legislation and practices. Community sanctions and measures would serve the social reintegration requirements of a vast majority much more effectively than imprisonment (United Nations).

Kenya has been widely criticized for its ongoing abuse of human rights and corruption in government administration, to the extent that international donor organizations threatened to withdraw funding in the early 1990's. Following these threats, several legislative changes were introduced, but the abuses continue, particularly those perpetrated by members of the security forces.

Kenya inherited the penal system from the British Colonial government on its independence in 1963. The Penal Code and Kenya's constitution contain fairly liberal laws concerning prisoners. In addition, the country has ratified a number of international instruments protecting the rights of prisoners and detainees, including the African Charter on Human and People's Rights. Yet there is a large gap between the legal provisions and the actual conditions in prison. At the time of independence, there were 86 prisons accommodating 13,000 prisoners. A recent report by the Kenya Human Rights Commission (KHRC) indicates that the official number of prisoners held in September 2000 was 41,211 in 78 prisons which have capacity for 18,953 prisoners. However,
unofficial sources estimate that the prison population is actually much larger. (Kenya Human Rights Commission, 2001)

One of the main objectives of the Prison Services is to carry out rehabilitation programmes aimed at training, counseling and reforming prisoners. In terms of the legislation, every convicted prisoner is obliged to engage in useful so that they learn new skills and are enabled to gain employment. Since no independent organization is allowed access to prisons, it is difficult to ascertain the extent to which this happens. Prisoners are mainly engaged in farm work, and the women are engaged in cooking, cleaning, and taking care of the warder's dogs (Kenya Human Rights Commission, 2001).

Women are incarcerated for the same crimes as men, not merely petty crimes. But their incarcerations are lower rated and for shorter terms, even for rape and murder.

In part because people frame them as mothers, or their crimes as "merely" petty crime. The country's prisons reportedly hold 2 to 3 times their estimated combined capacity of 15,000 inmates. The average daily population of prison inmates was 41,010, 33 percent of which was pretrial detainees. While the prison population increased steadily over the last several years, prison facilities have not. The Government has built only two detention centers since the country became independent in 1963; according to the government, there are 79 prison facilities. Overcrowding led to health related problems arising from the sharing of amenities, encouraged the spread of infectious diseases, and resulted in food and water shortages. According to the government, 658 prisoners died in jails during the first 10 months of the year, compared with 196 in the first 9 months of
1999, due chiefly to tuberculosis, dysentery, anemia, malaria, heart attack, typhoid fever, and HIV/AIDS, for which there is little access to health care and medicine.

Men, women, and children officially are kept in separate cells, and unlike in the previous year, there were no reports that men and women were placed in the same cells. Women sometimes lack access to sanitary napkins and often have only one change of clothes, leaving them naked during the washing of their laundry. Young teenagers frequently are kept in cells with adults in overcrowded prisons and detention centers. Youth detention centers are understaffed, and inmates have minimal social and exercise time. Some young inmates remain for years in the centers, as their cases await resolution.

2.8 Theoretical Framework

Contemporary theorists note that most theories of crime were developed by male criminologists to explain male crime (Belknap, 2001; Pollock, 1999; Chesney-Lind, 1997). Historically, theories about women's criminality have ranged from biological to psychological and from economic to social. Social and cultural theories have been applied to men, while individual and pathological explanations have been applied to women. Pollock (1999) found that until recently, most criminology theory ignored the dynamics of race and class and how these factors intermix with gender to influence criminal behavior patterns. In fact, she argues, a common belief is that adding gender to these analytic variables "tended to complicate the theory and was better left out" (Pollock, 1999, p.123). Due to this lack of attention, Belknap (2001) has called the female offender "the invisible woman." Class membership, particularly poverty, is also
racially and ethnically based. Across groups of women, class differences also emerge in forms such as disease patterns, response to treatment, and other behaviors. These findings support the contention that differences among women are also critical in providing women-sensitive policy and programs. Contemporary theorists argue for the integration of race, class, and gender in any analytic framework to study the experiences of women in the criminal justice system. Without such a framework, they assert, it is impossible to draw an accurate picture of the experiences of these women (Bloom, 1996).

Two primary approaches to explaining female criminality have been taken. The first involves theories that attempt to explain female criminality separately, without recourse to theories of male criminality. These theories are often based on assumptions about the female psyche that are without empirical support.

The second approach is demonstrated in traditional mainstream theories of crime developed to explain male criminality. This raises what some scholars refer to as the "generalizability problem" (Daly & Chesney-Lind, 1989). In addressing the issue of whether theories of men's crime can be applied to women, criminologists have tested theories derived from all male samples to see whether they also apply to females. Others have borrowed from existing theories (e.g., social learning theory) or have recast the logic of a theory altogether.

The earliest work on women's crime focused on women's biology (Lombroso & Ferraro,
Lombroso and Ferraro explained female criminality by stating that women are throwbacks to an earlier evolutionary state in human development. Much of the literature that followed continued to focus on individual and pathological theories to explain female criminality, well into the 1960s.

In the mid-1970s, female criminality was often explained as a by-product of the women's liberation movement (Adler, 1975). Simon (1975) attributed a rise in women's involvement in property crime to increased opportunities to enter previously male occupations, such as banking and business. Steffensmeier (1980) criticized the liberation theory on the grounds that neither the status of women nor their patterns of offending had changed dramatically over time.

Feminist theorists have examined other factors that relate to female criminality. For example, the economic marginalization theory asserts that for women, it is the absence rather than the availability of employment opportunity that appears to lead to criminal behavior (Naflinc, 1987). Much of women's crime is petty property crime, often committed as a response to poverty and economic insecurity. Proponents of this theory suggest that the feminization of poverty, not women's liberation, is most relevant to women's criminality.

Research on women's pathways into crime indicates that gender matters significantly in shaping criminality. Steffensmeier and Allan (1998) note that the "profound differences"
between the lives of women and men shape their patterns of criminal offending. Among women, the most common pathways to crime are based on survival (of abuse and poverty) and substance abuse.

Belknap (2001) has found that the pathways perspective incorporates a "whole life" perspective in the study of crime causation. The pathways research has used extensive interviews with women to uncover the life events that place girls and women at risk of criminal offending.
2.9 Conceptual Framework on the Causes Incident to Women Crime

Figure 2.1: Conceptual Framework

Factors
- Low Education Level
- Low Income
- Unemployment
- Gender Inequality
- Drug Use
- Strained Marital Status

Process
- Crimes Such as:
  - Burglary
  - Theft
  - Handling of Stolen Goods
  - Robbery
  - Drunkenness
  - Fraud
  - Drug Dealing
  - Prostitution

Outcomes
- Marital Strain
- Social and Economic Strain
- Disintegration into Society
- Disorientation
- Mental Health Issues

Imprisonment
CHAPTER THREE: RESEARCH METHODOLOGY

3.0 Introduction

This chapter presents a brief discussion of the research design Kerlinger (1964:275) defines the research design 'as the plan, structure and strategy of investigation conceived so as to obtain answers to research questions and to control variance'. In this chapter the following were discussed; site description, sources of data, unit of analysis, unit of observation, sampling procedures, techniques of data collection, instruments for collecting data and data analysis.

3.1 Site Description

This study was carried out in Lang'ata women's prison, Nairobi. This site was ideal due to the fact that it is the only maximum prison for female offenders in the country thus the only one that detains both short and long term prisoners from all over Kenya. This factor made it possible to generalize the findings of the research since Lang'ata was, thus, quite representative.

The other factor for choosing Lang'ata was related to the available resources. The attributes of representativeness, convenience and familiarity made Lang'ata prison the only possible choice if the objectives of the study were to be achieved and make valid generalization from the findings. The institution is located outside the Nairobi's Central Business District.
3.2 Unit of Analysis

The unit of analysis denotes the phenomenon being investigated. Basically it is what the study seeks to understand. Unit of analysis is the major entity that is being analyzed in the study. It is the 'what' or 'whom' that is being studied. The most typical units of analysis are individual people. Other units of analysis can be groups, social organizations and social artifacts. The unit of analysis in this study was individual women prisoners.

3.3 Unit of Observation

Unit of observation refers to the source(s) of primary data (information) about the issue under investigation. The study's respondents were all the women criminals in Lang'ata Women's Prison.

3.4 Sources of data

The study utilized both primary and secondary data. Primary data involves first hand information that the proposed study seeks to obtain from participants. The participants were women criminals drawn from Lang'ata women's prison. Secondary data involved information that the study obtained from published and unpublished literature. These include prison files, books journals, internet material and print media.

3.5 Sampling Procedure

Sampling is the process of systematically selecting that which will be examined during the course of a study. Sampling procedure refers to the process of selecting cases to be
studied. The sampling frame was the prison registers from the prison. This was obtained with the assistance of the relevant prison administrators. The procedure used was cluster sampling. Because the area of interest was big, the convenient way to sample was to divide the area into a number of smaller areas. Participants were then selected from these smaller areas which included long term prisoners, short term prisoners and those in remand section. In a cluster sampling technique the target population is grouped into clusters from which the desired sample is selected.

3.6 Data Collection Instruments and Procedure

Data was obtained from participants through Focus Group Discussion. Focus Group Discussion is a group that gathers people from similar backgrounds or experiences to discuss a specific topic of interest to the researcher (Bernard, 1988). A total of three FGDs were conducted. These FGDs were drawn from three areas that is from prisoners serving long term imprisonment, short term imprisonment and those in remand waiting for judgement.

Short term prisoners are defined as prisoners sentenced to less than 12 months in prison. They constitute the majority of those sentenced to imprisonment each year. Short termers have higher reconviction rates than other offenders and are persistent offenders. Remand prison population comprises people awaiting trial and those who have been convicted but are awaiting sentence.

Each FGD comprised of 8-14 participants. The focus group discussions were guided by a
checklist of questions. (See appendix II). These FGDs were aimed at exploring the issues as to why women commit crimes. The researcher took the participants through the discussion and at the same time the recording down their explanations and views in prose capturing all that they were discussing.

3.7 Data Analysis

Data from the field was prepared before data analysis. The data from the field was edited to ascertain that all entries had been properly done. Analysis of the data collected was broken down into:

**Familiarization:** Here the researcher read the transcripts of the respondents and familiarized with the data. The researcher then labeled the data so that it could be easily identified and categorized as common themes emerged.

**Organization:** The researcher structured the data by collating all the data under the different labels then started building up an outline of the issues and began compiling them under common themes.

**Interpretation:** Issues and themes were then developed and presented. This information thus processed was presented in prose in accordance with the research objectives.

3.8 Ethical Issues

Before engaging in data collection, the researcher took time to explain to the respondents the purpose of the study and assured them that the information would be held in...
confidentiality and be used for academic purposes only. No material benefits were promised to the respondents. The official letter from the university helped to instill confidence in the interviewees.

3.9 Pilot Test

The researcher carried out a pilot study of the research at the prison one month before the project. The pilot test was used to test the efficacy of the research in order to establish the validity, reliability and time frame of actual research.

3.10 Data Reliability and Validity

Data was analyzed for reliability and validity using qualitative analysis. The study then used thematic content analysis in analyzing the data collected.
CHAPTER FOUR

DATA ANALYSIS AND PRESENTATION

4.1 Introduction

This chapter presents the data, analysis and presentation of the data collected through the Focus Group Discussions. The study conducted a Focus Group Discussion with three groups consisting of 8-12 members each. The first group comprised of long term prisoners (serving 5 years and above to those imprisoned for life), the second group was drawn from remand section (both capital and ordinary offenders) and the third group consisted of those serving short term imprisonment (14 days to 6 months). The first group consisted of 9 members; second group had 12 members while the third group had 9 members. In total 30 participants were convened. From these focus groups, the researcher followed a checklist of questions to take the respondents through the discussion to establish more on the factors influencing women to commit crime.

4.2 Analysis of Findings

The participants were asked to state the crime that they were convicted/accused of. Long-termers (Group 1) said that their crimes ranged from robbery with violence, murder, attempted murder and manslaughter. Most of the members in this group who were convicted for manslaughter, attempted or murder admitted that they were in jail for killing or attempting to kill a partner-husband or boyfriend. The participants were also asked to itemize what made them commit the crimes and they stated that the main cause was tempers as they claimed that what they did was out of anger and pressure. These were caused by their partners' unfaithfulness while others said they were
attacked by their husband's girlfriends and so their actions were to defend themselves. "I
could not control my tempers when I learned that my husband is seeing another woman,
so I attacked". Others attributed their crime to parental dictations whereby their parents
forced them to marry unwillingly and because they could not find love they ended
murdering their partners.

Besides the afore mentioned, the participants said their actions were also caused by
family wrangles, marital status, that is, single mothers who had to support their children,
economic hardship (women engage in prostitution to get money) and illiteracy (they
could not get formal employment so they committed crimes for upkeep). All these
responses pointed to major causes of crime of women who were on long term basis being
attributable to socio-economic hardships.

Participants who consisted of remandees (Group 2) were asked to state the crimes they
were accused of and cited a number of crimes ranging from murder, drug trafficking,
robbery with violence, manslaughter, stealing, child neglect, child mistreatment, selling
illicit brew, conning money, child trafficking to assault. To question on what caused the
women in group two to commit the crimes they were accused of, the participants listed
stress, anger, emotions, temper, family wrangles, economic hardships, poor family
background and parental neglect. In addition, some participants also mentioned
relationship gone sour, tempers and emotions, single parenthood and hard economic
times as the causes of the crimes they committed. The participants who were short-
termers enumerated a number of crimes they were accused and convicted of which
attacked by their husband's girlfriends and so their actions were to defend themselves. "I could not control my tempers when I learned that my husband is seeing another woman, so I attacked". Others attributed their crime to parental dictations whereby their parents forced them to marry unwillingly and because they could not find love they ended murdering their partners.

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were loitering, hawking, unhygienic operations at eating places. While some participants in group 3 (short-term-prisoners) attributed the causes of their criminal acts to lack of jobs or education, economic hard-times and victimization.

The participants were asked to talk about "how they committed the crimes they were accused/convicted of". The participants named use of metal rod, hitting with a stool, causing internal bleeding by hitting with a blunt object, throwing stove which burst to flames, stabbing with a knife as the method they used to conduct the crime. The moderator further asked the participants to state when they committed the aforementioned crimes. Some of their responses were "... I have been here since 1999 and still I don't know my fate" others reported to have been there for only one month. The participants also indicated that for ordinary cases, the crimes were committed less than 6 months before the discussion while for some capital offences, these were committed over 2 years before the discussion. Petty crimes according to the participants were committed 14 days or 3 months to 6 months prior to the interviews. However, some of the long-term prisoners said they had committed the crimes as long as 1998 and had been in prison without any knowledge on when they would be set free and not knowing whether they will be condemned to death or given a life sentence.

The moderator asked the participants to state how they were punished immediately after they were caught, to which the participants answered by citing harassment, insults, and flogging. Other participants said that "... money and personal effects were taken away from us by police", while some were locked in for long without their cases being
heard, and others said they were threatened by the police should they dare deny the alleged crime. According to the participants, these treatments were unnecessary. Some even said "I do not understand why we had to be subjected to severe beatings and yet the worst had not been declared. They really beat us and still we were pushed to this prison where we seem to be rotting". These epitomize the harsh treatment and victimization that women suspects are subjected to even before they are proven guilty and the threats they undergo which negatively influences their chances at trial as they are forced to confess crimes they did not commit.

The moderator asked the participants to state whether women criminals are rural or urban oriented, the participants stated that most of them are urban oriented because of exposure and hard economic times in towns "Most of these crimes are committed in towns because we leave our rural homes in such of greener pastures and once we get to urban areas tables turn and we are left with no option but to make our ends meet the hard way".

The moderators asked the participants to converse on their opinion on whether the sentences given to them were commensurate with their crime as a rehabilitation approach. The participants acknowledged that although the crimes they had committed were punitive of which they had to go to prison for rehabilitation, they felt that they should not have been subjected to such severe. Some said that... "Well we cannot really say we don’t get punished but at least let it be mild. For example if it’s just hawking do I have to be in prison for two weeks? We should be warned first and then if we repeat the same crime then the rehabilitation approach can be this hard". Others were of the opinion that they should have been pardoned since they felt that their crimes were justified
given that they committed the crimes by means of providing for their families.

The section of the participants who were in remand felt that they should not stay in remand for more than 5 months stating that they should be tried immediately. Some of these remandees stated that...“Let us know our fate”. “Enough is enough if it’s going to prison let it be and if we are released it’s our joy but not this idea of not knowing what lies ahead”. From what they are saying, the researcher gathered that the remandees were anxious and needed to know what exactly they were to face. That is after the hearing will they be released or will they be thrown in? These were some of the concerns they had.

The women arrested over child neglect attested to the conviction being unfair since the fathers of the children were not put to the same task, claiming that the fathers had left their women, subjecting them to harsh economic conditions making them get out of their way to feed their children and in the process they get caught in the wrong by the law “It is a high time that the government gets tough with men as well”. “Such should be subjected to both men and women, they should not be exempted”. However those who committed petty crimes claimed to be innocent.

The moderator further asked the participants to mention other ways of punitive measures that should have been meted. The participants cited payment of fines, community work, serving outside imprisonment such as probation by reporting to local chief daily, bond and fines “I wish they had asked me to be reporting to the chief’s camp every morning. In that way, I would be serving the and at the same time I have ample time to attend to my family” Some participants excused their crimes stating that some of them were first
offenders yet harsh punishments were meted. "It is my very first time to engage in hawking and now look, I have started so badly" According to the study other participants were of the opinion that if lighter punitive measures were employed, the women criminals would have a chance to be taking care of their children most of whom were left unattended.

The moderator asked the participants to discuss on what they thought should be the solution to women and crime. According to the discussion, some of the solutions women cited were that men should become more committed in bringing up their children; women should get monetary support as this is one crucial way of curbing women from engaging in illegal activities like selling local brew. On the same issue, they felt that city council rules should be regulated to avoid arresting innocent Kenyans. "It is clear that most of us don’t know our right and that is why most of us are here". "Just a petty offence like loitering along the streets and you are thrown here". "The government should really look into this". Others thought that there should be campaign and sensitization program, capacity building, and those women should be educated on stress management and women should be educated on how to manage family wrangles and quarrels. "We should have movements educating women. Such movements should address issues such as stress management and also on women empowerment". "It is a pity to note that women are most affected when it comes to passion matters".

The participants were asked to discuss on the most common forms of punitive measure subjected to women as a rehabilitation approach. The discussion brought into light public torture, insults, flogging, loss of personal effects before being taken to the police
station. After undergoing all these they are then taken to the police station, court, remand
then imprisonment.

The participants were also asked to state what facilities are available to prisoners in
Langata Women Prisons as a rehabilitations centre. They mentioned that they have a
dispensary, canteen, VCT facilities, salon, church, entertainment, and industry, school
running from nursery to form one, bakery, and library. From the discussions, although
these women convicts were grateful that they have such facilities but they were quick to
add that the facilities are inadequate and not efficient at all. For example, they claimed
that medicines are not administered appropriately, that is, 3 times a day, they get small
food ratio, no hygiene is observed and they are over congested in their wards/rooms
Other alluded to sharing of beds, 2 tunics only, not provided with warm clothing and
being given 2 blankets only. “We appreciate all what they are doing for us but for sure it
is not enough. We believe there is room for improvement. We should be provided with at
least two blankets especially during cold months”.

The moderators requested the participants to discuss on the participants’ opinion on
whether women are fairly punished, on which they alluded to being punished unfairly.
The participants recommended that women should be given time to dialogue especially
when caught with stolen goods, they should not be condemned before establishing the
main causes for committing crimes and women feel that justice should prevail. “The
officer did not even try to enquire from where I had acquired these goods. Maybe it was
someone who was paying me my debt and then he went ahead and framed me as
possessing stolen goods”. These participants, therefore, felt that the
principle of justice ‘one innocent till proven guilty’ did not apply to them as they were prejudiced before even trial. Other participants were of the idea that other forms of rehabilitation approaches such as doing community service work, probation, reporting to local chief daily, manual work should be considered as well as allowing dialogue especially when caught with stolen goods being that there are main causes for committing such a crime.

4.3 Effects of the Rehabilitation Approaches Subjected To Women Criminals

The participants were required by the moderator to state whether the rehabilitation approaches they have been subjected to following their prosecution would have any effect after they have been set free and they were all affirmative. However, the participants stated that although they are traumatized even before release, the same would carry on even after release making it hard to readjust to normal life. According to the discussion that ensued, in prison, the women criminals are used to tight schedules such as feeding times and bed times making it hard to readjust. “We know that on Saturday at 4 o'clock it's supper time. After that the doors are locked till Sunday morning for church service. This would be totally different from home schedule knowing very well that on Saturday afternoon it's when the weekend is just about to commence”. Some participants stated that change is personal and depends with an individual’s choice, although they do not want to go back to prison and have the same experience which they say they have had it rough for many years.

The participants were further asked, by the moderator, to state what they think will happen once released from prison on employment, education, family and
economic issues. On employment the participants stated starting afresh and from scratch since after imprisonment they anticipate loosing their initial employment therefore they are anticipating a fresh start. "My employer cannot take me in again after what happened so once am out I have to search for a job elsewhere". On education, continuation will depend on their parental guidance and assistance together with their individual will-power. "If my parents want to send me back to school I will be so grateful". On family matters they do not anticipate going back to marriage life since their husbands might still get involved in infidelity and quarrels which might lead to relapse of initial crimes. "I know my husband has not changed when it comes to extra marital affairs so the best I can do is to keep it single lest I kill again and find myself here once more". However, they hope to bond with their children much easily though not as before "It is going to be quite difficult to continue from where we left but with time they will love me and accept me as their mother". On economic issues, the women convicts hoped to get well wishers to supply them with capital to start a business of their choice; they banked their hopes on the society at large pulling their resources together to boost them up or philanthropic persons to offer them loans. "Movements fighting for women empowerment should be there for us. We need to be economically able to avoid uncalled for actions which are punishable".

On the positive outcome of release from prison, the women mentioned anticipating freedom. From the discussion with the moderator, they were also looking forward to family reunion as well as changing their earlier ways of doing things which led to such as ensuring they pay licenses in time. "I will ensure I don't operate my kiosk without
license ever again”. The negative outcomes that the women prisoners anticipate are social disintegration and segregation since people don’t want to be associated with them, friends withdrawal, getting jobs would be difficult, for business people there is loss of customers due to mistrust, economic hardship, harassment by police, always being key suspect in times of crime occurrences, they might consider relocating to new areas and family disorientation (it takes a long time to bring the family back together as before) Other participants stated shunning away from businesses to avoid unnecessary conflicts with city council, being poor because their businesses which were their source of income being ruined and their reputation are tainted because of their conviction. Their children will continue to be bullied even after they leave prison with insults like “naughty just like the mother” or “they are likely to be imprisoned just like the mother”.

The moderator asked the participants to have a discussion on the lessons learnt as a result of having been in prison. The participants stated having learnt to stay away from crime, managing their tempers, gaining self control, hanging around with the right company of friends. Some participants stated that, thanks to prison, as they have learnt not to dictate to their children whom to marry, “Let them marry whomever they wish”. Other stated shunning away from helping people in distress, such as escorting friends at night because it can lead one to falling to unintended troubles. “During police operations at night it is very unfortunate if caught because they don’t even listen, they assume you are doing those ‘night jobs’ which are illegal”. Other participants disclosed that prison does not serve as a correctional unit instead most of them come here innocent and leave as professional criminals. They termed prison as a den of exchanging wild ideas on how to commit
even harder crimes. "I did not know how to steal a car in the pretext of car hire but now I have all the tricks, I would like to experiment them or share these ideas with others."

Participants were further asked to state whether imprisonment as a rehabilitation approach is the best solution to curb women from committing crimes. The participants felt it was not the best solution and termed it as "worsening" and as a "training ground" since women share ideas on how to commit more crimes. They attested to witnessing many short termers coming back to prison after a short while and there are those who prefer prison life to outside life so they have to commit crimes so as to be imprisoned again. They said that there are better channels to control women from committing crimes such as sensitization and campaigns against crimes, vouching for women empowerment groups which they believed could assist more.

The moderator interactively inquired whether there are chances of women becoming recidivists (returning to criminal behavior), the participants were positive. They felt that those likely to recidivate are those convicted of ordinary cases and those serving short term imprisonment. They attribute recidivation to a lot of C.I.D surveillance; anything that might happen near a released criminal can make her the first suspect affording her an automatic arrest. "Any crime that get committed in your area of residence be sure to be termed as first suspect. How unfortunate?". The participants intimated that women go to prison as innocent or with minor charges and they leave as criminals having learnt how to execute hard crimes in prison and would most likely experiment and in the process of crime execution they are caught and brought back to prison. Other participants stated that since the problems which brought them to prison have not yet been solved in most
the court: first it may issue a summons ordering for appearance of the probationer or it may issue a warrant for his arrest.

Community Service Orders entails performance of unpaid, public work within a community for the benefit of that community for a period not exceeding the term of imprisonment, for which the court would have sentenced the offender.

In some cases, it is possible for a court to impose a fine, limited by the law creating the offence. If the offender cannot pay the fine, the court normally makes provision for a term of imprisonment in default, in which case they will serve time in jail until they find money to pay the fine or until they find the money to pay the fine or until the end of the term of imprisonment in default.
cases they are likely to revert to their old habits

4.5 Summary

From the foregoing, it is evident that women commit crime ranging from petty offenses like loitering, handling of stolen good to heinous crime like murder, manslaughter and robbery with violence. This is attributed to a variety of causes ranging from family upheavals to socio-economic factors like unemployment, low income level, level of education to mention just a few. Based on gravity of the offense, these women are subjected to either short-term or long-term imprisonment. While these are the punitive measures in accordance with the law, the findings presented above illustrate that the women alluded to other form of punishments like fines, community service work and probation would be more corrective as prisons form a 'breeding ground' for more crimes.

In addition to imprisonment, there are a number of other punishments that the law allows courts to impose for offences recognized under the law. These include probation, community service orders, fines, payment of compensation and also peace to keep the peace.

Probation is not a suspended sentence as the person against whom the order is made is ordinarily subjected to supervision, guidance and assistance of a probation officer. If the court that issued the probation orders receives evidence on oath to the effect that the offender has failed to comply with provisions of the order two options will be available to
CHAPTER FIVE: DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents discussions of the key findings presented in chapter four, conclusions drawn based on such findings and recommendations there-to. These discussions and conclusions are based on the study's objectives which are to establishing the types of crimes committed by women prisoners, why women commit crimes, types of rehabilitation approaches subjected to women criminals and the extent to which these rehabilitation approaches are effective. The chapter also discusses area for further research given the limitations of the study. This chapter will thus be structured into discussions, conclusion, recommendations and areas for further research

5.2 Discussions

On the relationship between the nature of crime committed and the age of women convicts, the study found that the female convicts were youths. On the relationship between women's marital status and nature of crime likely to be committed the study found that there was a high probability of long term jailers being married, high probability of the second degree offenders (ordinary to capital offense) having been separated while a high probability of petty offenders being single. This shows that gravity of crime committed can be influenced by the marital status of an individual and their age. The study also found that the women criminal had their residence in urban areas owing to exposure and hard economic times in urban areas.
On the crime that women convicts commit the study’s findings enlisted robbery with violence stealing, murder, attempted murder to manslaughter, drug trafficking, stealing, unlawful abortion, child neglect, child mistreatment, handling of stolen goods, selling illicit brew, conning money, child trafficking, assault, loitering, hawking and unhygienic operations at eating places.

The findings indicate that women are subjected to unfair treatment after committing crime for instance harassment, public torture, insults, flogging, money and personal effects being taken away by police, being locked in for long without their cases are heard with some staying in remand for more than 5 months, others are threatened by the police if they deny the alleged crime. The study established that these women are subjected to dilapidated prison facilities which are inadequate and not efficient at all; medicines are not administered appropriately, that is, 3 times a day, they get small food ratio, no hygiene is observed, they are over congested in their wards/rooms and share beds, 2 tunics only, not provided with warm clothing and being given 2 blankets only.

While male forks have an equal responsibility over child upbringing, in child neglected cases, only women are put to task and convicted for the same despite being left by these male forks to fend for the children. Other women, especially those accused of petty crime claim to be arrested innocently.

On the reason for committing crime, the study found out that women kill partner-husband or boyfriend following hot tempers and pressure given infidelity of their partners or being attacked by their partners’ girlfriends and do so by defending themselves, parental
dictations on who to marry or being married-off unwillingly leading to murdering their partners because of lack of love. Other reasons are stress, anger, emotions, temper; family wrangles, economic hardships (women engage in prostitution to get money), poor family background, family wrangles, single parenthood, parental neglect and illiteracy making it impossible to get formal employment which lead to committing crimes for upkeep.

The study further found that these punishments they are subjected to are ineffective for prison acts as a "training ground" since women share ideas on how to commit more crimes. The study's findings indicate that some women go to prison as innocent or with minor charges and they leave as criminals having learnt how to execute hard crimes in prison and would most likely experiment and in the process of crime execution they are caught and brought back to prison. The study found that other channels of punishment should be considered such as sensitization and campaigns against crimes and establishment of women empowerment groups.

On what would change in their lives once freed from prison the study findings indicate that although they are traumatized even before release, the same would carry on even after release making it hard to readjust to normal life. In prison, the women criminals are used to tight schedules such as feeding times and bed times making it hard to readjust to outside life after prison.

On the negative outcomes from prison life that the women prisoners anticipate are social disintegration and segregation since people don't want to be associated with them, friends withdrawal, difficulty in getting jobs, for business people there is loss of customers due to
mistrust, economic hardship, harassment by police, always being key suspect in times of crime occurrences, some would consider relocating to new areas and family disorientation (takes a long time to bring the family back together as before) and their children being stigmatized. Those that had been imprisoned due to conflict with city council opt to avoid unnecessary conflicts with city council while others foresee poverty because their businesses which were their source of income were ruined and their reputation was tainted because of their conviction.

The study’s findings on lessons learnt following imprisonment listed the women convicts having learnt to stay away from crime, managing their tempers, gaining self control, hanging around with the right company of friends, having learnt not to dictate to their children whom to marry, as parents and shunning away from helping people in distress such as escorting friends at night because it can lead one to falling to unintended troubles.

5.3 Conclusions

The study concludes women are influenced by certain factors which makes them commit crime. Though most women were nurturing and not violent, they were driven to commit crime owing to two major factors; being abused and low socio-economic status. These factors lead to stress, anger, emotions, temper which the study found to be incidental to such crimes. The study thus highlights the following factors to be significant; family wrangles, economic hardships (women engage in prostitution to get money), poor family background, single parenthood, parental neglect and illiteracy making it impossible to get formal employment making women commit crimes for upkeep. This concurs with Stansups (2007) findings that women are driven to commit crime owing to being
abused, low socio-economic status, lack of health care, lack of parental guidance, being controlled by someone else and lack of education. Feinman. (1994) stated that while women are viewed as pure, obedient daughters, wives and mothers who benefit society as so than men some ‘dared to go against their natural biological givens such as ‘passivity’ and a ‘weakness of compliance’ due to emotional insults.

The study further established that mental status has influence on criminal behavior of women. Owing to husband’s infidelity and family wrangles, woman spouse would most likely murder the husband either in defense or in cold blood owing to emotional upsurge. The single female would most likely be arrested for petty crimes such as loitering in town, shoplifting, scuffle or brawl which would lead their arrest and ultimate conviction. The study also found out that age also influence crime, while most youth in their prime age would most likely influence them to commit heinous crime, those in their mid-old age would most likely commit petty crime. This owes to their mature approach to emotional overload than youths who would most likely succumb to emotions.

On the types of crimes committed by women prisoners, the study concludes that women do commit robbery with violence stealing, murder, attempted murder to manslaughter, drug trafficking, stealing, unlawful abortion, child neglect, child mistreatment, handling of stolen goods, selling illicit brew, conning money, child trafficking, assault, loitering, hawking and unhygienic operations at eating places. Women do commit these crimes mainly because of infidelity from their partner which is incidental to murder and socio-economic hardship which is incidental to theft and child neglect.
Women criminals are subjective to unfair punitive measures/ even before their conviction. For example, women criminals are subjected to harassment, public torture, insults, flogging, money, and personal effects being taken away by police, being locked in for long without their cases were heard with some staying in remand for more than 5 months, others are threatened by the police if they deny the alleged crime. Even though they are convicted, the prison facilities they are confined to are very inadequate while others are convicted without a proper statement on when they will be released.

The study concludes that enforceable through imprisonment do not help rehabilitate criminals but only worsen them. This is given by the fact that while women go to prison as innocent or with minor charges and they leave as criminals having learnt how to execute hard crimes in prison and would most likely experiment and in the process of crime execution they are caught and brought back to prison.

5.4 Recommendation

Based on the findings, the study recommends that while women criminals should be punished in reprisal to criminal behavior, the punished should be fair. They should not be subjected to public wrath and police harassment before they are proved guilty. Police should also refrain from issuing threats as the women criminals have institutional rights to defend themselves from criminal charges if they so wish and even to argue their cases in court. On the same breath, police should also refrain from taking these women's valuable as this surmounts to criminal before while the police should protect rights; not thwart the same rights institutionalized in the constitution.
The study further recommends that women should be given time to dialogue especially when caught with stolen goods, this owes to the fact that most of them do so because of economic hardship and counseling would do better than imprisonment. The study found that imprisoned women are more likely to become worse criminals after release than they were before. Thus, women should not be condemned before establishing the main causes for committing crimes. Other forms of such as doing community service work, probation, reporting to local chief daily, manual work as well as allowing dialogue should be considered as for some crimes committed. The law enforcement officers should also ensure that law is followed according as the study established that some women are imprisoned when they are innocent; justice should prevail. The study also recommends that male fork should be supportive of their women as their abandonment of women leaves the latter with heavy burden that predisposes them to criminal behavior in the quest of providing for their children who do not have a father.

5.5 Areas for Further Research

The researcher suggests that further studies be done on the factors influencing crime on male convicts; this would provide a holistic approach in looking at factors influencing crime in Kenya, being that female and male faces different situations and have different temperament and emotional disposition might have different intra and inter-personal factors affecting criminal behavior. Since the study found that prison as a punitive measure or corrective unit is ineffective and only exacerbate the convicts' criminal behavior, further studies should be done on the effectiveness of Kenyan prisons since this
would bring out the disconnect between fundamental role of prisons and the felt effectiveness of such prisons as corrective units.
REFERENCES


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Appendix I: Introductory Letter

How are you? My name is Salome Kamau, a postgraduate student from the University of Nairobi. I am conducting a study on "Why Women Commit Crimes" among prisoners in Lang’ata Women Maximum Prison. The reason(s) for doing this study is to understand why individual women commit crimes. This study will be useful in assisting and advising such individuals appropriately, to ensure that they don’t commit crimes again. I trust you will assist me a lot by giving me the desired information. All the information and data collected will be treated with utmost confidence and will be used for purpose explained above only.

Thank you
Appendix II: Check List of Questions for Focus Group Discussions

VENUE: __________________________

Group number: _______

Personal information


2. District of origin

3. Residential home 1. Rural 2. Urban

What makes women commit crimes?

1. What crime are you accused of?

2. In your opinion was that accusation punishable?

3. What is your opinion on all the crimes? (here expect responses from all members of this focus group)

4. Why did you do what you did?

5. What do you think should be the for what you are accused of doing?

6. What do you think should be the solution to crime and ?

Crimes committed by women

1. What are some of the crimes that you are accused of? (all respondents of this focus group to mention the type of crime each is accused of)

2. When did you commit the above crime?

3. How did you commit the above crime?
4. Why did you commit the above crime?

5. What happened after you committed the above crime?

What modes of rehabilitation approaches are women criminals subjected to?

1. How were you punished after committing the crime you are accused respondents to state the punishments they were subjected to?

2. In your opinion, do you think the above rehabilitation approaches were appropriate?

3. Explain your number two answer.

4. What is the length of the rehabilitation approach you are subjected to?

5. Mention the conditions i.e. are the basic facilities available? Are you congested in cells?

What are the effects of the rehabilitation approaches subjected to women criminals?

1. Once your term comes to an end you will be set free. Do you anticipate any positive effect as a result of being rehabilitated in prison?

2. What are some of the lessons you have learnt as a result of being in prison?

3. What do you think will happen once you are released on the following areas:
   - Social interaction
   - Former employment
   - Education
   - Family matters
   - Crime
   - Economic issues
1. Why did you commit the above crime?

5. What happened after you committed the above crime?

What modes of rehabilitation approaches are women criminals subjected to?

1. How were you punished after committing the crime you are accused of? (all respondents to state the punishments they were subjected to)

2. In your opinion, do you think the above rehabilitation approaches were appropriate?

3. Explain your number two answer.

4. What is the length of the rehabilitation approach you are subjected to?

5. Mention the conditions i.e. are the basic facilities available? Are you congested in the cells?

What are the effects of the rehabilitation approaches subjected to women criminals?

1. Once your term comes to an end you will be set free. Do you anticipate any positive effect as a result of being rehabilitated in prison?

2. What are some of the lessons you have learnt as a result of being in prison?

3. What do you think will happen once you are released on the following areas:
   - Social interaction
   - Former employment
   - Education
   - Family matters
   - Crime
   - Economic issues
Appendix III: Map of Langata Women Maximum Prison