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

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

Key Words: Inmates, Sexual Feelings, Sex Rights, Prison, Sex, Prisoners

Introduction

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

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

The prisoners are further subdivided into 5 categories of remanded, short-term, long-term, lifers and death row convicts. Omboto (2010) points out that harsh prison conditions in Kenya are mostly characterized by “overcrowding and congestion, poor diet, degrading clothing and beddings, lack of clean water, poor sanitation, infectious diseases and homosexuality, among other vices, which can be attributed to several factors”. According to Omboto (2010), Kamiti main prison is one of the biggest maximum prisons in the country and home to around 1800 inmates from different diversities, both lifers and death row convicts. While in custody, inmates enjoy certain rights and various institutions have the ability of monitoring the way those rights are respected. This has been made even easier because prisons have recently agreed to public scrutiny, commonly referred to as Open Door Policy. Ideally, prisons in Kenya have three basic functions, that is containing rehabilitating and reforming inmates, and for this to happen effectively it is important that rights that touch on inmates in sexuality are addressed urgently.

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

homosexuality as a way of dealing with the denial of this human right. The study was conducted at Kamiti Maximum Security Prison, Kenya.

Statement of the Problem

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

According to Kimani (2007) it is evident that sex is healthy, fulfilling and pleasurable and hence everyone desires to practice it with no restrictions. This therefore is an indication that the denial of it may lead to coerced or forced sexual affairs which undermines the intended result of sex. Sex denial in prison leads to sexual abuse among inmates. Further, sexual assault affects the health of inmates. Rape leads to spread of STDs which is a subject of great concern in prison. Prisoners who are sexually victimized undergo a lot of trauma which have effects on their future lives with the majority of them turning to violence, rape and sodomy which provides a window for STDs to be spread. It is for this reason that this study looked at how prisoners cope with the drive for sex. This study seeks to fill the existing research gap by answering the follow research question? How do prisoners in Kamiti main prison deal with denial of sex?

Objectives of the Study

General Objective

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

Specific Objectives

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

Human Sexual Behaviour

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

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

Fostering an approach that is respectful and also positive to sexual relationships will lead to an improved sexual health in prison (Henry, 2010). It is important that prison systems imagine the likelihood of attaining healthy sexual health among inmates; it is a very big challenge that involves shifting the attitude of the social attitudes regarding sexuality as well as gender relationships. In Malawi, their social norms regarding sex between individuals of the same gender is regarded as being immoral and shameful. This norm hinders the chance of attaining a healthy sexual association among inmates, and leads to an unhealthy sexuality (Omboto, 2010). Expressing sexuality in a manner that is not healthy is fostered by prison systems when they fail to treat inmates in a humane manner i.e. by failing to provide them with their human rights including sexual. Haney indicates that most of the correctional facilities operate as if they are housing individuals who are not fully human; it has been characterized as “waste management functions” (Reutens, 2011).

Sex and Human Rights

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

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

Aside from the fact that prison systems deny inmates the right to enjoy their basic human rights, they also deny them the right to sexuality and treating them like they are non-sexual humans who should not engage in any sexual activity. Depriving inmates of their sexual rights does not make sexuality disappear but leads to expression of sexuality in a negative way such as being

sexually violent. Accepting the fact that sexual activities must take place is one of the steps of promoting sexual health in prisons. This involves treating prisoners as humans with rights that need to be respected and those rights include the right of not being involved in sexual violence. The only way in which sexual health can be improved is by respecting, protecting and fulfilling sexual rights. Though inmates are deprived the right of movement, they are entitled to sexual rights as recognized in global human rights documents and other agreement documents (Donnelly, 2014).

Sex in Prison

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

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

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

Gender-based Violence in Prison

Masculinity helps to clearly understand sexual violence among inmates. Through masculinity, the way men behave and how they identify themselves sexually is described and explained. It is the complicated set of regulations that govern the way “real men” conduct themselves

(Robinson, 2011). Attitude and behavior are shaped by expectations that are constructed socially and what is meant by acceptable man's behavior. And the result is that men always try to conform themselves. It is "hegemonic masculinity" (Karp, 2010). Hegemonic masculinity shapes the way men behave by setting an expectation of how "real men" should behave regarding sex and sexual relationships. It relates "masculinity" to "heterosexuality", and "explicitly" to "heterosexism". Heterosexism is the belief that recognizes heterosexuality as "the only desired form of sexual expression to the exclusion of any other" (Herek, 2005).

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

Amor (2011) indicates that sexual health and rights are concerned with the creation of conditions for respectful gender and sexual relationships forming the foundation for individuals to take part in sexual relations and other related activity without being coerced or discriminated, and under the basis of mutuality and equality and not power and suppression. Hegemonic masculinities can be transformed into positive and gender-equal relations among men in prison through the concept of sexual rights which is a very useful tool.

Theoretical Framework

Importation and Deprivation Theory

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

Relevance of the Theory to the Study

Deprivation sees the structure of the culture formed by prisoners generally, and prisoners' sexual culture particularly, in responses to various deprivations that they encounter. This theory views the culture in prison as mainly the outcome of "attitudes, norms, and proclivities," being imported into the prison from the outside world. In prison violence is a common scene because

violent individuals are sent to prison. Also rape and sexual assaults happen because some of the prisoners are in prison because they committed those acts out there (Hochstetler & DeLisi, 2005).

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

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

Research Methodology

This research was carried out in Kamiti Maximum Security Prison which is located in Kiambu County. The station was suitable because of its size as it is the largest maximum security prison in the country with a large number of inmates. This research utilized a descriptive research design; the design is effective since it can answer questions such as “what are” or “How do”.

The study population consisted of 1800 prisoners at Kamiti Maximum Security Prison. The unit of analysis was the individual prisoner in Kamiti Maximum Security Prison. Sample size is the number of units that are selected for the purpose of collecting data to be used in a study. In this study, 180 prisoners will be the sample size.

The study used questionnaires to collect primary data. The questionnaire had both open ended and closed ended questions. The researcher administered the questionnaires to the respondents with the help of prison warden. The key informant were interviewed so that to obtain secondary data. Interviews helped in collecting detailed information about research questions.

Data obtained from the questionnaires was coded and grouped in different categories to ensure effectiveness and thorough analysis of the responses. The statistical Package for the Social Sciences (SPSS) version 21 was used for analysis. Descriptive statistics such as frequencies, mean, percentages and standard deviation were used in analysis of quantitative data. Content analysis was used in analyzing qualitative data. Content analysis involves categorizing verbal or behavioral data to classify, summarize and tabulate them.

Research Findings and Discussion

Exercise and Knowledge of Sexual Rights in Prison

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

The study also found that the majority of prisoners at Kamiti Maximum Security Prison hold the opinion that it is important to enjoy sexual rights in prison. The reason provided was that it is their right as human beings. The study also found another reason why it is important to enjoy sexual rights in prison as this would reduce sexual violence among the inmates. Prisoners have the right to be treated in a humane manner and with respect for the inherent dignity of the human person. Additionally the study established that by respecting prisoners' human and sexual rights, it would be a good gesture for fostering healthy expressions of sexuality.

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

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

Attitudes

Sexual Rights in Prison

SD	D	N	A	SA	Mean	Std.
(5)	(4)	(3)	(2)	(1)		Dev.

Sexual rights should be introduced in prison	4	3	5	54	78	4.382	1.200
Sexual rights help in the rehabilitation process in Prison	8	7	12	46	71	4.146	1.043
Sexual rights promotes reality to inmates in mannerism and behaviour	4	4	10	55	71	4.285	1.094
Sexual rights are a powerful tool towards reformation and rehabilitation	9	6	14	49	66	4.090	0.982
Sexual rights will reduce the rate of coerced sexual behaviours in Prison	7	3	7	47	80	4.319	1.195

From the findings, the respondents agreed that sexual rights should be introduced as shown in Prison by a mean of 4.382, sexual rights will reduce the rate of coerced sexual behaviors as shown by a mean of 4.319, sexual rights promotes reality to inmates in mannerism and behavior as shown by a mean of 4.285, sexual rights helps in the rehabilitation process as shown by a mean of 4.146, and sexual rights is a powerful tool towards reformation and rehabilitation as shown by a mean of 4.090. The findings agree with those of Donnelly (2014) who states that prisoners also have the right to the highest attainable standard of physical and mental health, including sexual health. Sexual health in prisons can only be advanced if sexual rights are respected, protected and fulfilled.

Sex as a Right

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

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

The respondents were asked to state their understanding of the term sex. They indicated that it is the main category in which people are grouped that is either male or female. In the context of our study they defined it as sexual activity, including specifically sexual intercourse. People utilize a number of sexual measures, ranging from actions done by oneself, for example,

masturbation to acts with other people such as sexual intercourse, non-penetrative sex or oral sex, among others, in varying patterns of occurrences, and for a broad diversity of motives.

Conclusion

The study sought to describe how inmates deal with sexual feelings while in custody. The study findings indicate that prisoners relieve their sexual desires through anal sex with fellow inmates and masturbation, through non-penetrative sex, oral sex, and penal sex. Some of them voluntarily agree while others are forced, resulting in rape cases. The study concludes that sex denial increases immorality among the inmates.

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

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

Recommendations

The study recommends that the government should revise their policies and introduce a policy that will allow inmates to have conjugal visits. This will reduce the number of sexual violence in prisons.

The study recommends improvement of prison facilities and introduction of more CCTV cameras to ensure that the prisoners are monitored to ensure that they do not sexually abuse other prisoners. The prisoners caught in the act should be punished to ensure they do not repeat the act and be an example to other prisoners engaging in such acts.

The study also recommends that prisoners who have been victims of sexual violence should undergo counselling to help them accept themselves and boost their self-esteem. The study also recommends the prison authorities to implement human punishment on inmates who commit prison offences and ensure that disciplinary action is taken against officers who abuse the rights of inmates.

Suggestions for Further Studies

This study sought to explore how prisoners in Kamiti Maximum prison deal with denial of sex. The study recommends studies to be done in other prisons in the country to facilitate

generalization of the research findings. Since the study mainly focused on a male prison, the study recommends replication of the study in female prisons.

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