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**Sexual Assault and its Effects on Male Prisoners' Rehabilitation: A
Case of Kamiti Medium Prison, Kiambu County- Kenya**

Mildred Auma Arum, Prof. Grace Wamue Ngare and Prof. Wangari

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Sexual Assault and its Effects on Male Prisoners' Rehabilitation: A Case of Kamiti Medium Prison, Kiambu County- Kenya

^{1*}Mildred Auma Arum

¹ School of Humanities and Social Sciences, Department of Sociology, Gender and Development Studies, Kenyatta University

*Corresponding Author's E-mail: arumildred@gmail.com

²Prof. Grace Wamue Ngare

School of Humanities and Social Sciences, Department of Sociology, Gender and Development Studies, Kenyatta University

³Prof. Wangari Mwai

Students affairs, United States International University

Abstract

Purpose: This article examines the effects of sexual assault on male prisoners' rehabilitation in Kamiti Medium Prison. It highlights underlying effects of sexual assault that negatively interfere with rehabilitation of male prisoners by exploring prevalence of sexual assault, effectiveness of the Kenya Prisons Rehabilitation Program on sexual assault survivors and perpetrators and the coping mechanisms employed by survivors of sexual assault in Kamiti Medium Prison.

Methodology: The study employed descriptive survey research design guided by Travis Hirschi's social control theory and the risk-need-responsivity (RNR) model to interrogated sexual assault, a prison gender dynamic of power and control, and its underlying effects on male prisoners' rehabilitation. Key informant interview schedules and semi-structured questionnaires were used to gather both quantitative and qualitative data from respondents identified through stratified and purposive sampling. Quantitative and qualitative data was then coded and analyzed respectively to establish the effects of sexual assault on male prisoners' rehabilitation in Kamiti Medium Prison.

Results: Findings indicate that sexual assault in Kamiti Medium Prison is a trivialized gender concern despite it being rampant and its effects adversely affecting rehabilitation processes of victims and perpetrators. Moreover, there are no socially acceptable coping structures for survivors and perpetrators of sexual assault and the available rehabilitation programmes are not need-based. This allows for negative and socially unacceptable coping mechanisms that worsen the effects of sexual assault and reinforce prisoners' criminal mentality thereby contributing to their non-rehabilitation.

Unique contribution to theory, practice and policy: This study departs from the many others which have largely focused on prevalence, nature and general effects of sexual assault, including possible mitigations. It provides a deeper understanding on effects of sexual assault and its impact on male prisoners' capacity to be rehabilitated, an under researched field. Findings add knowledge to the existing literature and will benefit policy makers in the criminal justice system in addressing

policy gaps like absence of a correctional policy and review of the Prison Act to synchronize with the Sexual Offences Act. Lastly, findings also form basis for future researches on the subject i.e. it recommends two studies, one, to interrogate whether those involved in prison sexual assault were imprisoned for the same crime and two, to explore the rate at which prisoners involved in prison sexual assault tend to reoffend.

Keywords: *Gender dynamics, Effects, Sexual Assault, Male Prisoners, Rehabilitation.*

1.0 INTRODUCTION

1.1 Background of the Study

It is customary to think of prisons as violent environments. The epidemiologic evidence on prison violence is growing and becoming more precise both in its measurement and point estimation (Beck & Harrison, 2007; Gaes & Goldberg, 2004; Jenness, et al, 2007; Wolff, et al 2006; Wolff, et al, 2007, Beck & Harrison, 2007; Wolff, et al 2008). Prisoner rape, especially among males, is one of the most ignored crimes and sexual and physical abuse in custody remains a degrading human right's problem. This is due to lack of information that is critical during prosecution and the difficulty of proving an allegation, particularly when the only evidence is the prisoner's account (Uchena 2011). Reports globally also indicate that the actual number of sexual activities is likely to be much higher than reported mainly due to continued denial resulting from the stigma that comes with it, fear of being exposed, or the criminalization of sodomy and homosexuality. Socially, sexual assault is perceived to be "normal" for the perpetrator, victim and the society, when perpetrated by a male against a female but not between persons of the same sex.

Sexual assault is an aggressive act motivated by power and control over the survivors. False agreement to sexual activity can be obtained in a variety of ways; for instance, through threats of physical violence, threats of withholding benefits, psychological pressure or blackmail. Agreement in such circumstances does not amount to freely given consent (World Health Organization, 2002). Men commonly experience sexual assault in the form of receptive anal intercourse, forced masturbation of the perpetrator, receptive oral sex and forced masturbation of the victim. Sexual violence against males is underreported, far more so than in the case of women, largely because of the reluctance of men to report acts of sexual assault. This in turn is likely to be due to extreme embarrassment experienced by most males at being a victim of sexual violence. There are, however, certain settings where acts of sexual violence against males may be more prevalent, for example, in prisons and the armed forces.

According to Human Rights Watch (2001), although invisible, emotional effects of sexual assault on victims are serious and permanent. This worsens for sexually assaulted men, as the act is a taboo and abnormal in the African context and Kenya in particular. Sexual offending is a compulsive behaviour that persists over decades of an offender's life. Its impact to the victims happens to be harmful and damaging as they get serious physical and psychological effects that may last for a lifetime.

Universally, prison rehabilitation programmes are accepted for reforming offenders in preparation for their release back into the society (Maori, 2008). In Kenya, Kenya Prison Rehabilitation

Programme is employed to reform and rehabilitate offenders. According to the crime situation report by Kenya National Police Service in 2015, there was an increase in crime by 4% in 2015 compared to the previous year. Crimes like rape have continued to rise. According to the Taskforce on Implementation of Sexual Offences Act in Kenya, there was a 22% increase in sexual offences in 2014. The escalating recidivism rate has been a worrying reality. This is despite implementation of rehabilitation programmes. Internationally, The University of Maryland Eastern Shore (2014) shows the United States of America as the country with the worst crime in the world with a recidivism rate of 90 per cent, while, Germany and Asia were at 74 per cent. The University of Maryland Eastern Shore (2014) report indicates that South Africa has a 74 per cent recidivism rate while Kenya's recidivism rate is at 47 per cent. This implies that where criminals are reformed, the number of recidivists should be low, begging the question why are offenders not rehabilitating yet Kenya prisons employ rehabilitation programs? It is against this backdrop that this study sought to determine the effects of sexual assault on rehabilitation of male prisoners at Kamiti Medium Prison.

1.2 Statement of the problem

While Prisons' core function is to reform offenders into law abiding citizens, the rate of recidivism, which stands at 47%, is a concern. This situation could be attributed to a number of reasons like the generalized structure and approach of the Kenya Prisons Rehabilitation Programme (KPRP). Similarly, concerns have been raised on whether there are other factors that may strain the objective of KPRP, a space where impact of sexual assault is interrogated.

Victims and perpetrators of sexual assault within prisons often suffer physical and emotional trauma that is related to violence. Due to sometimes it's very ugly nature; sexual assault may affect a well-intended rehabilitation process, thereby compromising prisoners' reformation. Based on this premise, this study sought to assess the effects of sexual assault in Kenya Prisons Rehabilitation Programmes

1.3 Purpose/objective of the study

This study is a departure from the many others which have largely focused on prevalence, nature and effects of sexual assault, including possible mitigations. (Worley et al. 2010, Stemple, 2002; Uchena, 2011; Human Rights Watch 2009; Austin et al, 2006; Hensley, et al, 2003; Jenness et al., 2007; Struckman-Johnson & Struckman-Johnson, 2006; Wolff & Shi, 2008, 2009). The research went deeper to draw understanding on how the effects of sexual assault affected prisoners' capacity to be rehabilitated. In this context the study sought to ascertain the link between recidivism which stands at 47% and responsiveness of the KPRP. Therefore, this was an opportunity to identify other factors likely to interfere with prisoners' rehabilitation, much as it is a window to integrate sexual offense mitigations in the KPRP.

By interrogating the effectiveness of the KPRP, the researcher opens up an academic and legal space to align and improve policy and practice. Particularly, it is an opportunity to add knowledge to the existing literature and benefit policy makers in the criminal justice system in addressing policy gaps like absence of a correctional policy, review of the Prison Act to synchronize with the Sexual Offences Act, Penal Code and the Constitution and sexual assault wholesomely in centres of detention. It provides Kenya Prisons Service with a chance to interface the role of community support systems and an effective need-based KPRP in treatment of offenders.

1.4 Hypothesis

The study was anchored on the premise that sexual assault contributes to failed rehabilitation of survivors and perpetrators of sexual assault due to lack of need specific rehab programmes and socially acceptable coping mechanisms for survivors and perpetrators of the vice in Kamiti Medium Prison.

Research questions

- i. Sexual assault in prisons contributes to a failed prisoner rehabilitation process hence high rates of recidivism.
- ii. The Kenya prisons rehabilitation program is not effective in rehabilitating survivors and perpetrators of sexual assault.
- iii. Victims and perpetrators of sexual assault in prison are not rehabilitated due to lack of proper coping mechanisms.
- iv. The available mitigating factors cannot address sexual assault at Kamiti Medium Prison.

2.0 LITERATURE REVIEW

Sexual assault in penal institutions, just as in the community, is a rampant modern world concern and a terrible human rights issue (Just Detention International, 2011). It is a violent act perpetrated by those who need to feel powerful and in control by forcing others to participate in unwanted sexual activity. According to Van Wormer & Bartollas (2000) rape in prison is about power, control and sexual gratification. Sexual assault theorists have long asserted that sexual assault is always about power and control and that sex is merely the weapon of choice (Van Wormer & Bartollas, 2000). Within men's prisons, "the strong preserve their sense of manhood through sexual conquests of the weak. Sexual threats, taunting and assault dominate the scene into which new prisoners arrive. In the male prison society, rape or the threat of rape is a mechanism for peer initiated social control wielded by the aggressors. Aggressors are the leaders in this culture and gain power and respect, while the victims are feminized and characterized as weak (Van Wormer & Bartollas, 2000). While the problem of prisoner assault is known and is supported by over 30 years of hard evidence, as given by Beck (2000), there seems to be no effective strategy to scale down this heinous crime, hence absence of improved correctional and management practices. From the analysed literature on sexual assault in prison, it is clear that the violation is a gender issue and its effects on prisoners in Kamiti Medium Prison is serious and may be a reason as to why they are not rehabilitating. The reviewed literatures have also not built a link between sexual assault and how its effects can derail the smooth rehabilitation processes of prisoners a gap that this study sought to address.

Kenya Prisons Rehabilitation Programme (KPRP), was introduced in 1994, and was designed to equip offenders with skills that would change their criminal behaviour. Prisoners are engaged in growing their own food, make furniture, and household goods, for selling to make revenue for the prison (Colyle and Barton, 2006). Other programmes include professional courses, formal education, counselling, chaplaincy services, offender development, motivational scheme, sports and handcraft (Kenya Prisons Service, 2007). Kenya Prison Rehabilitation Programme is employed to reform and rehabilitate offenders. However, the programme is general and lacks any specialty regardless of the crimes committed and irrespective of the diverse offences and needs. It

only focuses on equipping offenders with skills and technologies for self-reliance and income generation once they exit prison (Kachuk, 2001).

Analyzed literature present copying mechanisms that can only work for survivors back in the society and not within the prison setting. The programs also happen to be tailored for international prisons which are far developed than the Kenyan ones and hence may not be responsive to the Kenyan context. This study therefore sought to appreciate the available mechanisms in the Kenyan context and whether they are effective in mitigating the effects of sexual assaults that may end up earth-shaking rehabilitation of offenders.

In summary, sexual assault in prisons is a real gender concern in both international and Kenyan prisons. Despite the underreporting of this vice in prisons, the subject has been interrogated worldwide and considered destructive to the prisoners' well-being due to its deep rooted physical and psychological effects. The Kenya prison's universal approach of dealing with convicts defies the purpose of rehabilitation which requires unique individual treatment plans for effectiveness making it ineffective in addressing sexual assault and its effects that may contribute to non-rehabilitation of prisoners. However, gathered data has not been linked to non-rehabilitation of offenders or used by the respective government to come up with mechanisms and programs that can address the vice a subject that needs to be addressed in view of the Kenyan context.

2.1 Theoretical Framework

The social control theory

Travis Hirschi developed the social control theory, originally titled "social bond theory", in 1969 with the purpose of trying to extract the variables that contribute to people's decision to become law-abiding citizens. It was once known as a "social bond" because the original theory suggested that criminal activity is the product of a lack of meaningful connection with society. Social control theory posits that people's relationships, commitments, values, norms, and beliefs encourage them not to break the law. Thus, with internalization of moral codes and individuals tied to and having a stake in their wider community, they will voluntarily limit their propensity to commit deviant acts. The theory seeks to understand the ways in which it is possible to reduce the likelihood of criminality developing in individuals. The theory suggests that people engage in criminal activity when their bond to society has weakened i.e. when an individual has experienced a lack of social connection or network that would normally prohibit criminal activity, the likelihood that the individual will participate in criminal activity increases. Hirschi describes four elements (attachment, commitment, involvement and belief) of the bond to society that play a key role in prohibiting criminal activity, thus able to explain why prisoners are rehabilitated or not, as discussed below:

a) Attachment

According to Hirschi, internalization of norms, conscience and super ego comes from an individual's attachment to others. This directly affects an individual when punishment is threatened or applied for wrongful behaviour and compliance rewarded by parents, family or authority. In light of the study, prisoners are growing the tendency to violate others sexually due to lack of this. This may also mean that prisoners do not rehabilitate due to lack of commitment by agents of social control (family, peers, authority) to punish or reward wrongful behaviour (sexual violation of fellow prisoners) and compliance respectively. This may be due to the

continued branding of offenders as criminals by agents of social control despite their effort to embrace crime-free lives. It also explains the lack of prosecution of sexual assault in prison that creates an attitude among convicts that prisons are home of criminals and maximum punishment and hence further incidents of crimes cannot be arrested or attract more serious penalties.

b) Commitment

This element postulates that individuals obey rules for fear of the consequences they may suffer for breaking them. The lack of commitment results from breakdown of the element of attachment making individuals fail to obey because there are no consequences for disobeying. This may explain why prisoners continue engaging in sexual violation activities that subsequently inhibit their rehabilitation process.

c) Involvement

This element entails a person's involvement in conventional activities. Hirschi states that an individual heavily involved in conventional activities simply does not have time to engage in deviant behaviour. This element speaks to the rehabilitation Programmes prisoners undertake and hence helps explain why prisoners engaging in sexual violation activity are unable to participate in rehab Programmes. It also interrogates the Kenya prison Programmes' capacity to occupy and rehabilitate prisoners into law-abiding citizens and prevent recidivism. It also explains why prison contains more unemployed person who ended up committing crime due to lack of involvement back in the society.

d) Belief

This is a common value system within a culture and plays a role in deviance in two folds. One, the criminal disregards the beliefs he has been taught entirely or two, rationalizes their deviant behaviour so that they can engage in criminal activity (but still believe it is wrong) to satisfy their needs. This demonstrates the individual's belief in common goals and morals of society and the lack of means to achieve them that eventually encourages deviant behavior as a means of achieving those goals. This explains why male prisoners, sexually violate others, despite it being a taboo and against the legal, social and moral culture, to satisfy their sexual desires.

The Risk-Need-Responsivity (RNR) Model

The Risk-Need-Responsivity (RNR) model is perhaps the most influential model for the assessment and treatment of offenders and was first formalized in 1990 (Andrews, Bonta, and Hoge). The RNR model has been elaborated upon and contextualized within a general personality and cognitive social learning theory of criminal conduct (Andrews & Bonta, 2006). As suggested by its name, it is based on three principles, one, the risk principle which asserts that criminal behaviour can be reliably predicted and that treatment should focus on the higher risk offenders, two, the need principle highlights the importance of criminogenic needs in the design and delivery of treatment; and three the responsivity principle describes how the treatment should be provided.

The risk principle focusses on matching the level of services to the offenders' risks to re-offend. This means that for rehabilitation to take place, prison programs must speak to the risks that predispose the prisoner into reoffending. In this case, prisoners involved in sexual assault are high risk offenders whose smooth rehabilitation can be hampered if not addressed through rehabilitation

programmes. The need principle explores the purpose of assessing criminogenic needs and target them in the treatment. This means that an effective and efficient rehab program should remedy the criminal mentality that caused prisoners to offend. If this doesn't happen, then prisoners end up picking other serious criminal traits like sexual assault turning them into hardcore and high-risk criminals unable to rehabilitate. Lastly, responsivity principle speaks to maximization of the offender's ability to learn from a rehabilitative intervention by providing cognitive behavioural treatment and tailoring the intervention to the learning style, motivation, abilities and strengths of the offenders. This means, for rehabilitation to take place, programs must align with each prisoner's abilities, strengths and uniqueness.

2.2 Conceptual Framework

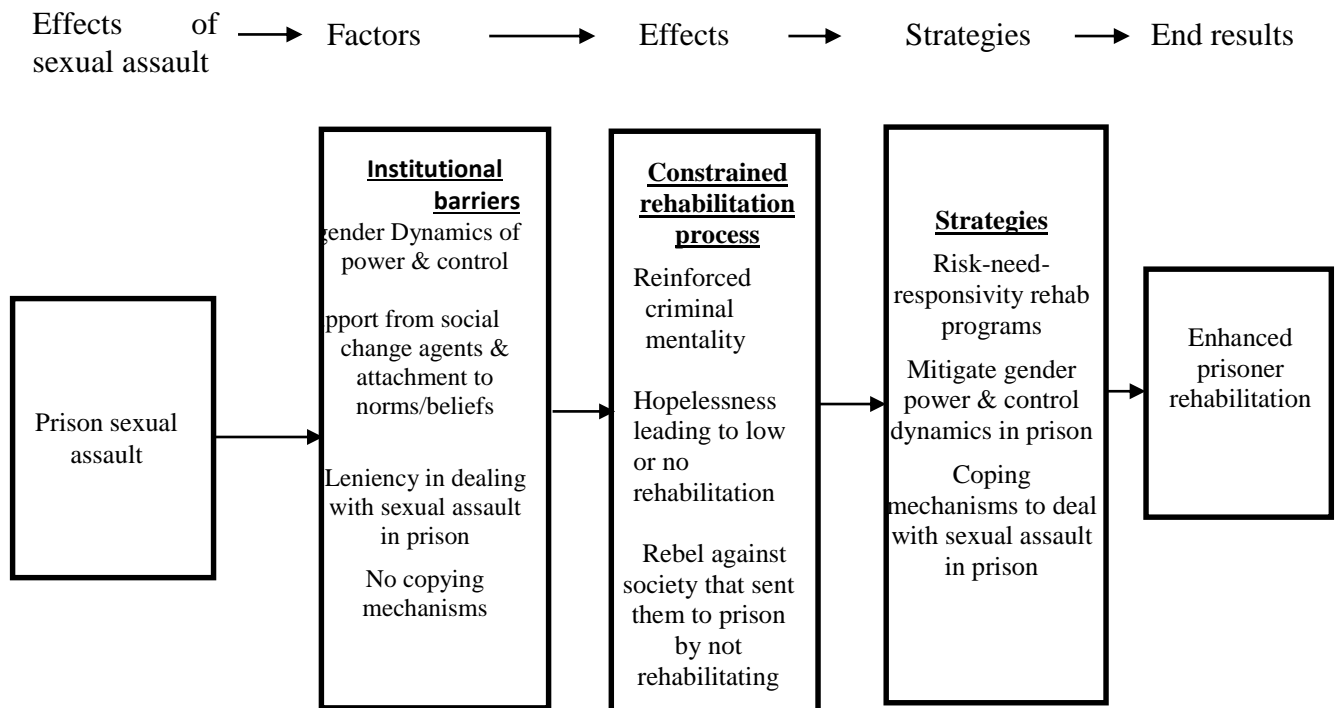


Figure 2.1 Conceptual Framework

Prisoners are in prison for rehabilitation; however, this process is constrained by the prevalence and effects of sexual assault which is a result of prison gender dynamics of power and control by dominant prisoners over the presumed weaker ones, the lack of support from social change agents (family, peer, authority), non-attachment to norms, leniency in dealing with prison sexual assault and poor coping mechanisms. The untreated effects of sexual assault consequently convert involved prisoners into high-risk ones who rebel against the society that sent them into prison exposing them to the violence. This leads to hopelessness among prisoners and minimal or no

rehabilitation. To promote rehabilitation, Kenya Prisons should adopt a risk-need-responsivity rehab programs for prisoners involved in sexual assault, mitigate the prison culture of power and control by dominant prisoners over presumed weaker ones and put up mechanisms to address sexual assault in prison.

3.0 METHODOLOGY

The study employed descriptive survey design to gather both quantitative and qualitative data to determine the effects of sexual assault on prisoners' rehabilitation. This design fit well because it entailed describing the traits of individuals, groups, or situations as they exist (Kombo & Tromp, 2006; Grixs, 2004). The design allowed for a field survey, administration of questionnaires as well as carrying out interviews to explain features around the problem of study. Male prisoners' rehabilitation was identified as a dependent variable. The independent variable were the structural institutional barriers that militate against male prisoners' rehabilitation, which included non-attachment to norms, poor rehabilitation programs and lack of support from social change agents.

Male prisoners in Kamiti Medium Prison formed the target population in this study. As of October 2017, there were approximately 1,000 prisoners in a facility that was built for 374 inmates. The sampling frame consisted of all prisoners at Kamiti Medium Prison. Purposive sampling was used to select respondents derived from senior administration personnel among them the officer in charge, 2 documentation officers, 2 discipline officers and 1 medical officer making a total of six. The distributed sample size of prisoners was two hundred and five (205) respondents calculated as per Kathuri and Pals (1993) formula. Since the population was not homogenous (different sentence, offence committed and age), stratified sampling was used to divide the inmates into stratas from which a sample was selected through simple random sampling. This was done to eliminate bias and ensure that each unit had equal chances of being nominated.

Table 1:Study Respondents

Items	Study Sample	Study Respondents
Officer in charge of prison	1	1
Documentation officers	2	2
Discipline officers	2	2
Medical officer	1	1
Kamiti medium men prisoners	217	205
Total respondents	223	211

The study entailed collection of both qualitative and quantitative data. Qualitative data was analyzed through the Statistical Package for Social Sciences (SPSS version 22). The study used inferential statistics that dealt with population-based results obtained from samples. This was used

to analyze and present quantitative data, which contained numerical information. This determined the likelihood of the results obtained from a sample to be similar to those expected from the entire population. Presentation of results is in tables of frequency distributions, pie charts and bar graphs. Content analysis to generate qualitative data was by reducing it to manageable and intelligible set of observations, which were categorized and coded. The emerging patterns from the analysis were presented thematically in relation to the study objectives.

4.0 FINDINGS AND PRESENTATIONS

The study interrogated variables, which were not part of the objectives, but provided crucial information in relation to the study. These variables included nature of sexual assault, perpetrators of sexual assault, reporting mechanisms, and effectiveness of actions taken by authorities on reported cases of sexual assault as presented next:

4.1 Nature of Sexual Assault in Kamiti Medium Prison

The study determined the types of sexual assault in Kamiti Medium Prison. Findings indicate that 96.1% of assaults were sodomy (anal sex) and 3.9% masturbation. This is presented in Figure 1.

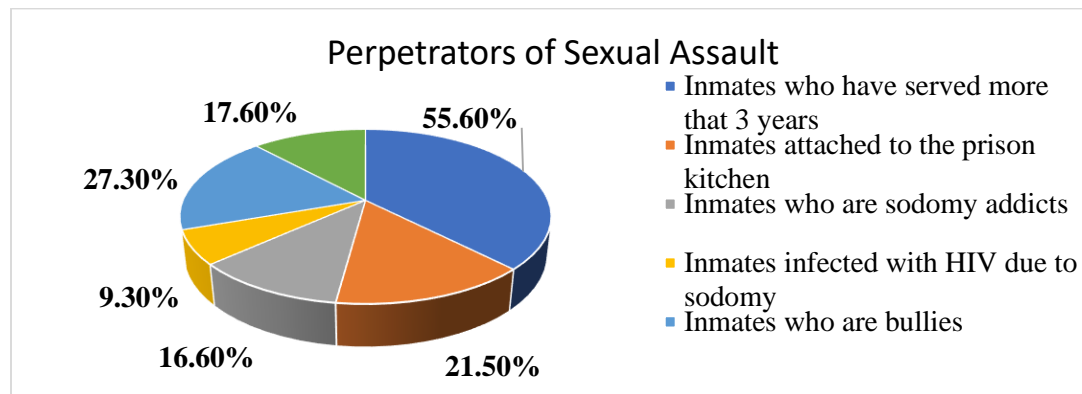
Figure 2: Nature of sexual assault in Kamiti Medium Prison



Just like prisoners, all officers held that sodomy was the most common SGBV in Kamiti Medium Prison, perceived as a homosexual relationship where a prisoner violated another sexually. After all, they were male and hence could only engage in sodomy. This is a Sexual and Gender Based Violence that needs to be remedied as it is illegal as enshrined in the Kenyan constitution, the Penal Code and the Sexual Offences Act, 2006.

4.2 Perpetrators of Sexual Assault

The study sought to unravel the categories of persons among the prisoners who violated others. This information was critical in informing what measures are required to address the vice and the arising needs. Results are presented in Figure 2.

Figure 3 Perpetrators of sexual assault in Kamiti Prison

Findings indicate that 55.6% violators were prisoners who had served in prison for more than three years, 27.3% bullies, 21.5% those attached in prison kitchen, 17.6% had luxuries to offer (money, toiletries, clothes), 16.6% addicts of sodomy while 9.3% prisoners were infected with HIV as a result of sodomy. For prisoners to develop into a bully, be assigned to prepare food for others, amass luxuries and contract HIV due to sodomy, they must have served in prison for long and this bestows control and power over the rest presenting the opportunity for those in control to sexually dominate the “weak ones”. Noticeably, from the findings, all these perpetrators are people who have stayed longer in prison leading to pent-up sexual desires. Due to lack of socially acceptable and legal avenues of relieving themselves, they resort to sexually assaulting others as repulsion against the society as noted by R129 (O.I 10.02.2017).

Those known to violate others sexually are senior prisoners who have stayed longer in prison and more privileged in terms of position, wealth, etc.

Findings also define food as a central part in prison sexual assault by linking prisoners attached to the prison kitchen (21.5%) to these lewd acts as noted by R10 (O.I 9.02.2017) below:

Prisoners who prepare food for the rest identify potential victims, give them little food, and use their desperation for more food as a bait to lure them into sodomy.

This trading of sexual favours for food is risky as the use of a vital commodity (food) predisposes so many prisoners to the violation considering the harsh prison conditions. Although lack of or little food alone cannot compel one to engage in sexual assault, KPS should come up with mechanisms of reshuffling prisoners and limiting the length of time a prisoner is seconded to the prison kitchen to prepare food for the rest. This will prevent such prisoners from gaining control and “power” over others to demand for sexual favours.

Prisons are meant to punish (retribution), deter, and reform (rehabilitate) guilty offenders through isolation (incapacitation) from the community. Such incapacitation means limited freedoms and rights as prisoners only enjoy basic ones to sustain life. Scarcity and deprivation of luxuries (most of which are illegal) in prison creates a demand that prisoners would want to satisfy at whatever cost. As a result, another group of perpetrators (17.6%) are prisoners who supply luxuries (money,

toiletries and cigarettes) for sex. This also denotes the laxity by prison authorities in preventing possession of contrabands by prisoners who unfortunately use them to lure others into sexual violation a manifestation of power and control over weak and needy. Considering that most prisoners are poor coupled by scarcity and deprivation in prison life, prisoners are at risk of engaging in the illegal act to enjoy the luxuries.

In agreement with the prisoners, prison officers felt the desperation in regard to obtaining freedom also served as a reason for sexual assault as prisoners who had exhausted their appeal chances become perpetrators. KI 2 (O.I 8.02.2017) noted:

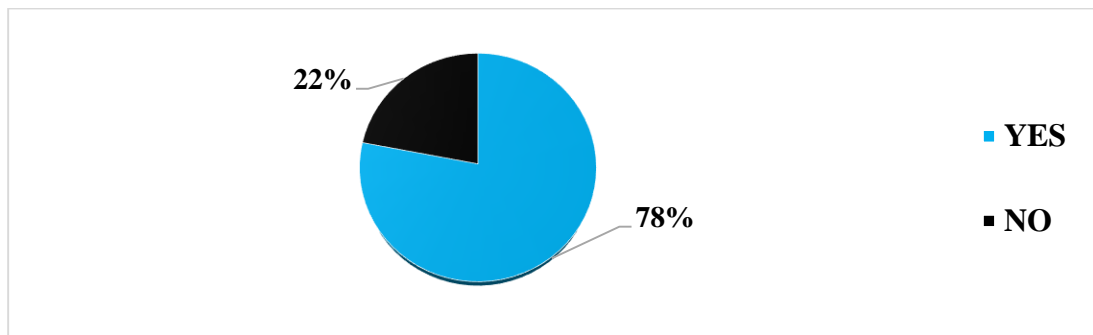
The perpetrators of sexual assault are prisoners who are long termers, those who have authority over others, have exhausted their appeal chances in the law courts and have lost hope of ever leaving prison.

Based on the findings, prisoners who assault others are commonly those who have pent up sexual desires due to prolonged stay of more than three years in prison and have gained control and power over others due to their knowledge of the prison environment and access to the limited resources. Such often take advantage over others especially fresh unsuspecting ones and who need more food, lack basic needs like toiletries or just want contrabands like cigarettes and money. These become culprits for satisfying sexual desires. The limited basic needs in prisons only strengthens the prison's culture of power and control by stronger prisoners over the presumed weaker ones predisposing them to sexual assault.

This calls on KPS with the support of the interior and coordination of national government (ICNG) Ministry to provide prisoners with sufficient necessary basic needs and enhance structures that otherwise curb trickling contrabands in the institutions. Although provision of enough food and curbing contraband is not conclusive, the prison authority, with support from the ICNG ministry, should work towards introducing Programmes that will address the criminal mind that clouds offenders' rationality. It also points to the need for reviewing prison sentences to allow rehabilitated prisoners to return to the society within shorter periods.

4.3 Sexual Assault Reporting and Redress Mechanisms

This variable was critical in assessing the levels of intervention put in place by the prison authority and the ICNG Ministry to respond to the violations. Findings from the prisoners indicate that 78% of the cases were reported and 22% were not. This is graphically presented in Figure 3.

Figure 4 Reporting of incidents of sexual assault

The high reporting rate implies that sexual assault is not consensual in prison. Indeed, it happens, and it is reported. Its occurrence is a violation against the Sexual Offences Act 2006, which states that *A person commits the offence termed rape if he or she intentionally and unlawfully commits an act which causes penetration with his or her genital organs (includes anus) without consent or if the consent is obtained by force or by means of threats or intimidation of any kind.* It also means that the prison management is fully aware of its existence but has not put in place any serious mechanisms to respond to it. In this regard, the Officer in-charge (O.I 7.02.2017) noted that:

This research will really help us. Sexual assault is a big concern here and we need help to address it because it is rampant. I hope the research will bring out the areas of intervention for the government to take up.

The high rate of reporting should lead to reduction in violations, but this is not the case based on his sentiments, which denote that there is no action taken by prison authorities on reported incidents and they do not know how to arrest it. Whatever is there is ineffective and inefficient. Other officers ironically claimed that they rarely get reports on sexual assaults. However, this did not imply that it was not rampant as observed by KI 3 (Medical officer) (O.I Date 8.02.2017).

Some cases have been reported to me and I have also seen a sexually assaulted mentally ill client. As medics, we had to examine evidence. Though I have recorded few cases, I believe sexual assault is rampant here.

This study suggests that sexual assault is rampant in Kamiti Medium Prison, though officers did not want to really speak about it. It is also evident from these sentiments that Kamiti Medium Prison experiences challenges such as those of mentally ill persons. Although this category of prisoners is small in not only Kamiti Medium Prison but in all prisons, it indicates that mentally ill prisoners are an easy prey for perpetrators, as they may not report and cannot defend themselves.

Contradicting information from prisoners and prison officers on reporting sexual violations, implies that there are no clear structures within the prison or those present are not well defined and organized. It also shows that the reporting system is not streamlined, meaning that prisoners can report to any available officer. This explains why findings by prisoners show high reporting rates and yet those by officers are low. It also suggests that there is no systematic recording and response to the reports made explaining why sexual assault in Kamiti Medium Prison continue unabated.

These findings confirm that redress mechanisms for sexual assault at Kamiti Medium prison is poor. Poor redress mechanism trivializes the offence as it does not provide the necessary services required for addressing this serious SGBV in prison. As a result, prosecution as experienced in the free society is compromised due to inadequate recording, preservation of evidence and referral to the police.

This concurs with findings by (Uchena 2011), who reports that prisoner rape, male rape in particular, in Nigeria was most ignored violation in prison. He also points out that sexual and physical abuse in custody remains a tremendous human rights problem due to lack of information that is critical during prosecution and the difficulty of proving an allegation, particularly when the only evidence is the prisoner's account.

4.4 Effectiveness and Efficiency of Actions by Authorities

The study sought to understand the effectiveness and efficiency of actions taken by the authorities on reported incidents of sexual assault. Findings indicate that 42.9% of the actions taken were cell segregation, 38% no action, 10.2% corporal punishment, 3.4% prosecution, 3.4% deducted remission and 2% transferred to other prisons. These findings are presented in Table 2.

Table 2 Actions taken by prison authority on reported cases of sexual assault

		Frequency	Percentage
Action authority takes in such cases	None	78	38
	Take prisoners to cell (Segregation)	88	42.9
	Punishment	21	10.2
	Transfer	4	2
	Prosecution	7	3.4
	Deducted remission	7	3.4
	Total	205	100

Findings imply that segregation is the common redress mechanism for sexual assault. Officers segregate both perpetrators and victims for days before releasing them back to the general prison population as observed by KI 1 (O.I 10.02.2017):

Once the hearing is over and all facts tabled, the officer presiding over the case will award a punishment of 7 days in segregation/cell with reduced food ration. On completion of the punishment, they join the rest of the prison population.

Though this is deemed enough punishment by the prison authorities, prisoners felt the period spent in solitude and reduced food rations was not punitive enough. Culprits gladly took the punishment only to repeat the offence once they re-joined the rest. R 211 (O.I 9.02.2017) noted:

Segregation of perpetrators and victims happens for a period of 3 to 7 days after which they are released to the rest of the prison population. Sometimes perpetrators can be transferred to other prisons. This segregation or transfer does not stop or address the violation as they continue after leaving cells or settling in the other prisons.

Findings also depict reluctance by prison authorities to act on reported cases, as asserted by 38% of the respondents. This reluctance, the study found, was based on the perception from the authority's part that prisoners "consented" to sodomy. With such a perception, it is not surprising that officers acted upon reported cases by merely sending perpetrators and victims to a 7-day segregation, unfortunately being what is provided for in the Prisons Act. However, much as they do it, they acknowledged that it was not enough punishment. This shows that the Prisons Act does not provide structures and mechanisms to handle such serious crimes, which may not have been there when it was written. This calls for review of the Act to capture such offences and provide structures and mechanisms that will allow recording, evidence collection, preservation and eventual investigation and prosecution of the cases as envisioned in the Sexual Offences Act, 2006.

These findings partly concur with California Coalition against Sexual assault, 2010, which observes that the major action employed by prison authority is protective segregation for parties to sexual assault. This action does not help the victim but propagates the effects further and detaches them from rehabilitation programs.

A majority of the officers also noted that victims and perpetrators undergo medical check-ups, are given post-exposure-prophylaxis (PEPs) and recommended for counselling. Perpetrators, on the other hand, are punished according to the prison regulations as observed by KI 5 (O.I 10.02.2017). He said:

We use Cap 90, (Prison Act) or any other laid down laws to charge the perpetrators and they are punished accordingly. We also offer post-exposure-prophylaxis to prevent new HIV infections as most of the perpetrators are HIV positive.

According to these findings, 96.6% of the actions adopted by the prison authority trivialize the offence as they are not punitive enough. Irrespective of the punishment, prisoners continue violating others upon release from segregation, leading to the vicious cycle of sexual assault experienced in the prison. The actions taken are also against the Sexual Offences Act, of 2006 and the Penal Code which categorize the crime as rape and unnatural offence respectively with clear and serious punitive measures commensurate to this sexual and gender-based violence. It requires prosecution before a Court of Law with severe punishment once one is found guilty. They should ensure that there is proper reporting, evidence collection and referral mechanisms to the National Police Officers for prosecution in a Law Courts.

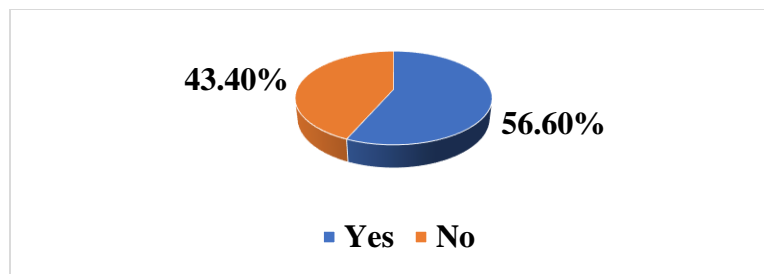
Interrogation of demographic information and variables above, that nevertheless did not form part of the study objectives, but were informative to the study, served as a basis for the presentation of the study objectives. As observed earlier, the study was guided by four objectives. These were to explore the prevalence of sexual assault, investigate the effectiveness of the Kenya Prisons Rehabilitation Program on sexual assault survivors and perpetrators, examine the challenges faced and coping mechanisms employed by survivors of sexual assault and identify and interrogate

mitigating factors and suggest gender responsive strategies for sexual assault in Kamiti Medium Prison.

4.5 Explore the Prevalence of Sexual Assault in Kamiti Medium Prison

The first objective sought to explore the prevalence of sexual assault in Kamiti Medium Prison. This variable was critical in ascertaining how deep-rooted the vice was in Kamiti Medium Prison. Findings on whether respondents had experienced sexual assault in prison indicate that 56.6% had while 43.4% had not as shown in Figure 4.

Figure 5 Rate at which respondents experienced sexual assault



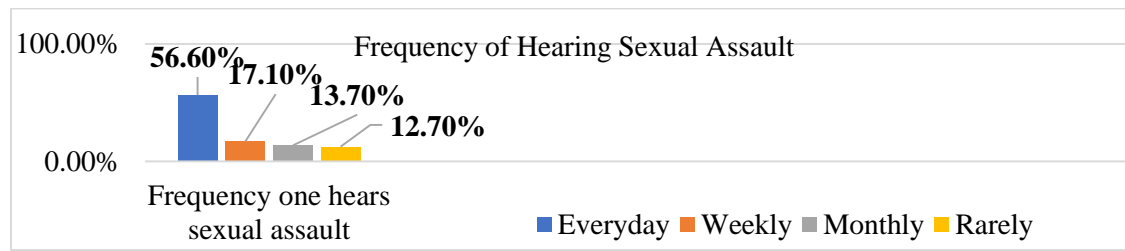
These findings suggest that sexual assault was rampant, as majority of the prisoners had exposure to it. This was corroborated by respondent R1 (O.I 8.02.2017) below:

This happens so many times (mostly on consent) to the extent that officers think it is normal and a way of life in prison. During my short stay in here, I have witnessed prisoners violate each other several times and this may increase with the prolonged stay.

Although the prisoner stated that violations were rampant but consensual, the study found the aspect of “consent” does not really apply. Instead, other factors compel prisoners to engage in it due to the harsh prison environment, culture of power and control by stronger prisoners over presumed weaker ones, limited basic needs, resources, and other challenges faced. Unlike masturbation that also occurs in prison, sodomy, whether consented or not, is illegal in Kenya and hence a sexual and gender-based violence that should be met with serious actions like in the general society.

The study also sought to unravel the frequency with which prisoners reported incidents of sexual assault. In the Kenyan context, sexual assault is illegal and perceived to be unnatural. Besides, perpetrators engage in it privately or when others are asleep/away. Whichever the time, findings indicate that 56.6% reported daily, 17.1% weekly, 13.7% monthly and 12.7% rarely. These findings imply that cases of sexual assault were rampant in Kamiti Medium Prison since incidents were perceived normal and hence widespread. All key informants agreed that the vice was rampant as incidents were generally common in the prison. Results are shown in Figure 5.

Figure 6 Frequency at which cases of sexual assault occurred



One of the key informants, KI 2 (O.I 10.02.2017), noted that cases of sexual violence were rampant, but prisoners feared to report as indicated in the sentiment:

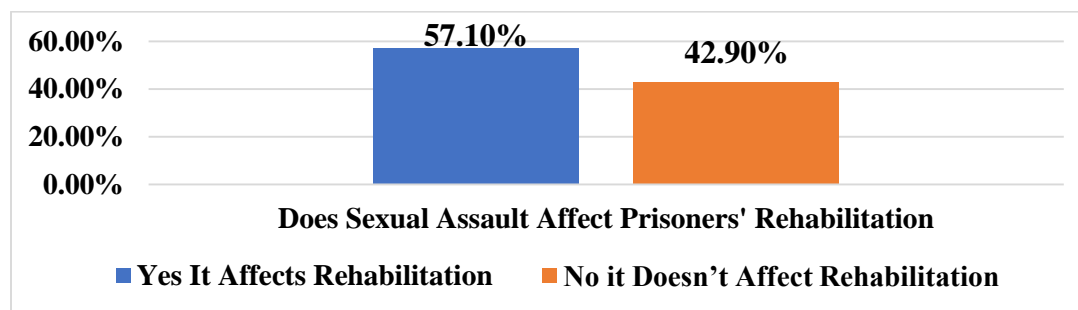
The reports made are very limited like three in a quarter, but the vice is so rampant in the prison. Prisoners do not report due to fear of victimization, bullying and shame.

Findings reveal a serious problem within the reporting mechanisms at Kamiti Medium Prison. It means that reporting structures were either not clear or centralized or because the fear of stigma that comes with this gender-based violence prevents them from reporting. It is also clear that sexual assault is rampant in Kamiti Medium Prison and the extent to which it has spread requires urgent and well-designed interventions by both the Kenya Prisons Service and interior and coordination of national government (ICNG) Ministry in charge to curb it.

Rehabilitation of offenders is a paramount role of not only Kamiti but all Kenyan prisons. It is aimed at restoring offenders back into law-abiding citizens who can coexist peacefully in the society. The study also sought to interrogate how sexual assault thwarts the rehabilitation process be it on perpetrators or victims. This is because the vice comes with deep seated emotional effects that impair the normal functioning of a person and hence a risk factor that can derail the smooth process of rehabilitation as seen in the lenses of risk-need-responsivity (RNR) model.

Findings indicate that 57.1% of the prisoners felt that sexual assault affected prisoners' rehabilitation while 42.9% did not Figure 6:

Figure 7 Does Sexual Assault Affect Prisoners' Rehabilitation



The above findings suggest that sexual assault affects the rehabilitation of offenders. This is because it is a risk factor that, if not, treated, can derail the smooth rehabilitation process of

involved prisoners. However, the difference between those who felt it affected and those who did not is very minimal. Since it is well documented that sexual assault, which is a form of SGBV, has negative impact on those involved, the minimal margin only implies that either, prisoners do not understand the harm caused by it or they have accepted it as a means of satisfying their pent-up sexual desires and repulsing against the society that led to their confinement. Considering that most prisoners had sexual commitments prior to incarceration, pent up sexual cravings may lead to sexual assaults of fellow men who, unfortunately, are their immediate acquaintances. The fact that sodomy is illegal in Kenya and considered detrimental to the African culture, prisoners disregard their religious, social and cultural beliefs to engage in it casually as a norm. This is because prison is not a place where law or cultural norms are a priority for those incarcerated and offenders view imprisonment as an ultimate punishment, as committing more crimes in prison does not attract any other dreadful penalty. This criminal behaviour and attitude among those engaging in sodomy presents a risk factor that compromises rehabilitation and hence requires special programmes to restore offenders from it. This concurs with the study theory, Hirschi (1969), who observed that a criminal can disregard the beliefs he has learnt entirely or rationalize his deviant behaviour to engage in crime, although he still believes it is wrong, to satisfy their needs. It also concurs with Andrews, Bonta, and Hoge, 1990 risk-need-responsivity model that suggest that the prisoners' risks can affect rehabilitation if not remedied.

In fact, all prison officers agreed that sexual assault negatively affected prisoners' rehabilitation and felt there was need for strategic interventions to remedy the situation. In this regard, KI6 (O.I 10.02.2017) observed that:

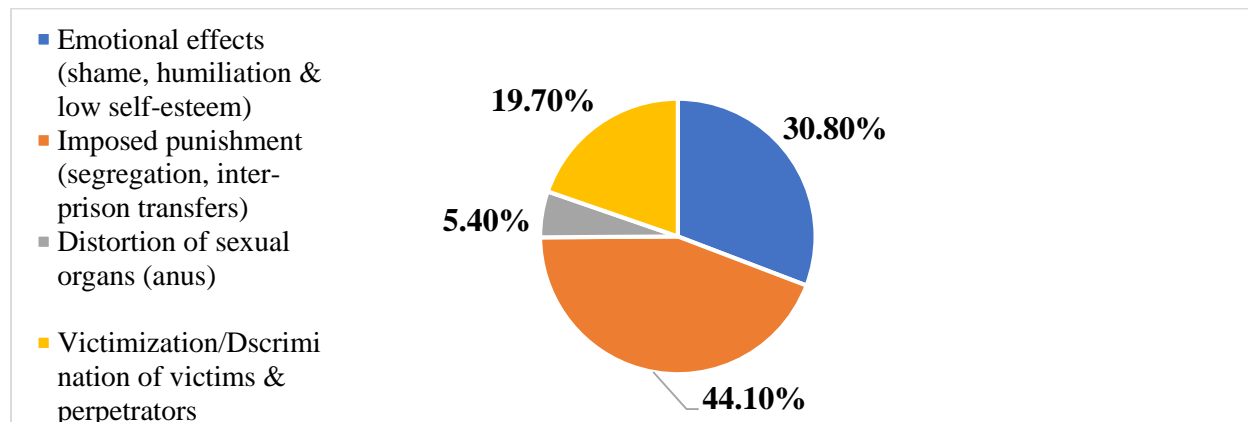
Prisoners who engage in this behavior mostly hide in the wards while others attend rehab Programmes so that they can engage in the sexual activities. They also feel ashamed and hence avoid fellow prisoners. This affects their rehabilitation

These findings confirm that sexual assault is a prisons experience that negatively affects prisoners' being a as well as their rehabilitation. R88 (O.I 9.02.2017) notes that:

Individual persons who have been violated are stressed and psychologically disturbed making their life in prison unbearable and hence cannot attend rehabilitation Programmes. As such, they fall victims of a vicious cycle where they continue engaging in the vice.

This concurs with Oruta, E et al, 2017 study results which indicated that there is a statistically significant effect of prison experience on recidivism and that prison experiences of inmates enhance the possibility of non-rehabilitation and eventual recidivism.

With the above observation, the study sought to interrogate how sexual assault affected prisoners' rehabilitation. Findings are presented in Figure 7.

Figure 8 Effects of Sexual Assault on Prisoners' Rehabilitation

The majority of prisoners and prison officers held the position that prisoners' rehabilitation was mostly affected by imposed punishment (segregation and transfer to other prisons) at 44.1%. 30.8% indicated emotional (shame, humiliation and low self-esteem) effects, while 19.7% attributed lack of rehabilitation to victimization and discrimination of prisoners involved in sexual assault rendering them estranged, aggressive and socially repulsive. 5.4% blamed it on distorted organs (anus) arising from sodomy.

Segregation of parties to sexual assault affects their participation in Programmes as time spent in seclusion prevents them from attending sessions. On the other hand, transfer to other prisons prevents them from completing commenced sessions, as there is no guarantee of continuing the same program in the next prison. R211 (O.I 9.02.2017) observed that:

While in segregation, prisoners cannot participate in rehabilitation Programmes as they are confined with no access to anything. When transferred to other prisons, there is no assurance of continuing with the program one engaged in before transfer and end of engagement in sodomy.

Distorted anus leading to uncontrolled passing of excreta, emotional effects, victimization and discrimination of victims and perpetrators prevents them from attending Programmes, besides other complications, some of which could be hidden. This is because they are not able to mingle and interact with the rest freely as KI4 (O.I 10.02.2017) noted:

Other prisoners shun those who engage in sexual assault by mocking and sending them away from training sessions. This shunning affects them emotionally and hence they cannot participate in Programmes.

This concurs with Pinkerton, et al (2007) study findings that a prisoner who has been sexually assaulted becomes a 'punk' and is likely to be targeted for repeated assaults, both by the initial perpetrator(s) and others. In some instances, the victim will be forced to serve as a 'sex slave' to men throughout the prison or to a specific prison subpopulation such as a prison gang. Once a prisoner has been turned out, it is very difficult for him to regain his status 'as a man. This affects the involved prisoners as they tend to be estranged preventing them from participation in programs.

Findings from medical officers also indicate that sexual assault has health effects on both victims and perpetrators as they sometimes contract sexually transmitted diseases such as HIV/AIDS. These diseases attract a lot of stigma and stress, which in turn affects patients' normal functioning. Considering that they contract these ailments through sexual contact with fellow men, the stigma and stress that comes with it is huge such that it prevents them from undergoing rehab Programmes.

Those who contract diseases become very sick due to poor conditions of prison, an additional factor that militates against participation in rehab Programmes. KI6 (O.I 10.02.2017) noted that:

Most of the prisoners who engage in sexual activities contract HIV. This affects them physically and emotionally preventing them from interacting with fellow prisoners or even engaging in any progressive training.

In conclusion, it is clear that sexual assault has serious negative effects on male prisoners' rehabilitation. First it involves sexual contact with fellow men which is perceived to be a taboo in African culture. Sexual assault leads to serious emotional trauma for both men and women. However, unlike women who easily speak about the violation and are able to get assistance, men are not able to share their ordeals as this compromises their ego and gender beside their normal functioning, something that prevents or slows their healing process.

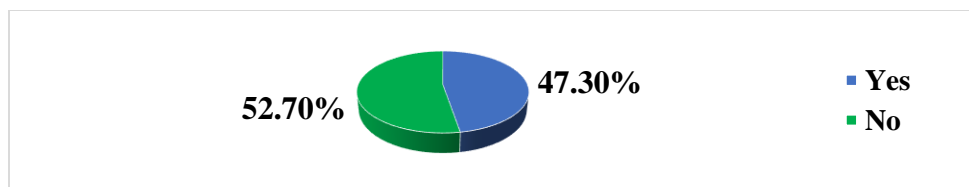
These prisoners suffer double stigma, first, engagement in sexual activities with fellow men, which prevents them from attending Programmes. Secondly, involved prisoners suffer punishments that also contribute to their lack of participation in rehab Programmes. This calls for professional and need-based Programmes that would respond to the needs of male victims and perpetrators of sexual assault. Such Programmes should address the serious emotional effects prisoners suffer and enable them to cope and live normal lives, all perceived as critical requirements for meaningful and effective rehabilitation.

These findings partly concur with those of Hammet, et al (1999) and McGuire (2005) on sexual assault. These observed that sexual assault is a cause for disproportionately high rates of infectious diseases in prison. Although they did not demonstrate how these affected prisoners' rehabilitation, it is obvious from the current study that there is a strong relationship between the two.

4.6 Investigate the effectiveness of the Kenya Prisons Rehabilitation Program on sexual assault survivors and perpetrators in Kamiti Medium Prison

The second objective sought to investigate the effectiveness of the Kenya Prisons rehabilitation program on sexual assault survivors and perpetrators. Findings indicate that 43.3% of the prisoners felt the Programmes were effective and efficient while 52.7% felt they were not (Figure 8).

Figure 9 Effectiveness of Kenya Prisons Rehabilitation Programme



From the findings above, it is clear that a majority of the prisoners viewed the KPRP as incapable of rehabilitating offenders. In elaborating their opinions, a majority indicated that there was no guarantee that prisoners would attend the same programme to completion as mentioned by R195 (O.I 9.02.2017).

First, the Programmes are more of providing labour for prison industries rather than rehabilitating offenders. Allocation to Programmes depends on what is available and not offenders' criminogenic needs. Prisoners also do not consistently attend Programmes as officers can reallocate them to different ones depending on prison needs.

This lack of consistency in attending Programmes makes the KPRP ineffective. For programs to be effective, offenders must be consistent in attendance and complete the course. Inconsistency also prevents prisoners from gaining interest and commitment in learning, as there is no surety of completing the course as per the lenses of the risk-need-responsivity (RNR) model (Andrews, Bonta, and Hoge, 1990). Findings from officers confirmed that the Programmes are allocated inadequate resources. As such they cannot accommodate all prisoners leaving most of them idle, thus predisposing them to engagement in sexual assault, or attached to sessions that do not contribute to their rehabilitation. In this regard, R201 (O.I 9.02.2017) noted that:

The few available Programmes are not enough to enroll all the offenders and hence others are left idle or doing simple jobs like cleaning the wards.

Prisoners also felt that the Programmes were not sufficient, as they were not tailor-made to rehabilitate offenders based on their needs not to mention those affected by sexual assault that occurs in prison. They also felt that the prison did not second them to Programmes based on their training needs but on what was available. R180 (O.I 9.02.2017) observes that:

Programmes are not enough to accommodate all offenders and hence, prisoners are engaged based on availability of space. The programmes do not respond to the effects that come with sexual violation and this affects those involved.

The placement of offenders in Programmes based on availability and space defeats the essence of KPRP in rehabilitating offenders. This is because, for Programmes to have effect on prisoners' different criminogenic needs, they have to be need-based. These findings partly concur with the study theories (Hirschi, 1969, and Andrews, Bonta, and Hoge, 1990) on the need to involve individuals in meaningful Programmes. Unfortunately, unlike Andrews, Bonta, and Hoge, Hirschi did not stress on need-responsiveness of Programmes for rehabilitation to take place.

These findings also concur with Grace. A., (2017) study results that revealed correctional programming was not effective in addressing dynamic criminogenic factors of recidivist offenders. The role of Kenya prisons in rehabilitating inmates is therefore in doubt. Most of the programme participants were of the view that rehabilitation programming was not targeted to address specific problems that made them to relapse into criminal activity. Findings from the prison officers indicated that Programmes were effective stating that they were educative and offered willing prisoners the chance to earn life-skills on trades they could use upon reintegration back to the society as observed by KI 6 (O.I 10.02.2017).

For those who are willing and focused in making amends to their life, they will participate in the trainings and be rehabilitated.

This study also established that the programmes are not compulsory and hence defeats the purpose for which prisoners are imprisoned, that is, to rehabilitate them into law-abiding citizens. It also pokes holes into the effectiveness of the program as it is supposed to be compulsory by ensuring that all those enrolled adhere. For effectiveness, they should be consistent to completion for any rehabilitation to take place.

Prison officers also felt that KPRP are educative. They observed that under the rehabilitation programmes, prisoners undertook various crafts (counselling, farming, carpentry, masonry, metalwork and tailoring) besides formal education. KII (O.I 10.02.2017) indicates that:

The training preoccupies the prisoners reducing the stress brought by imprisonment. They also get skills and knowledge in farming, carpentry, masonry, tailoring and counselling that is meant to help them earn a living after imprisonment.

This observation implies that, to the eyes of the prison officers, effectiveness is gauged by Programmes generally imparting job-related skills and providing labour for the prison. These Programmes also seem to be “time management exercises” as they are not driven by attitude change but rather by how to exhaust prisoners physically. By not addressing offenders’ underlying criminogenic needs, the very process of rehabilitation is compromised. The said programmes are also limiting especially for offenders who have attained higher education, as the skills gained are Irrelevant. This calls for diversification and restructuring of programmes to address the effects of sexual assault, risks, needs and responsiveness of offenders as well as impart marketable skills that will earn them a living upon release and reintegration back into the society.

Prison officers were quick to note that prisoners interested in continuing with their education had the chance to do so. However, realizing and accepting the programme’s limitation, they were quick to point out that these programmes only worked for prisoners who were serious and focused, that is, those keen in turning a new leaf in their lives. These sentiments, the study noted, are worrying as the programmes should be able to meet the needs of all offenders regardless of their different risks, needs, responsivity and other underlying characteristics. Unfortunately, as it is, they do not.

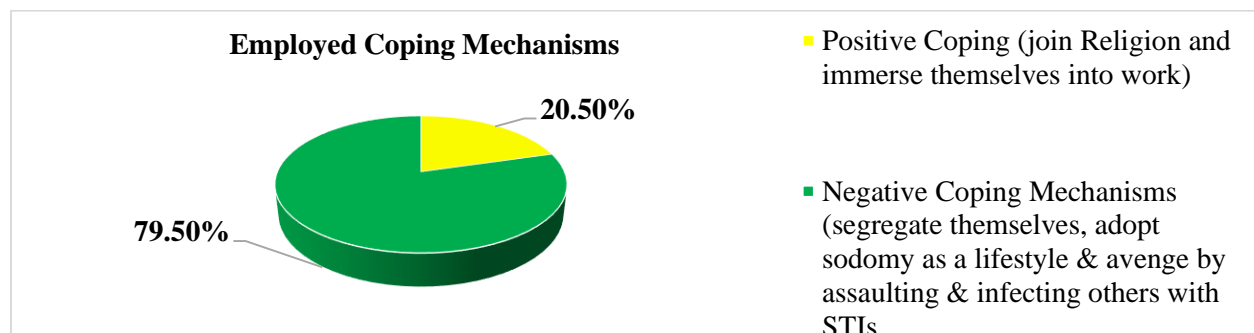
In conclusion, it is clear that the Kenya Prisons Rehabilitation Programmes are not effective and efficient in rehabilitating offenders as they are structured as time management initiatives whose purpose is to exhaust prisoners rather than change their attitude towards crime. Among the various shortfalls, the study found that they are not compulsory, need-based and diversified. The Programmes only seem to offer free labour to prison industries as a way of generating revenue and a bit of life skills to a few prisoners who happen to complete the sessions. The program is therefore does not address sexual assault, a risk a factor that seem to affect rehabilitation process of prisoners involved in the sexual and gender-based violence.

4.7 Examine the challenges faced and coping mechanisms employed by survivors of sexual assault in Kamiti Medium Prison

This study also sought to examine the challenges faced and coping mechanisms employed by survivors of sexual assault which was the third objective. This was to find out if there are any Kenya Prisons Service (KPS) initiated structures that support survivors or not and if there is need for improvement. Findings indicate that 79.5% of the prisoners adopted negative coping

mechanisms which ranged from segregating themselves, adopting sodomy as a lifestyle, and infecting others with STIs to avenge. Only 20.5% adopted positive coping mechanisms such as joining a religion and immersing themselves into productive work. These findings are presented in Figure 9.

Figure 10 Coping Mechanisms Employed by Sexually Assaulted Prisoners



The study noted that there are no socially acceptable coping mechanisms in the prison for sexually assaulted male prisoners. This is because they acquire deep-seated trauma that goes untreated, thereby propelling them into deviant lifestyles. This prevents their rehabilitation into better citizens who would be ready for reintegration. R109 (O.I 9.02.2017) observed that:

Victimization, lack of counselling and hopelessness in life create a desire for revenge among victims who instead worsen their situation by sexually assaulting others. It becomes a vicious cycle that affects their rehabilitation.

Prison officers felt that prisoners employed negative coping mechanisms, which affected their rehabilitation. However, they noted that survivors accessed counselling services (though not professional) to help them cope with the ordeal and avoid violators or subsequent violations. The prison officers also segregated victims from perpetrators by either transferring them to another ward or prison to stop or prevent continued violations as a way of helping them cope with the ordeal.

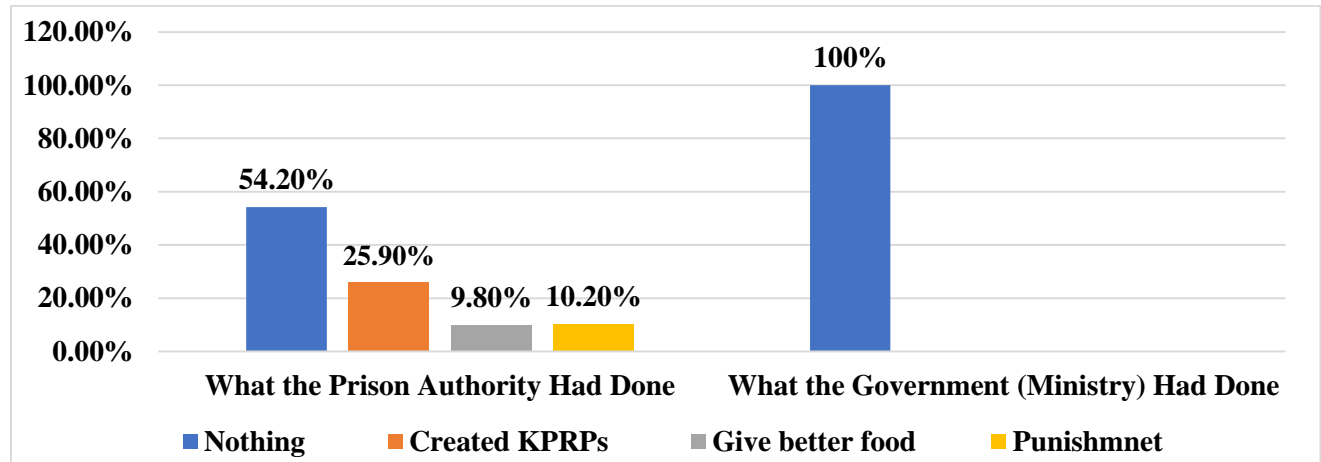
This study indicates that there are no gender sensitive and socially acceptable coping mechanisms. The available Programmes are not efficient and hence cannot effectively deal with the deep-rooted trauma that comes with male sexual violation. They are also punitive rather than remedial considering that survivors need caring and professional support in order to heal as proposed by risk-need-responsivity model (Andrews, et al, 1990).

4.8 Identify and interrogate mitigating factors and suggest gender responsive strategies for sexual assault in Kamiti Medium Prison

The fourth objective sought to identify and interrogate mitigating factors and suggest gender responsive strategies for sexual assault. This is because it has grievous effects on male prisoners' rehabilitation and hence the need for pragmatic and lasting interventions. First, the study interrogated what the government (ICNG Ministry) and prison authorities have done to address the problem. Results indicate that 54.2% of the prisoners felt that Kenya prisons had done nothing, 25.9% said it had provided KPRP, 10.2% said they use punishment, while 9.8% acknowledged

that better food was offered. All felt that the government had done nothing at all to remedy the problems prisoners encountered in matters of sexual assault. The findings are presented in Figure 10.

Figure 11 Efforts by Kenya Prisons & Government to Address Sexual Assault



This shows that both the Kenya Prison and the ICNG Ministry have not put enough effort to address the vice as majority of the respondents felt nothing had been done to assist victims and perpetrators out of the vicious cycle of sexual assault. It also paints a picture of complacency by the prison authorities who seem to have ignored the sexual and gender-based violence that is to some extent derailing the core business of prisons which is to rehabilitate offenders. R62 (O.I 8.02.2017) reckoned that:

The authorities do not bother acting on the cases as they say it is a normal occurrence in the prison

The available strategies as shown by the study are provision of food and awarding punishment (segregation), are not enough because, one, they trivialize the vice and its effects on prisoners' rehabilitation by not reporting the cases to the police for them to be prosecuted in a Court of Law. Two, they have not put programs to address the deep-seated needs of perpetrators and victims of sexual assault presenting a risk factor that only serves to derail the rehabilitation of involved prisoners if not dealt with.

Prison officers also felt that the government has done nothing to address sexual assault but were quick to note that Kamiti Medium Prison had adopted punishment, especially for perpetrators. However, most of them agreed that these efforts were insufficient as the punishment imposed, a 7-day segregation was not sufficient. Use of prison set punishment and segregation to address sexual assault is outright neglect of the needs of survivors and perpetrators of sexual assault. These only worsen rather than treat them and hence becomes a risk factor among involved prisoners that hamper their rehabilitation process.

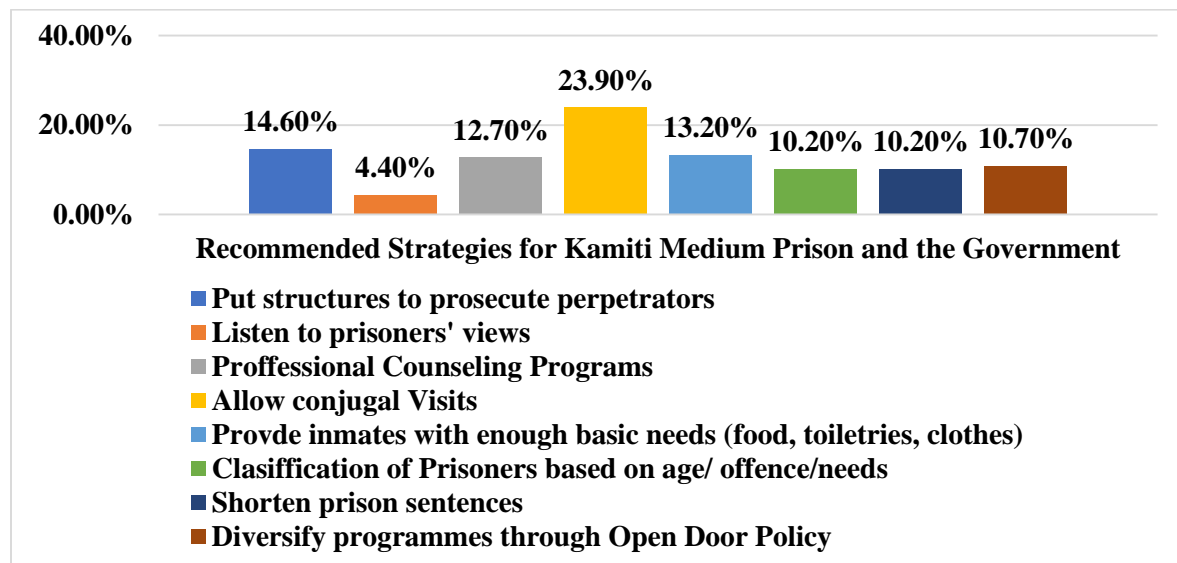
Prison officers also observed that Kamiti Prison offered first aid counselling sessions for victims. Unfortunately, those offering the services are not professionals hence not efficient. KI6 (O.I 10.02.2017) observed that:

There is need to diversify and enhance Programmes and especially the counselling of prisoners. This will prevent violations as well as enhance their healing.

Findings imply that there are no effective and specialized coping strategies for victims and perpetrators of sexual assault in Kamiti Medium Prison. The available ones are socially unacceptable, insufficient and do not address but rather worsens the effects becoming a risk factor that prevents involved prisoners' rehabilitation. This calls for introduction of socially acceptable and professional strategies that can deal with the unique effects that come with male sexual assault to promote healing and eventual rehabilitation of both perpetrators and survivors.

Secondly, the study suggested strategic recommendations to help Kenya Prisons with the support of the ICNG ministry to address the menace of sexual assault in not only Kamiti but all Kenyan Prisons. This is because sexual assault contributes to the lack of rehabilitation among male prisoners due to its effects on those involved. This may eventually translate into the rise in recidivism experienced in the country. Recommendations by the respondents are presented in Figure 11.

Figure 12 Recommended strategies to the Government and Kamiti medium prison



Findings indicate that 23.9% of the prisoners recommended introduction of conjugal visits from their partners as this would help in curbing the deviant ways employed by prisoners to fulfil their sexual desires. In this regard, R129 (O.I 10.02.2017) recommended that:

Prisoners serving long prison terms should access special visiting to be intimate with their spouses

Introduction of conjugal visits may help in addressing the problem partly, especially for prisoners who have sexual partners back at home as it can motivate good behaviour and rehabilitation among prisoners if only well-behaved prisoners are allowed to enjoy it. Such a recommendation requires enhanced structures and security measures to accommodate the change as the current prison

facilities cannot. Secondly, 13.2% of the prisoners recommended increased provision of not just basic needs but also sufficient, since a majority of them were lured into sexual relations through food and other basic needs. R153 (O.I 9.02.2017) stated that:

Lack of enough food and clothes often lead to a dire need among prisoners which triggers sexual assault. If they can be provided with enough food, soap, toilet paper and clothes, the problem would be minimized.

This is a critical component in addressing the issue, as prisoners require sufficient basic needs to survive the harsh prison conditions. Lack of basic needs worsen and make prison life unbearable. It also predisposes prisoners to violations explaining why it has been easy to lure them into this illegal and uncultured sexual engagement. However, provision of basic needs is critical, it is not enough as prisoner's engagement in sexual assault is more of a criminal mentality and a gender dynamic of power and control rather than lack of basic needs.

To address this problem, 12.7% suggested the introduction of professional counselling Programmes. This recommendation is good and vital, as it will respond to the emotional effects that arise from the ordeal and which untreated, becomes a risk factor that derails rehabilitation. Considering that Kenyan men are socially perceived to be sexual conquerors, male prisoners who suffer it, in the hands of fellow men, experience serious and deep-seated psychological and emotional effects. This is because men, unlike women, are not able to freely speak about their ordeals and seek assistance when sexually assaulted to protect their ego. This lack of disclosure leads to prolonged or no healing at all which consequently affects their rehabilitation.

Another 10.7% of the prisoners also called for enhanced Open-Door Policy to allow donors and other stakeholders come in and complement Kenya prisons efforts in rehabilitating offenders. KPS initiated reforms in 2001 with the pronouncement of an Open-Door Policy (responsive engagement with stakeholders) that was to usher in a fundamental shift in policy directions with a focus on systems, structural, programmatic and human resource development. This was aimed at adopting best practices which promote human rights-based approaches, good governance and democracy in prison management. The policy has led to significant development in programme areas like emergence of remote parenting and prison open days as rehabilitation concepts.

Although the Policy has led to organizations like Legal Resources Foundation Trust come in and empower prisoners on self-representation in court, Kenya Prisons has not maximized and strategically leveraged on it or others to enhance the rehabilitation of offenders. The study found that enhancing that would allow more partners into prison to complement what the prison authorities are doing not only in addressing effects of sexual assault but also general rehabilitation needs of male offenders.

Other prisoners (10.2%) recommended enhanced classification and categorization of prisoners. R109 (O.I 9.02.2017) suggested that:

Categorization of prisoners based on offences they committed would be good as confining petty and first-time offenders with hardcore only exposes them to things they did not know before imprisonment.

The recommendation is paramount, as it would help towards identifying and matching offenders' treatment needs with relevant Programmes and level of security supervision. However, this study

found that classification could only be achieved through employing or training available officers into skilled correctional counsellors who can profile prisoners based on their needs, risks and responsivity as per the risk-need responsivity model. Professional classification would prevent the vicious cycle of violation of victims of sexual assault as well as give them a conducive environment to heal and offer each other moral support. It will also prevent predation of young and first-time offenders by prisoners who have been in prison longer and want to establish dominance a gender dimension within the prison hierarchy.

Finally, another 10.2% recommended reduction of sentences awarded to prisoners to shorten the time spent in prison as proposed by R100 (O.I 8.02.2017).

The government should come up with lesser sentences to allow offenders rehabilitate and leave prison early by restoring their hope of returning home hence prevent sexual violations.

Reduction of sentences could be realized through periodic sentence reviews as envisioned in Article 133, of the Kenyan Constitution on the Power of Mercy. The Power of Mercy is a prerogative power conferred upon the President by the Constitution and it entails granting pardon to reformed convicted criminal offenders deserving early release from prison. The law states that on the petition of any person, the President may exercise a power of mercy in accordance with the advice of the Power of Mercy Advisory Committee (POMAC) by granting a free or conditional pardon to a person convicted of an offence; postponing the carrying out of a punishment, either for a specified or indefinite period; substituting a less severe form of punishment; or remitting all or part of a punishment. The Advisory Committee may consider the views of the victims of the offence in respect of which it is considering making recommendations to the President (Article 133, Constitution of Kenya).

All interviewed prison officers agreed with prisoners on diversification of programmes, introduction of conjugal visits, classification of offenders, provision of professional counselling services, review of prison sentences and enhancing the Open-Door Policy. In addition, they recommended sensitization of prisoners on dangers of same sex, as most of them did not seem to understand its effects on their health, leave alone rehabilitation. KI6 (O. I10.02.2017) proposed that:

The government needs to diversify Programmes as well as organize seminars and counselling for prisoners to help them understand the effects of sexual assault and entice them to learn valuable and relevant skills that will benefit them after prison.

The intervention is critical specifically to cushion first time and newly admitted prisoners, as they are prone to induction into the vogue of the institution. It would also serve to inform this category of offenders on the illegal practice as well as provide information on how to report and avoid violations.

Prison officers also recommended training for prison officers as professional counsellors. This would equip them with the skills needed to manage and rehabilitate offenders. The study considered this as an important recommendation as the purpose of prisons is to rehabilitate offenders and counselling is vital in that process.

Another recommendation from prison officers is on enhancement of reporting structures that would ensure that perpetrators of sexual assault are dealt with as envisioned in the Sexual Offences Act, 2006. In this view, the study notes, this is a critical recommendation as sexual assault (sodomy in this case) is a serious crime that needs to be dealt with in a court of law.

The study therefore concludes that sexual assault is a crime and a gender dimension that has no negotiation as prisoners view sex as a commodity that they can steal from fellow prisoners to establish dominance (power and control) within the prison hierarchy. This negatively impacts involved prisoners and develops into a risk factor that ends up derailing the process of rehabilitation if not dealt with.

5.0 SUMMARY, CONCLUSION & RECOMMENDATION

5.1 Summary of the Findings

The first objective sought to explore the prevalence of sexual assault in Kamiti Medium Prison. The study shows sexual assault in prisons is a rampant sexual and gender-based violence stemming from the desire to gain control and power by certain prisoners over others and hence a gender concern. This is because prisoners, who have stayed longer in prisons and are presumed to be stronger than others, sexually assault the “weak ones” to establish dominance within the prison hierarchy by gaining power and control over others.

The findings also indicated that the most common form of sexual assault in Kamiti Medium Prison is sodomy and the effects that come with it prevents the smooth rehabilitation of prisoners involved. This is attributed the untreated emotional issues and imposed punishment (segregation, inter-prison transfers) only hardens them into high-risk offenders preventing their smooth rehabilitation. Involved prisoners are victimized and discriminated against by fellow prisoners for engaging in the taboo and this prevents them from engaging in programs meant to rehabilitate them. The lack of risk-need-responsivity programs only serve to strengthen this vice and derail the core purpose of imprisonment which is to rehabilitate prisoners.

It is clear from the findings that, although prisoners and prison officers observed that sodomy was sometimes consented to, it is still illegal as enshrined in the Kenyan Laws. Prisoners also have a strong confining criminal mentality that makes them adopt sexual assault as a necessary evil in prison life to gain control and power over others, satisfy their sexual needs as well as repulse against the society that put them in prison. This depicts prison as places where religious social, moral and cultural norms are not a priority for offenders, a mentality left untreated, compromising the rehabilitation of offenders. The untreated effects of sexual assault also serve to strengthen the criminal mentality that derails rehabilitation process.

These findings partially confirm Hirschi’s theory that criminals disregard taught norms by rationalizing deviant behaviour to engage in criminal activity even though they believe it is wrong, to satisfy their needs. These findings are also in line with McGuire (2005) who concludes that effects of sexual assault and especially on young and first-time offenders, might seriously undermine the extent to which prison can have a reforming impact on them.

The Second objective of the study was to document effectiveness of Kenya Prisons Rehabilitation Programmes on prisoners in Kamiti Medium Prison. Findings indicate that the programmes are ineffective and insufficient to rehabilitate not just offenders engaging in sexual assault but all the

others. This is because they do not factor in the risks, needs and responsivity of prisoners. They are also inadequately resourced to accommodate all prisoners, and not consistent as there is no guarantee of completion for those enrolled.

The findings also suggest that the KPRP are more of provision of labour to the KPS and imparting life-skills to a few willing prisoners as they are under-resourced and not compulsory. The programmes cannot also deal with the effects of sexual assault, treat the criminal behaviour and attitude that led offenders into crime, thus departing the core purpose of sending offenders to prison, which is to be rehabilitated them into law-abiding citizens ready for reintegration back into the society. Therefore, KPS needs to come up with a risk-need-responsivity rehabilitation curriculum that will address the different criminogenic needs of offenders and the risk factors predisposing prisoners into sexual assault. The program should also break the criminal mentality and the gender dimension of power and control among inmates as well as impart negotiation skills that would be the foundation for sustainable rehabilitation.

The study also found that the available programs are ineffective due to poor placement of prisoners. Findings indicate that placements were not done based on individual risk levels and needs but rather arbitrarily with no assessment resulting to habitual offenders missing out on programming. These findings concur with Grace. A., (2017), whose findings also showed that placement was not based on individual risk levels but arbitrarily done with no assessment resulting to habitual offenders missing out on programming.

These findings wholly agree with the risk-need-responsivity model and partly with Hirschi's 1969 social control theory, who proposes that an individual involved heavily in conventional activity simply does not have time to engage in deviant behaviour. Unfortunately, the theory did not stress that the Programmes should factor in the needs, risks and responsivity of offenders for rehabilitation to take place.

The third objective was to examine the challenges faced and coping mechanisms applied by survivors of sexual assault in Kamiti Medium Prison. Findings indicate that Kenya prisons has taken up the mandate of punishing sodomy an offence under the Penal Code and Sexual Offences Act instead of reporting the case to the police to allow prosecution in a court of law. This to some extent encourages prisoners to sexually assault others as the punishment awarded as per the Prisons Act is lenient and against the laws governing such an offence.

Findings also show that there are no mechanisms in place to deal with sexual assault and its effects. Prisoners employ negative coping mechanisms like segregating themselves, adopting sodomy as a lifestyle and avenging by sexually assaulting and infecting fellow prisoners with sexually transmitted diseases. Negative coping mechanisms were attributed to desire for revenge among prisoners, corrupt prison system, untreated emotional trauma and inadequate basic needs.

Findings suggest that KPS has trivialized sodomy, a form of SGBV, by not putting in place structures to curb it and mitigate its effects on prisoners' well-being and rehabilitation. There is also high prevalence of sexual assault in Kamiti Medium Prison due to untreated emotional effects and lack of prosecution of perpetrators under the Penal Code and the Sexual Offences Act, 2006. The lack of streamlined reporting structures and specialized rehabilitation programmes for this category of offenders is a serious gender concern that demands for speedy, pragmatic and lasting solutions to ensure that KPS realizes its core business of rehabilitating offenders. The findings also

show that prisoners engaged in the vice as a repulsion against the society which sent them to prison. This repulsion breaks the social bond they had with the society something that makes them easily engage in sexual assault despite the fact that the society and the laws are against it.

These findings confirm Hirschi's theory that people engage in criminal activities when their bond to society has weakened and there is lack of social connections that would normally prohibit crime. This also concurs with Grace. A., (2017) findings that effective correctional interventions are lacking as a result of inadequate contact with outside world among other things.

The fourth and final objective aimed at assessing mitigating factors and suggesting gender responsive strategies for sexual assault Kamiti Medium Prison. Findings indicate that the ICNG Ministry has done nothing to support KPS in addressing the problem. On the other hand, KPS has done very little to mitigate the vice by creating KPRPs, providing good food, offering unprofessional counselling services to survivors of sexual assault and using punishment to deter perpetrators.

The findings suggest that, although KPS is aware of sexual assault in prison, they have casually dealt with it by punishing the offenders against the laws of Kenya. KPS has also done very little to address the problem, as the available remedies that include segregation, transfer, reduced food rations and unprofessional counselling by officers are insufficient and ineffective. These findings also show that KPS has not appreciated the effects of sexual assault as a risk on prisoners' well-being and rehabilitation and hence the lack of serious and lasting interventions to address it.

This agrees with Beck (2000) who notes that, although the problem of prisoner-on-prisoner sexual assault is known, the body of evidence has failed to be translated into effective intervention strategies for treating prisoner victims and ensuring improved correctional practices and management.

5.2 Conclusion

This study concludes that through introduction of the KPRP, KPS has tried to enhance its main role of rehabilitating offenders. However, prisoners are not rehabilitated leading to an increase in recidivism due to inefficiency of the KPRP in providing risk-need-responsivity programmes capable of impacting all prisoners and break their criminal mentality.

The inefficiencies of the KPRP have created space for sexual assault, a gender manifestation of power and control and a risk to prisoners' rehabilitation to thrive in the facility. The effects of sexual assault extensively strengthen the criminal mentality in offenders thereby affecting their rehabilitation. The untreated effects of sexual assaults and punishment awarded at the prison level prevents prisoners from participating in the available rehab programmes. therefore, just the way grooming is part of sexual assault, de-grooming should be part of the treatment to restore prisoners and promote their rehabilitation.

Although Kamiti Medium Prison has some form of disciplinary mechanisms, it lacks proper, effective and mainstreamed rapid reporting and response/coping structures to deal with sexual assault and its effects. This lack of coping mechanisms leaves prisoners with no recourse but to accepting the vice as unavoidable during prison life a fact that adversely affects their rehabilitation. They have also adopted socially unacceptable coping mechanisms to deal with the ordeal, due to

lack of structures in prison, which have adverse effects on their rehabilitation. All these compounded prevent prisoners from rehabilitating into law-abiding citizens fit for reintegration.

5.3 Recommendations and Contributions of the Study

To address prison sexual assault and its effect on prisoners' rehabilitation, the study recommends that:

- a) KPS should declare sodomy among prisoners as a serious gender concern and a risk to prisons' core mandate of rehabilitating offenders that requires speedy and lasting concerted multi-sectorial interventions.
- b) KPS and the Ministry of Interior and Coordination of National Government (ICNG) should diversify KPRPs by introducing or developing a curriculum that would impart negotiation skills, break the criminal mentality that confines offenders in crime and speak to the risks, needs and responsivity of prisoners involved in prisoner-on-prisoner sexual assault as well as the other categories.
- c) KPS through policy arms like National Council on the Administration of Justice (NCAJ) and National Committee on Criminal Justice Reforms (NCCJR) should review and enhance prison laws by elaborately defining response, reporting, recording, preservation of evidence and referral mechanisms to National Police Service for investigation and eventual prosecution of sexual assault.
- d) KPS should also leverage on Open Door Policy by inviting more relevant stakeholders like National Authority for the Campaign against Alcohol and Drug Abuse (NACADA) and Kenya Association of Professional Counselors (KAPC), to help in diversification of KPRP. Through open door policy, KPS should also professionally train prison officers as sexual and gender-based violence officers to equip them with skills, they require in handling survivors and perpetrators of the vice. This can be done in collaboration with other organizations and institutions like Legal Resources Foundation, FIDA-Kenya and Kenyatta University

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