



*The Cradle of Knowledge: African Journal of  
Educational and Social Science Research  
AJESSR - ISSN 2304-2885-p, 2617-7315-e  
Volume 12, Issue 2, 2024  
P.O. Box 555 (00202) Nairobi, Kenya  
editor@serek.or.ke*

**SOCIETY OF  
EDUCATIONAL  
RESEARCH  
AND  
EVALUATION  
IN KENYA**

## **Pains of Imprisonment: Narratives of Women Imprisoned for Murder in Uganda**

*Kiconco Milliam*

*Department of Sociology, Anthropology and Population Studies,  
Kyambogo University  
P.O Box 1, Kampala, Uganda  
Email: [mkiconco@kyu.ac.ug](mailto:mkiconco@kyu.ac.ug)*

### **Abstract**

*Although there is considerable research on the pains experienced by female prisoners, little if any is known about the pains experienced by women imprisoned for murder in Uganda. To fill the identified gap, I conducted a phenomenological study with 30 women convicted of murder in Uganda. This paper provides insight into the pains that women experienced inside the prison. Data were collected using face-to-face in-depth interviews and analyzed using NVivo 12 software. This involved transferring interview notes to the software to create a coding structure and specific categories where themes that form the discussion of this paper were generated. Women reported the following pains of imprisonment: loneliness and separation from children, the agony of death sentence, tribulations of old age, delayed / no response from the Court of Appeal and Supreme Court and, pains of re-entry. Recommendations for policy formulation and practice are discussed.*

**Keywords:** *Murder; Pains of Imprisonment; Uganda; Women*

### **1. Introduction**

The concept of, “pains of imprisonment,” emanates from the qualitative study by Sykes (1958) in a New Jersey maximum security prison. Sykes’ study investigated the pains that modern imprisonment inflicts on prisoners and how prisoners responded to the pain. According to Sykes, much as modern imprisonment has removed physical mistreatment, the resultant psychological pains do not differ from the physical pains that historical corporal punishment inflicted on prisoners (Sykes, 1958, p. 64). In effect, Sykes identified five pains of modern imprisonment which he called ‘deprivations. ‘These included; deprivation of liberty, deprivation of goods and services, deprivation of heterosexual relationships, deprivation of autonomy and deprivation of security. To Sykes, the psychological pains of imprisonment were as harmful as physical mistreatment yet; they were intentionally inflicted upon the prisoners by the society that punished them (Sykes, 1958. 64).

Scholars took it upon themselves after Sykes to expound on the concept of the pains of imprisonment. Notably is Goffman (1961) who complemented the work of Sykes. According to Goffman, penal institutions impose their desirable prison identity by stripping individuals of their former identities and contributing to psychological pains. Goffman identified practices such as strict security, surveillance and the intimidating relationship between prisoners and prison staff as some of the factors that contribute to the pains of imprisonment (Goffman, 1961, p.23). Additionally, is the research that has advanced the gendered nature of the pains of imprisonment (Collica, 2010; Crewe, Hulley & Wright, 2017; Foster, 2012; Walker & Worrall, 2000). It has been argued that much as all prisoners experience the pains of imprisonment, the vulnerability of female prisoners to the pains is more than that of male prisoners and, in unique ways; women suffer more than men (Collica, 2010).

One of the most important issues affecting imprisoned women is the pain of separating from their children (Koban, 1983). Studies have found that most imprisoned women are mothers (Chen, 2009) and they find it hard to cope with the separation from their children (Koban, 1983). In addition, compared to male prisoners, female prisoners found it



difficult to keep in contact with their children and reported few children's visits, which moreover kept declining over time (Tuerk & Loper, 2006). Female prisoners expressed signs of depression and guilt for being unable to take care of their children (Bloom & Chesney-Lind, 2000). A study by Crewe et al., (2017) found that male prisoners suffer more from deprivations related to heterosexual relationships whereas female prisoners suffer more from lack of contact with children. Crewe and colleagues' study further indicated that women's scores in all items related to the pains of imprisonment were higher than those of men. In this case, women scored highly in aspects such as anger, mental well-being and connections with the outside world (Crewe et al., 2017). Women's vulnerability to the pains of imprisonment is partly attributed to their history before imprisonment, which is shown to be characterized by abuse and victimisation, depression, mental illness and addictions (Bloom, Owen & Covington, 2003).

## **2. Materials and methods**

The current study utilized the qualitative tradition of phenomenology to gain an in-depth understanding of women's lived experiences and their social realities inside the prison (Gardiner, 2017; Manen, 2017). The study was conducted in one purposively selected female prison (Prison Y) not mentioned to protect women's identities. A purposive sample of 30 women was selected with the help of prison wardens. The selection criteria included women who; were convicted of murder, above eighteen years old, able to provide written and verbal consent and those who could ably speak languages understood by the researcher that included English and the local language (*Luganda*). The age range of women was 20-69 years. They all had no prior criminal history. Majority of the women (N=23) killed family members who including intimate partners (N=14), step-children (N=6), brothers (N=2) and brother (N=1).

Interviews were conducted using face-to-face-in-depth interviews. Interviews were held outside in the compound and this was according to prison rules. There was, always, the presence of the security guard near the interview venue. This did not affect the privacy of the interview because the guards, always, kept a distance. The researcher took notes because recording prisoners' voices is not allowed. Interviews took around 1 hour. The researcher employed a continuous method of data analysis which began in the field at the time of data collection. Data management and analysis were done using NVivo software which helped in generating final themes. The NVivo software was utilized to generate themes from the narratives of the female participants. The researcher started the exercise by transferring the interview notes to the software. The researcher read the notes closely and used the software to open a coding structure and create a system of nodes. By rearranging and synthesizing interview notes, specific categories were generated from axial coding. Finally, from the specific categories, narrative themes were generated (Marshal & Rosman, 2016).

## **3. Analysis result**

Interviews with women and subsequent analysis generated five themes (1) pains associated with separating from children and loneliness; (2) agony of death sentence; (3) tribulations of old age; (4) delayed/ no response from the Court of Appeal and Supreme Court; and (5) pains of re-entry. These are presented below with extracts from women participants.

### **3.1 Separation from children and loneliness**

The pain of separating from their children was one of the greatest pains that all women reported to have been experiencing inside the prison. Some women revealed how they had taken more than 10 years without seeing their children or hearing from them. Some revealed how they kept asking themselves different questions such as; are my children still alive? Are they in school? Who takes care of them? Do they have basic needs like food and shelter? This was especially so for women who were convicted of killing their intimate partners and left their children with no biological parent as presented in one of the extracts below:

*My greatest pain is not seeing the two children I left behind. I have taken 11 years without seeing them. I cannot recognize them now. I left when they were below 5 years. I don't hear from them. They should be suffering. I left them with my mother and the last time I heard from her, she was very sick and in the intensive care unit on oxygen. I don't know whether she died or survived (Akansasira).*

Thirty-four-year-old Aryampurira who was imprisoned for 28 years for killing her partner is said to have lost sleep because of thinking about her children. She did not have any contact from home and had never seen her children since she was imprisoned eight years back:



*I don't sleep because of thinking about my children. I have not seen them for eight years now. If they are still alive, they must be on their own. Their father died; they don't have any other relatives on their father's side. I am here in prison. I don't know what is going on in their lives because I don't have any contact from home (Aryampurira).*

Similarly, a 52-year-old Abwori was in a very painful situation because she imagined her children being left on their own without any care. Abwori told me that her biological father who died some time back migrated from a neighbouring country and settled in Uganda. She was worried that relatives who could help look after her children were not in Uganda and did not know what was going on in the lives of her children. In her words:

*The pain of missing my children is unbearable. Their dad died; mummy is in prison. My children have grown up in a situation I can't understand. I have no family. My father came from Rwanda with no relatives so, no one is here to look after my children. I don't know if they are still alive. It is very painful (Abwori).*

For Musimenta who lost her child while in prison, another layer of pain was introduced by not being able to grieve her child. She was worried about the welfare of the remaining children and had lost hope of ever seeing them again because she was on death sentence;

*I left behind six children but a neighbour who had come to visit his relative here told me that one of my three boys died. As of now, I don't know whether the five remaining children are still alive. I don't have any contact of people at home. I don't think I will ever see them again since I was condemned to death (Musimenta, 63 years).*

In addition, women narrated the pain of feeling lonely which they attributed to different factors on top of missing their children. These included not being visited and being abandoned by their relatives. Moreover, women said that they lacked friends inside prison. Phiona for example, said that she had never been visited since she was sentenced because her biological relatives and her late partner's relatives abandoned her on top of taking her property, which her children could sell to come and visit her as stated in her words:

*I feel very lonely here. I never receive any visitors. None of my relatives has ever come to visit me. They all rejected me after I was convicted of killing my partner. My children cannot afford to come and see me. I imagine they have no transport since all my land and cows were taken by my in-laws. I am in great pain (Phiona).*

For other women like Kihembo and Masanyu, loneliness was attributed to the long distance from their homes to the current prison. According to them, the pain of feeling lonely started when they were transferred from their districts' regional prisons to the current prison after being convicted of murder. Kihembo who had spent 10 years without a visitor said that her sisters and brothers could be lacking transport to come and see her:

*I am very lonely. I have no friends here. When I was still at the regional prison hospital on remand, my brothers and sisters used to visit me but, after I was convicted and sent to this prison, none of them has ever come to visit me. I imagine they don't have transport to come to this place. This prison is very far from my home. They should transfer us back to regional prisons near our homes (Masanyu).*

The inability to have friends inside prison also contributed to the pain of being lonely. Women said that because they were restricted to one place and seen as dangerous, they couldn't make friends with women who were on other lesser offence charges. Moreover, according to some women like Zainabu, even amongst themselves as women convicted of murder, it is hard to have a friend:

*I feel lonely in this prison. I have never received any visitors since I came here. I have no friends in this prison. In this section, everyone minds her business. They refused us to have friends in the other sections because we are seen as dangerous. For us we hate ourselves. Not easy also to have a friend in this condemned section (Zainabu).*

### **3.2 The agony of the death sentence**

Three women on the death sentence talked of how they are victimised by everyone in prison including women from the same section. Women narrated how compared to others, they are subjected to tight security with no freedom of movement. A 68-year-old Sarai who was condemned to death for killing her partner said that she had spent five years pushing for her referral to a national hospital for eye treatment in vain:

*For us on the death sentence seriously suffer. We are supposed to be confined here. Even when you are sick and require a referral to a hospital for better health management, it may delay. For example, I was referred to the national referral hospital for eye treatment but I have never been taken there. I have spent five years pushing for the same but I have failed. The prison management keeps confusing me (Sarai).*



In addition to being confined, women condemned to death feel psychologically tortured because of not having a predictable future and being victimised by other prisoners. Moreover, the colour of the uniform easily identifies them as women on death sentences. This was according to a 63-year Musimenta one of the greatest pains inside the prison:

*The pain of knowing that you are on a death sentence is too much. Any time I keep thinking about how I will be hanged. None of us knows when the president of Uganda will sign on our files to be hanged. We don't know whether he will forgive us under the presidential prerogative of mercy. This stresses me a lot. People around here worsen this pain. Our uniform identifies us as the ones to be hanged. Whenever and wherever we pass, fellow prisoners who are not on the death sentence keep pointing fingers at us as the ones who killed and who are waiting to be killed. New prisoners, always, fear us. They think we can kill them. One time the president made a statement affirming that he was going to sign so that some prisoners on death sentences are hanged. It was so distressing. Other prisoners started talking about us as people who would soon be hanged. Some were even happily and insensitively telling us (Musimenta).*

### 3.3 Tribulations of old age

Elderly women narrated the age-related pains that they experienced daily in prison. Some talked of how they have started suffering from diseases of old age such as back pains, knee pains and eyes-related problems. They also talked about the pressure of going through a daily schedule, which to them was straining. In addition to these issues, women talked about their inability to engage in any income-generating activity, which contributed to their economic vulnerability:

*Old age is another pain for me. I have ulcers and body pains. My legs and back keep paining me all the time yet, I have to wake up early and do activities like the young women you see here. For example, when I am put on duty for cleaning the house, I have to bend and clean yet; my back can no longer support me. It is very painful (Sarai, 68 years).*

A 60-year-old Peace narrated that on top of diseases, she was experiencing the pain of having no money to buy basic needs as a result of her inability to engage in any income-generating activity:

*Old age is becoming a problem. My eyes don't see properly and my legs are paining. My hands, sometimes, become paralyzed. I can no longer do anything to survive. Before, I used to weave baskets and make other crafts to sell to visitors who come around but now, I am not able. I am suffering a lot without any single coin to buy essential goods (Peace, 60 years).*

### 3.4 Delayed/no response from the Court of Appeal and Supreme Court

Women narrated the anxiety and pain they faced as a result of the delay in receiving a response to their appeals against the harsher sentences. In Uganda, it is a constitutional right to launch an appeal against the decision of the high court, which handles murder cases. When the convicted person is not convinced by the decision of the Court of Appeal, he/she can appeal in the highest court-the Supreme Court. However, according to women, the process was not without hurdles as it required money and lawyers to follow up on the files, which they could not afford. It was found that most women did not have an idea about how to follow their files in the court system. For women, such struggles meant that harsher sentences they were subjected to will remain upheld. Aryanzahura who was sentenced to death narrated the pain she had gone through for six years in trying to appeal against her death sentence without any success:

*The pain of having our appeals delayed for many years is unbearable. I was condemned to death but the presiding judge told me that in case I was not satisfied with his judgment, I could appeal to a higher court of law. I submitted my appeal six years back but until now, I have never got an appeal number showing that my application was received and I will be invited to appear before a court of appeal at any time. I have been advised to hire a private lawyer to follow up on my file but I don't have money to pay the lawyer. Even I don't know where to get a lawyer or how to follow the case. I don't know whether I will ever be saved from this death sentence (Aryanzahura).*

Similarly, Peace who was serving a 50-year sentence described the struggle she went through for 12 years of trying to appeal against the sentence. Peace reached the extent of selling her only piece of land she left behind to pay the lawyer but this did not help her:

*The struggle I have gone through to appeal against my sentence pains me. I appealed 12 years back but I have not succeeded in appearing before the court of appeal. After four years of not hearing from the court, I decided to sell my only land to hire a private lawyer to follow my file. My brother helped with selling land and getting a lawyer. After paying three million Uganda shillings, the court of appeal judges still upheld the judgment of the*



*high court. I lost the money and now I have nothing to sell to facilitate another lawyer to help with the appeal in the Supreme Court. I am desperate and I don't know what to do (Peace).*

### 3.5 Pains of re-entry

Much as women were experiencing pains inside the prison and one would imagine them being happy upon release, it was, however, not the case for some women. For example, imagining where to go after being released was reported as a pain of imprisonment. More so, many questions were reported lingering in the minds of interviewed women. These included among others; where will I start once, I am released? Is my property still available? Will I be welcomed and accepted in the society? Am I not going to be victimised? Aren't the relatives of the victim going to kill me? Do I still remember where I came from? For example, Faith who was left with two years to finish serving her 23-year sentence narrated how the joy of leaving prison soon was affected by questions of where she was to go after being released:

*I am left with two years to leave prison but I can't say that I am happy about it. I don't know where to go. After killing my partner, my relatives disowned me. My partner's relatives can kill me if I try to go back. They even grabbed my small piece of land and my goats. I have nothing to support me after leaving this prison. I have no idea what I will do when the time comes to get out of prison. I am in great fear and pain (Faith).*

Likewise, Akansasira who was serving 30 years for killing her partner's mistress was in the greatest pain for not having a predictable idea of where she would go at the time she would be released from prison. Akansasira who was a total orphan said that she will have nowhere to go once released since she had no parents and her deceased partner's family would not welcome her. She was thinking of going to the church after being released:

*You cannot believe that one of my greatest pains is where to go after here. I have no parents to go to, and my partner's family members cannot allow me to go back to their family. I am thinking of going to church after serving my sentence. Maybe the church will help me with basic needs like food and housing. It pains me that I am not happy about leaving prison (Akansasira).*

## 4. Discussion

This paper has presented findings from a qualitative study with 30 women convicted of murder in a Ugandan prison. The study bridges the gap of lack of research in Uganda on female prisoners generally and, specifically, the pains women imprisoned for murder experience daily inside the prison. First, paralleling past studies that have reported pains related to separation from children and loneliness amongst female prisoners (Pogrebin & Dodge, 2001; Radosh, 2017; Sinno, 2011), interviews with women in the current study revealed the pains that women were experiencing as a result of separating from their children for many years and feeling lonely inside the prison. This is important given the fact that the majority of the female prisoners are mothers of minor children (Radosh, 2017). The pain of separation from children is compounded by women's prisons, which are isolated and, therefore, make it hard for poor family members to check on women (Sinno, 2011). On the other hand, women lack telephone services to contact their children (Welek, 2002).

Moreover, when women enter prison, they are controlled, monitored and separated from the outside world (Chamberlen, 2016; Lawston, 2016). In a qualitative study by Shama and Kochal (2008) involving 9 female prisoners in Israel, women's greatest pain was related to their thoughts of being separated from their children and they often turned to drug use to contain the situation. Similarly, Pogrebin & Dodge (2001) conducted a study involving in-depth interviews of 54 women in a Western state, and in this study, women reported stress and low self-esteem as a result of separation from their children. In Italy, in one qualitative study with 37 participants, women reported living with loneliness as a prison disease (Esposito, 2015).

Second, were the pains associated with old age reported by elderly women of 60 years and above which included diseases and difficulty in doing daily activities. Though research on older female prisoners is limited, few studies that have involved samples of older women show that in terms of health status, compared to their young female counterparts, elderly women report issues like arthritis, hypertension and other chronic diseases (Aday & Farney, 2014). Apart from reporting worse physical health, the elderly suffers more from mental health issues than elderly male prisoners (Leigey & Hodge, 2012). In Switzerland, a study with elderly female prisoners highlighted several vulnerabilities associated with old age inside prison. These included issues related to being a prisoner and a woman





which scholars termed as “double vulnerability” and vulnerability of being a minority group of elderly women facing ageing and its negative health and psychological effects (Handtke, Bretschneider, Elger, & Wangmo, 2015).

Third, were the narratives of women who were on the death sentence. These women reported tribulations associated with old age. These were in terms of issues like being victimised by fellow inmates and tougher restrictions. These women also narrated how the lack of a clear view of what awaited them was another layer of pain. The last time Uganda executed the death penalty was in 1999 when 28 male prisoners were hanged (New Vision, 2007). Moreover, in its January 2009 ruling, the Supreme Court of Uganda announced that though the death penalty was not abolished, it was no longer mandatory and, a person should not be kept on death sentence forever (New Vision, 2018). In this case, if a condemned person is not executed in three years, the sentence is supposed to turn into life imprisonment (New Vision, 2018). The beauty of such a ruling was reflected in the case of Suzan Kigura who was convicted to death for murdering her abusive partner in 2002 but, succeeded in overturning her death sentence and was released from prison in 2016 (New Vision, 2018).

Despite the above pronouncement, none of the women serving the death sentence in this study reported having benefited from such a ruling. They all reported unpredictability about the end result of their death sentence, isolation and tough controls. These findings concur with studies, which indicated that prisoners on death sentence experience tougher restrictive conditions, and isolation, are enclosed inside cells for a long and are excluded from enjoying programmes and services available to other prisoners (McLeod, 2016; Robles, 2017).

Fourth, were pains related to either delayed judgement or no response from the Court of Appeal and the Supreme Court. To women, this situation cut short their hopes of challenging the harsher and longer sentences and contributed to the pain they were experiencing in prison. This situation could be linked to the poor socio-economic background of women in this study in terms of limited education, income and other resources. Because of illiteracy, most could not understand the Court of Appeal and Supreme Court processes. And, without money to cater for legal representation, women experienced the pain of failing to challenge their harsher and longer sentences. Previous studies have documented factors such as inefficient legal representation and inadequate understanding of appeal processes as some of the factors that hinder female prisoners from overturning unfair sentences and unsafe convictions (Sakande, 2019).

Fifth, were the pains of re-entry into society which women expressed in terms of having nowhere to go, no resources to use and suspicion of not being welcomed among others. Studies have documented the pains of leaving prison. For example, Warr (2016) documented that for some prisoners, leaving prison can be as painful as remaining inside prison. To Warr, prisoners entering back to society face difficulties such as adapting to new technology, having healthy relationships and stigma associated with being a former convict. On the other hand, Nugent and Schinkel (2016) talk about the pain of isolation that former convicts go through in trying to break a criminal lifestyle after being released.

Contrary to most of the pains associated with leaving prison mentioned above, this study found that worry about where to go and what resources to use were the greatest pains that women felt. This could be attributed to the nature of Ugandan society. Uganda is a patriarchal and agricultural-based economy and, the land is a major factor of production. Women in Uganda possess no full rights and access to assets such as land (The Global Gender Gap Report, 2017). The rights to own, inherit, manage and control land are vested in men under the customary tenure system, which is the dominant land ownership system in Uganda (Uganda Bureau of Statistics, 2019).

Though women's access to land in Uganda is based on marriage traditions of a particular ethnic group, patrilineal inheritance is followed and in cases where women inherit the land, it is less than that of their male siblings (Espey & Bird, 2010). Married women only have the right to use land through their husbands, but they have no control over the income generated, sale and transfer of the land (African Development Bank, 2016). This land is in most cases registered in the husband's names and he can at any time dispose it of as he wishes (Asiimwe, 2009). Since most of the women in this study had murdered their intimate partners and step-children (N=20), the possibility of going back to their partner's home and later on owning land was limited. Moreover, the majority of the women were of low socioeconomic backgrounds with low education levels.

## 5. Conclusions



In conclusion, this study's findings have indicated that as women and mothers, female prisoners in Uganda experience pains emanating from loneliness and separation from their children, the agony of death sentence, tribulations of old age, delayed / no response from the Court of Appeal and Supreme Court and pains of re-entry. Findings have further suggested that these pains are compounded by the low socioeconomic status of women in the patriarchal system of Uganda.

Therefore, availing women and girls with opportunities and resources like education, employment and land is important in not only easing the pains they experience in prison but also providing a range of choices before offending. On the whole, however, this study is not without limitations. First, in terms of the sample, using purposive sampling by focusing on participants who meet a certain criterion has limitations. This misses out on the experience of other people in the same setting, which limits the depth of understanding of the phenomenon under study (Palinkas et al., 2015). Understanding such a limitation made me aware that I did not capture the experience of victimisation of other female prisoners who were not convicted of murder. In this case, I was able to avoid the generalization of results on the general population of female prisoners. Second, in terms of the sample of participants in this study, women were identified and recommended by the prison authority. There could be, therefore, a possibility of bias in selection (Pannucci & Wilkins, 2010).

Despite the above, this study provides insight into the pains the vulnerable women experience inside the Uganda prison. The study bridges the gap of lack of research in Uganda on female prisoners. It is hoped that the findings of the study will contribute to policy-making and practice in the criminal justice system of Uganda.

## 6. Recommendations

Based on the findings of the study, it is recommended that a wide range of policymakers and professionals in the criminal justice system of Uganda should put effort in determining the resources and services that women experiencing the pains of imprisonment require. For example, women need appropriate legal representation and resources to ease the pains of imprisonment. Correctional facilities need this information for proper treatment and rehabilitation of women. This knowledge could act as a basis for rehabilitation and correctional programs that take into consideration women's vulnerable situations.

Most of the pains reported by women such as pains of re-entry and inability to see their children and appeal against their sentences could be related to their low socioeconomic background. It is recommended that the low profile of women is taken into consideration so that they are empowered to enter back into society with less stress. This could be in aspects such as work, safe accommodation, formal and vocational education programs. This is, more so, in the context where reports have shown that male prisoners are more catered for than female prisoners (Bogere & Wanyenze, 2011; Mudoola, 2014). Social workers and counsellors inside the prisons could be of help in providing relationship-related counselling and empowering women with the confidence that they require to take advantage of the presented opportunities in future (Richardson & Flower, 2014).

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