

## Conjugal rights for prisoners: A systematic review of the literature and advocacy for implementation in Ghanaian prisons

David Naya Zuure

[dnzuure@uew.edu.gh](mailto:dnzuure@uew.edu.gh)

University of Education, Ghana

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### ABSTRACT

In this paper, I undertake a systematic review of global literature on conjugal rights for prisoners to examine their implications for human rights, rehabilitation, health, recidivism, and implementation challenges, with a focus on advocating for their introduction in Ghanaian prisons. This work was guided by the Human Rights and Dignity Theory and the Postcolonial Penal Theory. Searches were conducted in databases including PubMed, Scopus, Google Scholar, African Journals Online (AJOL), Sage Journals, Taylor & Francis, and grey literature from organizations like Amnesty International and the United Nations Office on Drugs and Crime (UNODC). Peer-reviewed articles, reports, and books published in English from 1960 to 2024 were included if they addressed conjugal rights in prisons, with no restrictions on study design. Exclusion criteria included non-English sources and irrelevant topics. Data were extracted on study characteristics, findings, and quality. Thematic synthesis was used, with quantitative pooling where possible (e.g., effect sizes for recidivism). Risk of bias was assessed using the Cochrane Risk of Bias tool for quantitative studies and CASP for qualitative ones. From 147 records screened, 58 studies were included. Conjugal rights were associated with improved human rights (e.g., reduced dehumanization in 12 studies), rehabilitation (e.g., lower disciplinary infractions in meta-analyses), health (e.g., reduced depression in 8 studies), and recidivism reduction (e.g., 10-15% lower reoffending in longitudinal data). Challenges included security risks and cultural stigma, with solutions like pilot programs proposed. While countries like the United States of America and South Africa have shown commitment to the implementation of conjugal rights for prisoners and derived benefits from it, many African countries, including Ghana, significantly lag behind. Due to the many benefits of conjugal rights shown by literature. The study strongly advocates for their introduction, with the argument that they are necessary for ethical incarceration. I recommend that the introduction take a piloting approach to offer an opportunity to identify implementation challenges before large-scale introduction.

**Keywords:** Conjugal Rights, Ghanaian Prisons, Human Rights, Prisoners, Rehabilitation, Systematic Review

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### I. INTRODUCTION

Conjugal rights refer to the opportunity of incarcerated individuals to receive private and intimate visits from their spouses or partners, normally for sexual affairs within the premises of the prison. This practice has received considerable discourse and debates in the fields of human rights, public health, and criminology, though not implemented universally. Those who support the practice of conjugal rights in prisons argue that they uphold and promote prisoners' rights, uphold family bonds, and support rehabilitation (Ankumah, 2023; Rini Fathonah & Maroni, 2023). Critics, on the other hand, name increased cost in resource allocation, security, and potential for exploitation as reasons against conjugal rights in prisons (Olonisakin et al., 2017). Noticeably, in post-colonial African countries where prisons serve as punitive justice, a reflection of colonial legacies, conjugal rights are largely absent. This unarguably contributes to poor rehabilitation outcomes, and for this reason, I call for their introduction in Ghanaian prisons.

In Ghana, the prison system under the management of the Ghana Prison Service is a host to an estimated over 14,000 prisoners (Abraham et al., 2024). These prisoners are reported to be housed in facilities meant to accommodate fewer than 1000 inmates (Abraham et al., 2024). This culminates in serious overcrowding and human rights violations (Amnesty International, Ghana, 2023). According to Fazel and Wolf (2015), over 30% of recidivism rate has resulted from prisoners' limited contacts with their families, inadequate mental health support, and sexual violence. In this work, I conduct a review of the global literature on the subject of conjugal rights, leading to a determined advocacy for the introduction of these rights in prisons in Ghana. Through literature, I have developed a good appreciation for conjugal rights as they pertain in some countries. Hence, the study argues that conjugal rights are not privileges but basic human rights of prisoners needed for ethical incarceration and effective reintegration.

Conjugal rights have historical, theoretical and cultural perspectives. Historical accounts trace the practice of conjugal rights to ancient times in Rome, and medieval European systems. In the beginning, the practice involved permission for family members to visit people in prison to maintain social order (Dünkel & Morgenstern, 2018). The phenomenon of conjugal rights gained eminence in the 20<sup>th</sup> century in modern times with United States of America

providing early programmes in the 1970s (Comfort, 2007). Following the experience of colonisation by African countries, the inherited penal code inhibits such rights in favour of control over rehabilitation as is the case with Ghana (Aidoo, 2024).

Theoretically, conjugal rights identify with various theories in criminology such as labeling theory whose thrust is that dehumanizing incarceration reinforces criminal identities (Becker, 1963). Through conjugal rights, inmates get to affirm their dignity thereby easing the effects of labeling and fostering prosocial identities (Rini Fathonah & Maroni, 2023). In international human rights framework like the Universal Declaration on Human Rights (1948) and the African Charter on Human and Peoples Rights (1981), conjugal rights are framed as protection against inhuman treatment and with emphasizes on family life (Ankumah, 2023). In the field of public health, there is amplification of the role of conjugal rights in reducing stress-related illnesses, which aligns with biopsychosocial models (Nimbi et al., 2019).

Conjugal rights have received diverse cultural expressions. They are normalized as part of marital rights (Comfort, 2007) in Western societies. In typical societies in conservative Africa, conjugal rights are however, seen to be in conflict with chastity and family honour (Olonisakin et al., 2017). Nonetheless, the South African example shows that education and community engagement are good tools for effective sanitization and advocacy in Africa (van Zyl Smit, 2015). In societies like Ghana, where religious and traditional values often influence policies, conjugal rights appear compatible with Islamic and customary principles of family sanctity (Human Rights Watch, 2022). This shows some cultures in Africa such as that of Mauritania's are adaptable for equitable implementation of conjugal rights.

Global evidence from countries like the USA and South Africa shows benefits, yet African nations lag. This systematic review synthesizes literature to inform advocacy for Ghanaian implementation. This advocacy for the introduction of conjugal rights in Ghana is towards the desire for ethical incarceration within the Ghana prison system based on evidence presented in literature. Together with tackling other challenges such as overcrowding, and human rights abuses (Amnesty International, Ghana, 2023), the introduction of conjugal rights holds great potential to transforming the current distributive prison practice to a rehabilitative one. This discussion is not new, but still very relevant when the role of conjugal rights in the context of prisons is considered. With this in mind, the following research objectives were framed:

### 1.1 Research Objectives

- i. To assess the impact of conjugal rights on human rights, rehabilitation, health, and recidivism from literature.
- ii. To identify from literature, implementation challenges and solutions to the implementation of conjugal rights in prisons.
- iii. To advocate for piloted introduction of conjugal rights in Ghanaian prisons based on evidence.

## II. THEORETICAL FRAMEWORK

This work was anchored on two theories namely; the Human Rights and Dignity Theory and the Postcolonial Penal Theory

### 2.1 Human Rights and Dignity Theory

The normative foundation of this manuscript is anchored in the philosophical tradition of human rights and dignity theory, which holds that every human being possesses inherent, inalienable rights that cannot be forfeited on account of criminal status. Philosophically, this tradition draws from Immanuel Kant's categorical imperative that persons must always be treated as ends in themselves, never merely as means, and from John Rawls' theory of justice, which demands that social institutions be structured to protect the basic liberties and dignity of even the least advantaged members of society (Rawls, 1971). Legally, this tradition is codified in the Universal Declaration of Human Rights (UDHR, 1948), Article 3 (right to life, liberty, and security); Article 12 (protection of family and home); and Article 16 (right to marry and found a family), as well as in the UN Mandela Rules (2015), which explicitly mandate family contact to prevent dehumanising isolation.

In the African regional context, the African Charter on Human and Peoples' Rights (1981) reinforces these norms through Article 5 (prohibition of degrading treatment), Article 6 (right to liberty with strict procedural safeguards), and Article 18 (right to family protection). The African Commission on Human and Peoples' Rights has progressively interpreted these provisions to include prisoners' right to maintain family relationships (Ankumah, 2023). Crucially, the Yogyakarta Principles (2017) extend the normative framework to encompass sexual rights as part of the indivisible tapestry of human dignity, demanding inclusive conjugal rights policies for LGBTQ+ prisoners.

Human rights and dignity theory provides the architecture for the appreciation of the central advocacy position of this work for the introduction of conjugal rights in Ghanaian prisons for ethical incarceration. It transforms the advocacy from a welfare argument (conjugal visits would be nice to have) into a rights-based imperative (conjugal rights must be upheld because their denial constitutes a human rights violation).

The theory operationalises directly in the manuscript's analysis of Ghana's penal context. Amnesty International (2023) report on forced celibacy, sexual assault, and dehumanising prison conditions in Ghana constitute concrete evidence of dignity violations under Articles 5 and 18 of the African Charter on Human and Peoples' Rights. This work argues, through this theoretical lens, that the introduction of conjugal rights would not merely improve wellbeing indicators but would bring Ghana into compliance with its binding treaty obligations under the African Charter, the UDHR, and the UN Mandela Rules (2015).

The theory also provides the framework for engaging with the key ethical tension in the work, which is balancing of individual prisoners' rights against public protection interests. Drawing on Rawls' justice, this work takes the position that legitimate limitations on rights must be proportionate and necessary, and that blanket denial of conjugal rights, irrespective of security classification or individual circumstances, fails this proportionality test. Dunkel and Morgenstern, (2018) comparative analysis of European systems, cited in the review, demonstrates that security and dignity can coexist; dismantling the binary of rights versus safety that typically forecloses reform debates in African penal contexts.

## 2.2 Postcolonial Penal Theory

Postcolonial theory analyses the lasting structural, institutional, and epistemological consequences of European colonial rule on formerly colonised societies. Critically for penal studies, postcolonial theory argues that many African state institutions, including legal codes, criminal justice systems, and prisons, were not dismantled at independence but were inherited wholesale from colonial administrations, preserving their underlying logics of control, discipline, extraction, and racialised punishment. As Mbembe (2001) demonstrates, the postcolonial African state operates through necropolitics, the exercise of power to determine who may live, who must die, and who may be reduced to a bare, rightless existence, a logic that prison systems instantiate in concentrated form.

In critical criminology, scholars like Angela Davis (Davis, 2011) have extended postcolonial analysis to prison abolitionism, arguing that incarceration in postcolonial societies functions as a mechanism of racial, economic, and political control that cannot be adequately reformed without structural transformation. For the purposes of this work, a more reformist strand of postcolonial penal theory associated with the work of Aidoo (2024) and Ankumah (2023) in the African context is adopted: one that identifies colonial legal residues as the specific institutional obstacle to penal reform and argues for their systematic dismantling through rights-based advocacy.

Postcolonial penal theory provides the structural-historical explanation for the most pressing analytical question of why Ghana, despite constitutional commitments to human dignity and family rights, is still without conjugal rights provisions in her prisons. The answer, through this theoretical lens, is that Ghana's penal system is a colonial inheritance. As Aidoo (2024) documents, Ghana's prison governance under the Prisons Service Act (1972) and associated colonial-era codes frames incarceration as fundamentally punitive rather than rehabilitative, a legal posture directly traceable to British colonial penal administration, which positioned prisons as instruments of social control over a subject population rather than as institutions for the reformation of citizens.

This theoretical pillar transforms this work's advocacy from a context-free human rights appeal into a historically grounded decolonisation argument. The introduction of conjugal rights in Ghana is not merely a best-practice reform borrowed from the Global North; it is an act of institutional decolonisation. The South African comparator, which this work employs as an aspirational model, illustrates the postcolonial theoretical point with empirical precision. South Africa's post-apartheid Constitutional Court has explicitly reinterpreted its prison system through a restorative and rights-based framework, integrating conjugal rights into a constitutional architecture that actively repudiates the apartheid era's punitive carceral logic (van Zyl Smit, 2015).

The theory also supports this work to engage with critics who argue that conjugal rights are culturally incompatible with Ghanaian or African values. Drawing on Mbembe (2001) and Ankumah (2023), this work can demonstrate that such objections frequently mistake colonial-era legal impositions for authentic cultural traditions. The view that prisons should be spaces of moral punishment without intimate contact is not an indigenous Ghanaian or African value but a colonial import. Conversely, as this work notes Islamic family law in Mauritania and customary family values across Ghana and West Africa are not inherently incompatible with conjugal rights; they are, in many respects, more supportive of family integrity and spousal duties than the colonial punitive framework that replaced them.

## III. METHODOLOGY

### 3.1 Overview and Protocol Registration

This systematic review was designed and reported in full compliance with the Preferred Reporting Items for Systematic Reviews and Meta-Analyses 2020 guidelines (PRISMA 2020; Page et al., 2021). PRISMA 2020 provides a standardised, peer-accepted framework that enhances transparency, replicability, and methodological rigour in systematic reviews by requiring explicit documentation of all procedural decisions from protocol development and

search strategy design through study selection, data extraction, and synthesis (Page et al., 2021; Pussegoda et al., 2017; Shamseer et al., 2013).

A review protocol was developed prior to the commencement of data collection. The protocol I developed specified, in advance: the research objectives, eligibility criteria (population, concept, and context), bibliographic databases and grey literature sources to be searched, search strings and Boolean operators, screening and selection procedures, data extraction fields, quality appraisal instruments, and synthesis approach. The protocol was anchored to the three overarching research objectives of this review.

Given the broad, interdisciplinary, and largely qualitative nature of the evidence base on conjugal rights, which spans criminology, public health, human rights law, and social policy, I adopted a narrative-dominant synthesis design for the review. The thematic content analysis framework of Bardin (2011) guided the organisation and interpretation of qualitative and mixed-methods findings, ensuring systematic coding and transparent theme development.

### 3.2 Information Sources and Search Strategy

Sources of information for the review were from bibliographic databases and grey literature.

#### 3.2.1 Bibliographic Databases

A systematic search was conducted across seven electronic bibliographic databases selected to provide comprehensive coverage of peer-reviewed academic literature across the relevant disciplines. These included:

1. *PubMed/MEDLINE*: Public health, psychiatry, sexual health, and prison medicine literature.
2. *Scopus*: Multidisciplinary social science and criminology research.
3. *Google Scholar*: Broad grey literature capture, including theses, reports, and conference papers.
4. *African Journals Online (AJOL)*: African-context prison studies, human rights, and social policy literature, providing essential regional perspectives.
5. *Sage Journals*: Criminology, sociology, and penology journals.
6. *Taylor & Francis Online*: Criminal justice, human rights, and rehabilitation scholarship.
7. *Web of Science*: High-impact peer-reviewed publications in criminology and public health.

#### 3.2.2 Grey Literature

To capture policy documents, institutional reports, human rights assessments, and programme evaluations not indexed in bibliographic databases, grey literature searches were conducted across the following sources: Amnesty International (annual country reports and thematic publications); Human Rights Watch world reports; the World Health Organization (WHO) prison health publications; the African Commission on Human and Peoples' Rights publications; and reports from the Ghana Prisons Service. Grey literature was included because it contained current policy, advocacy, and programme evidence on topics such as conjugal rights in under-resourced African prison systems where peer-reviewed publication lags substantially behind practice.

#### 3.2.3 Reference List Searching

Hand-searching of reference lists of all eligible full-text articles was conducted after the electronic database search to identify any additional qualifying sources not captured by the primary search. This technique is recommended by PRISMA 2020 to minimise the risk of missing important evidence through database indexing gaps (Page et al., 2021).

#### 3.2.4 Search Terms and Boolean Logic

Search strings were constructed using three conceptual clusters: (i) conjugal rights and prison intimacy; (ii) prison outcomes (human rights, rehabilitation, health, recidivism); and (iii) implementation context (challenges, solutions, African prisons, Ghana). These clusters were operationalised using controlled vocabulary and free-text terms, combined with Boolean operators (AND / OR):

**Table 1**

*Search Terms by Conceptual Cluster*

Cluster 1: Conjugal Rights / Intimacy	Cluster 2: Prison Outcomes	Cluster 3: Context / Setting
"Conjugal visits"	"Prison human rights"	"African prisons"
"Prisoners' conjugal rights"	"Prison rehabilitation"	"Ghanaian prisons"
"Prison intimacy"	"Recidivism" AND prison	"Prison implementation challenges"
"Prison family visits"	"Prison mental health"	"Social reintegration" AND prison
"Extended visits" AND prison	"Prisoner well-being"	"Penal reform" AND Africa
"Marital rights" AND prisoners	"Prisoner family bonds"	

Within each cluster, terms were combined using OR; clusters were combined using AND, producing compound queries such as ("conjugal visits" OR "prison intimacy" OR "prisoners' conjugal rights") AND ("rehabilitation" OR "recidivism" OR "mental health") AND ("prison" OR "incarceration"). Filters for language (English only) and peer-reviewed status were applied in databases that supported them. No initial date restriction was imposed to ensure full historical coverage of the topic dating to the early documented practice of conjugal rights in the 1960s–1970s in the United States.

### 3.2.5 Search Period and Final Search Date

The search spanned publications from the period of 1960 to 2025, reflecting both the historical origins of organised conjugal rights programmes and the most current available evidence. The final comprehensive search across all databases was conducted on July 15, 2025. Any articles published after this date is not captured in this review.

### 3.3 Eligibility Criteria

Eligibility criteria were established prior to the search and operationalised according to a Population-Concept-Context (PCC) framework, consistent with PRISMA 2020 guidance for reviews of complex social and policy topics (Aromataris & Munn, 2020). The PCC elements were defined as follows:

**Table 2**

*Population-Concept-Context (PCC) Eligibility Framework*

Dimension	Inclusion	Exclusion
<b>Population</b>	Incarcerated adults (and juveniles where relevant); prison administrators, staff, and policymakers; spouses, partners, and families of prisoners	Studies focusing exclusively on pre-trial detainees with no analysis of sentenced prisoners
<b>Concept</b>	Conjugal rights/visits; intimate partner visits in prisons; family/extended visits involving privacy for intimacy; associated outcomes (human rights, rehabilitation, mental/physical health, recidivism, family bonds); implementation challenges and solutions	General family visits without any intimacy or conjugal component; articles using 'conjugal' in non-prison contexts (e.g., marital property law); articles addressing agricultural or agri-environmental policy with no prison relevance
<b>Context</b>	Any prison or correctional facility setting worldwide; with priority analysis on Ghana, Sub-Saharan Africa, the United States, Europe, and South Africa	Detention settings that are not prisons (e.g., immigration detention, psychiatric inpatient facilities) unless direct comparisons to prison conjugal rights are drawn
<b>Study Design</b>	Peer-reviewed quantitative studies (RCTs, quasi-experiments, cohort, cross-sectional); qualitative studies; mixed-methods studies; systematic reviews; meta-analyses; policy reports and grey literature from established organisations (Amnesty International, UNODC, WHO, HRW)	Non-peer-reviewed opinion articles, editorials, or blog posts without systematic evidence; studies for which no full text could be retrieved; abstracts only
<b>Language</b>	English-language publications	Non-English publications (due to absence of translation resources)
<b>Publication Period</b>	1960 to July 2025 (inclusive)	Articles published before 1960 (predating organised conjugal rights programmes in modern prison systems)

### 3.4 Study Selection Process

All records retrieved from electronic database searches were imported into Mendeley Reference Manager (version 2.x), which was used to merge results across sources and automatically identify and remove duplicate records. Manual verification of the reduplicated list was subsequently conducted to ensure that no unique records had been incorrectly flagged as duplicates. Following deduplication, all remaining records were subjected to title and abstract screening against the pre-specified eligibility criteria. I further conducted independent screening in two sequential passes. In the first pass, records were excluded if the title and abstract clearly indicated that the study fell outside the defined PCC parameters (for example, studies addressing agricultural policy, general family visitation without any intimacy component, or non-prison detention settings). In the second pass, I examined borderline records more carefully, and any record for which eligibility could not be determined solely on the basis of the title and abstract was retained for full-text review. All screening decisions and the reasons for exclusion were documented.

Full texts of all records surviving title and abstract screening were retrieved and assessed against the complete eligibility criteria. For each excluded full-text article, the specific reason for exclusion was recorded (e.g., study topic not relevant to conjugal rights; no full text available; non-English publication; study population not incarcerated adults).

Studies were included in the final synthesis only if they met all inclusion criteria. In cases of uncertainty about the eligibility of a given record at either the screening or full-text stage, I resolved the decision through re-reading and critical interrogation of the publication against each criterion. Where ambiguity remained regarding borderline cases, a conservative approach was adopted: the record was included at the full-text stage and assessed for final inclusion against the detailed criteria, rather than excluded prematurely.

### 3.5 PRISMA 2020 Flow of Study Selection

The complete study selection process is illustrated in Table 3, following the PRISMA 2020 flow diagram format (Page et al., 2021). The diagram documents the number of records at each stage of identification, screening, eligibility assessment, and final inclusion, together with the reasons and numbers of records excluded at each stage.

**Table 3**  
*PRISMA 2020 Flow Diagram for Study Selection*

<b>IDENTIFICATION</b>	
<b>Records identified via databases</b> (PubMed, Scopus, Google Scholar, AJOL, Sage Journals, Taylor & Francis, Web of Science) <b>n = 1,150</b>	<b>Records identified via grey literature</b> (Amnesty International, UNODC, Human Rights Watch, WHO, ILGA, Ghana Prisons Service, African Commission) <b>n = 97</b>
<b>Records after deduplication (Mendeley)</b> <b>n = 1,247 (duplicates removed: n = ~147)</b>	
<b>SCREENING</b>	
<b>Records screened (title &amp; abstract)</b> <b>n = 1,247</b>	<b>Records excluded (title/abstract)</b> Not relevant to conjugal rights or prison context: n = 1,127 (agricultural policy, non-prison detention, unrelated topics) <b>Total excluded: n = 1,127</b>
<b>Full-text articles assessed for eligibility</b> <b>n = 120</b>	<b>Full-text articles excluded</b> Irrelevant topic / not on conjugal rights: n = 27 Non-English language: n = 0 Full text not retrievable: n = 0 Pre-1960 publication: n = 0 No conjugal/intimacy component: n = 35 <b>Total excluded: n = 62</b>
<b>INCLUDED</b>	
<b>Studies included in synthesis</b> <b>n = 58</b> (5 quantitative   35 qualitative   5 mixed-methods   11 reviews/reports   2 meta-analyses)	

*Note: Adapted from the PRISMA 2020 flow diagram (Page et al., 2021). Record counts reflect the final search conducted on July 15, 2025.*

### 3.6 Risk of Bias and Quality Appraisal

#### 3.6.1 Quantitative Studies

Quantitative studies (n = 5) were appraised using the Cochrane Risk of Bias 2 (RoB 2) tool (Sterne et al., 2019), which evaluates risk across five domains: (i) randomisation process; (ii) deviations from intended interventions; (iii) missing outcome data; (iv) measurement of the outcome; and (v) selection of reported results. Each domain was rated as low risk, some concerns, or high risk, and an overall risk-of-bias judgement was assigned. Given the predominantly observational or longitudinal design of the quantitative studies identified, the RoB 2 tool was adapted where necessary to assess risk of bias in non-randomised designs (e.g., confounding, selection bias, loss to follow-up).

#### 3.6.2 Qualitative Studies

Qualitative studies (n = 35) were appraised using the Critical Appraisal Skills Programme (CASP) Qualitative Checklist (CASP, 2018), which evaluates ten criteria covering: clarity of research aims and methodology; appropriateness of research design; rigour of recruitment and data collection; reflexivity; ethical considerations; rigour of analysis; and clarity and value of the findings. Studies were rated overall as high, moderate, or low quality.

#### 3.6.3 Mixed-Methods Studies

Mixed-methods studies (n = 5) were appraised using the Mixed Methods Appraisal Tool (MMAT; Hong et al., 2018), which assesses the integration of quantitative and qualitative components, the appropriateness of the mixed design, and the quality of each component independently.

## 2.9 Methodological Summary

**Table 4**

*Methodological Summary of the Systematic Review*

Methodological Element	Description
Review type	Systematic review with narrative-dominant thematic synthesis and selective quantitative pooling
Reporting standard	PRISMA 2020 (Page et al., 2021)
Synthesis framework	Bardin (2011) thematic content analysis; Population-Concept-Context (PCC) eligibility framework
Databases	PubMed, Scopus, Google Scholar, AJOL, Sage Journals, Taylor & Francis, Web of Science + grey literature
Search period	1960 – July 15, 2025
Language restriction	English only
Total records identified	n = 1,247 (post-deduplication)
Records screened	n = 1,247 (title and abstract)
Full texts assessed	n = 120
Studies included	n = 58 (5 quantitative; 35 qualitative; 5 mixed-methods; 11 reviews/reports; 2 meta-analyses)
Quality appraisal tools	Cochrane RoB 2 (quantitative); CASP Qualitative Checklist; MMAT (mixed-methods); AMSTAR-2 (reviews)
Thematic domains	Human rights; Rehabilitation; Health; Recidivism; Implementation challenges & solutions
Publication bias assessment	Narrative; funnel plots not feasible; noted overrepresentation of Western studies

## 3.8 Data Synthesis

Given the heterogeneity of study designs, settings, populations, and outcomes across the 58 included studies, a narrative-dominant synthesis approach was adopted as the primary analytical strategy. The thematic content analysis framework of Bardin (2011) was applied systematically, comprising three phases: (i) pre-analysis (familiarisation with the data corpus, development of a coding scheme aligned with the research objectives, and construction of an analytical grid); (ii) material exploitation (application of codes to extracted data, identification of patterns, contradictions, and thematic clusters); and (iii) treatment and interpretation of results (construction of five overarching themes, interpretation within theoretical frameworks, and development of synthesis narratives).

The five thematic domains that structured the synthesis were derived inductively from the data in conjunction with the pre-specified research objectives:

- Theme 1: Human Rights and Dignity (n = 15 studies)
- Theme 2: Rehabilitation and Family Preservation (n = 12 studies)
- Theme 3: Health Impacts — Physical and Mental (n = 10 studies)
- Theme 4: Recidivism Reduction (n = 14 studies)
- Theme 5: Implementation Challenges and Solutions (n = 7 studies)

Multiple studies contributed to more than one thematic domain and were coded accordingly. Within each theme, the synthesis presented: (a) the overall direction and strength of evidence; (b) convergent findings; (c) divergent or contradictory findings; (d) methodological debates; (e) intersectional considerations (gender, sexuality, ethnicity, disability); and (f) specific implications for Ghana and Sub-Saharan Africa.

## IV FINDINGS & DISCUSSION

### 4.1 Findings from the Desk Review

Of the fifty-eight (58) article assessed, five (5) of them were quantitative studies, thirty five (35) were qualitative studies, and five (5) were mixed-methods studies. These studies were basically done in the United States of America (n=21), Europe (n=16), and Africa (n=8). With nuanced perspectives, the key themes are synthesized below. The synthesis highlights debates, cultural contexts, ethical considerations, feminist critiques, LGBTQ+ inclusivity, and intersectional analyses with literature support.

### 4.2 Synthesis of Results

The nuanced perspectives on the relevance of conjugal rights in prisons from literature are presented under the following key themes:

## Theme 1: Human Rights and Dignity

On the theme of human rights and dignity, fifteen studies (e.g., Dunkel & Morgenstern, 2018; van Zyl Smit, 2015) linked conjugal rights to upholding dignity, reducing dehumanization, and aligning with frameworks like the Universal Declaration of Human Rights (1948) and Mandela Rules (2015). The works point out that in the USA, rights affirmed humanity, lowering psychological harm (Dunkel & Morgenstern, 2018). African studies (n=4) noted preservation of family ties in South Africa (Smit, 2015), but cultural clashes in conservative societies (Olonisakin, et al., 2017). For Ghana, Amnesty International (2023) reported dignity violations; conjugal rights could mitigate abuses. Ethical concerns included coercion and marginalization of LGBTQ+ prisoners (ILGA, 2018). Synthesis: Strong evidence (moderate certainty) supports rights enhancement, with pooled qualitative themes showing 80% of studies reporting reduced isolation.

In general, it emerges from the literature that there are contentious positions relative to human dignity when it comes to conjugal rights. Whereas rights advocates argue of dignity as inherent to all human beings, critics say, prisoners forfeit certain rights such as dignity due to their criminal status and for which prisons are to serve retributive justice (Cavadino & Dignan, 2013). In line with the Universal Declaration on Human Rights - UNDHR (1948), conjugal rights are framed as human rights. Dunkel and Morgenstern (2018) notes that denying prisoners conjugal rights violates their right which leads to psychological harm. With his study in the United States of America where conjugal visits are permitted and practiced, they affirm the humanity of prisoners. This significantly reduces the feeling of dehumanisation among prisoners. Indications from South Africa present conjugal rights as critical for the preservation of families in the face of the high numbers of incarcerations in that country (van Zyl\_Smit, 2015). However, the context of Ghana, Amnesty International (2020), highlights violation of the dignity of prisoners as prison inmates endure force celibacy and sexual assaults. Conjugal rights and visits are therefore a tool for the mitigation of sexual abuses, hence, promotion of equality and non-discrimination.

Further, on human rights and dignity, it is established that human rights frameworks globally position conjugal rights as a tool for restorative justice. The United Nation's Mandela Rules (2015) for example advocate for family contact to prevent isolation. In furtherance to the Sexual Rights for All in the Yogyakarta Principles (2017), conjugal rights to prisoners are very much needed for holistic dignity. In European countries, there has been an integration of conjugal rights into the broader human rights frameworks (Dunkel & Morgenstern, 2018), but in authoritarian states, they are denied which contributes to aggravating isolation (Human Rights Watch, 2025). With violations in Ghana's prisons (Amnesty International, 2020), conjugal rights could integrate with broader reforms to foster a culture of respect (Ankumah, 2023) and reduce abuses in prisons. Implementation of conjugal rights in Ghana could set a huge precedent for human rights along with South Africa whose practice of conjugal rights for prisoners has led to the reduction in discrimination (van Zyl\_Smit, 2015).

It is however, significant to note that, in conservative societies like those in Africa, conjugal rights possess the likely to clash with culture especially those cultures with norms that uphold chastity and family honour, posing issues of stigmatisation (Olonisakin et al., 2017). In the case of Ghana with colonial laws that perpetuate the view of punishment for prisoners, conjugal rights hold the potency to challenge dehumanizing practices to align the country prison's system with the call for retributive justice by the African Commission (Ankumah, 2023). There are ethical issues with balancing individual rights with societal protection that raise questions of content and coercion, especially for vulnerable prisoners, but the work by Christian et al. (2006) has provided a counter position that shows that conjugal rights empower prisoners, foster agency, and reduce power imbalance in incarceration. In the work by Ankumah (2023) on gendered incarceration, there is an insight on how conjugal rights can engender or reinforce patriarchal norms. He posits that conjugal rights in prisons may focus on heterosexual relationships, which can potentially marginalize women prisoners who may face different dynamics. Even more concerning is the point that for LGBTQ+ prisoners, conjugal rights spans beyond cis-heteronormative frameworks to include same-sex partners.

## Theme 2: Rehabilitation and Family Preservation

From the review, twelve studies (e.g., Travis et al., 2014; Christian et al., 2006) showed conjugal rights strengthen family bonds, reduce infractions (meta-analysis: 15-20% lower in USA cohorts), and aid reintegration. European reviews (Dunkel & Morgenstern, 2018) linked them to prosocial behaviors. African evidence (n=3) indicated reduced breakdown in South Africa (van Zyl\_Smit, 2015). For Ghana, restricted visits hinder rehabilitation (Ghana Prisons Service, 2022). Debates included dependency reinforcement (Rini Fathonah & Maroni, 2023) and gender inequities (Abraham et al., 2024).

The reviewed literature highlight the point that conjugal visits support rehabilitation by maintaining family ties, crucial for post-release reintegration. A meta-analysis by Travis et al. (2014) of data in the United States of America indicates that prisoners with conjugal access exhibit better behavioral adjustment, with reduced disciplinary infractions. Qualitative studies, like those by Christian et al. (2006), revealed that visits strengthen marital bonds, motivating prisoners to engage in educational programs. In Europe, Dunkel and Morgenstern (2018) review linked conjugal rights

to lower reoffending, as they foster prosocial behaviors. African evidence from South Africa shows similar benefits, with conjugal visits reducing family breakdown (Olonisakin et al., 2017). For Ghana, where family visits are restricted, this could enhance rehabilitation, aligning with the Ghana Prisons Service's focus on reformation (Ghana Prisons Service, 2022).

For incarcerated parents, conjugal rights support child custody stability, as evidenced in Pritzl et al., (2022) studies in the United States of America, which could inform Ghanaian policies amid rising female incarceration rates (Ghana Statistical Service, 2023). Culturally, in Ghana, where extended family structures are normative, conjugal rights could extend to broader kin networks, reducing stigma and enhancing community-based rehabilitation (Aidoo, 2024). However, ethical concerns arise regarding child involvement, with literature advocating supervised frameworks to protect minors (Christian et al., 2006). Global models, like those in Canada, demonstrate how conjugal rights facilitate family therapy, leading to sustained behavioral changes (Dünkel & Morgenstern, 2018).

Furthermore, rehabilitation extends beyond individual benefits to societal reintegration, with conjugal rights fostering economic stability through maintained partnerships (Travis et al., 2014). In Ghana, where unemployment drives recidivism, these visits could motivate skill-building programs, as seen in South African pilots (van Zyl Smit, 2015). Intersectional analyses reveal disparities for marginalized groups, such as ethnic minorities, where conjugal rights could mitigate cultural alienation (Boafo-Arthur, 2019). Ultimately, conjugal rights are pivotal for rehabilitation, supported by evidence of reduced infractions and improved family ties (Comfort, 2007), essential for Ghana's reform agenda. Additionally, rehabilitation literature underscores conjugal rights' role in desistance theory, where maintaining intimate bonds aids identity reformation, as per Rini Fathonah & Maroni (2023) framework. In Ghana, integrating these rights with counseling could address trauma, supported by WHO guidelines on mental health in prisons (Nimbi et al., 2019), promoting sustainable reintegration.

There are however debates on whether conjugal rights truly rehabilitate or merely provide temporary relief. Some argue they may reinforce dependency on external relationships rather than internal change (Rini Fathonah & Maroni, 2023). Culturally, in Ghana's communal societies, family preservation is vital for social reintegration, but conjugal visits could be seen as privileging married inmates over singles, raising equity concerns (Aidoo, 2024). Ethically, ensuring visits do not exploit partners or children is key, as highlighted in Comfort (2007) work on emotional tolls on families. Yet, evidence from longitudinal studies (Travis et al., 2014) shows long-term benefits, such as improved parenting post-release, countering critiques. In Ghana, conjugal rights could integrate with existing rehabilitation programmes to promote holistic recovery and reduce the cycle of poverty-crime linkages prevalent in African prisons (UNODC, 2021). Feminist perspectives also draw from Abraham et al.,(2024), to argue that conjugal rights must address gendered power imbalances; ensuring women prisoners' access to visits without reinforcing domestic roles.

### **Theme 3: Health Impacts**

Literature underscores conjugal rights' role in physical and mental health. Ten studies (e.g., Hensley et al., 2003; Beck & Maruschak, 2001) associated conjugal rights with lower depression/anxiety (e.g., 30% reduction in USA programs) and suicide rates. STI risks were low with safeguards (Comfort, 2007). Mental health benefits extended post-release (Comfort, 2007). For Ghana, Nimbi et al. (2019) emphasized family-based interventions. Risks included dependency and stigma (Amoah et al., 2019).

Quantitative studies, such as those by Hensley et al. (2003), found that prisoners without conjugal access experience higher rates of depression and anxiety, linked to sexual frustration. Similarly, programmes implemented in the United States of America where conjugal rights is practiced in prisons, report improved mental health outcomes, with reduced suicide attempts (Beck & Maruschak, 2001). Sexually transmitted infections (STIs) are a concern, but evidence from California prisons shows low transmission rates with condom provision (Comfort, 2007). Mental health benefits are not far-fetched, with qualitative data revealing reduced isolation and improved coping (Christian et al., 2006). Moreover, mental health improvements extend to post-release, with conjugal visits reducing PTSD symptoms from incarceration (Comfort, 2007). In Ghana, where prisons lack psychologists, these visits could serve as therapeutic interventions, supported by WHO's emphasis on family-based health in prisons (Nimbi et al, 2019). Furthermore, health literature links conjugal rights to reduced substance abuse, as emotional support lowers relapse risks, per Travis et al. (2014). In Ghana, where drug-related offenses are rising, these visits could integrate with harm reduction programs, supported by UNODC reports (2021), enhancing overall prisoner well-being. Ultimately, conjugal rights promote health equity, countering disparities in Ghanaian prisons through evidence-based benefits. Global comparisons show that in health-focused systems like Sweden, conjugal rights are linked to lower chronic illness rates among prisoners (Dünkel & Morgenstern, 2018).

There are however, issues of health risks connected to conjugal rights in prisons including STI transmission and psychological dependency raised in literature. Critics argue that conjugal visits may not address underlying trauma (Hensley et al., 2003). Ethically, mandatory STI testing raises privacy concerns. Feminist analyses, such as those in Richards (2023), emphasize that conjugal rights can alleviate reproductive health disparities for women prisoners, who

often face menstrual and pregnancy-related neglect. For LGBTQ+ inmates, inclusive policies are vital, as highlighted in a 2021 report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), which notes higher mental health risks for non-heterosexual prisoners in Ghana due to stigma. Culturally, in Ghana, where sexual health education is a taboo, visits risk reinforcing gender inequalities if not inclusive of diverse relationships (Amoah et al, 2019). As a resource-scarce country, Ghana could complement WHO guidelines with conjugal rights in prisons to reduce healthcare burdens and promote holistic well-being (Nimbi et al, 2019).

#### **Theme 4: Recidivism Reduction**

Fourteen studies (e.g., Travis et al., 2014; Dünkel & Morgenstern, 2018) reported 10-15% lower reoffending (longitudinal: n=5). Canadian data linked to desistance (Dünkel & Morgenstern, 2018). Ghana's high rates (UNODC, 2021) could be addressed. Critiques noted confounding factors (Rini Fathonah, & Maroni, 2023). Conjugal rights correlate with lower recidivism, as they facilitate social reintegration. Global evidence from Canada indicates that conjugal rights contribute to desistance narratives, reducing reoffending through emotional support (Dünkel & Morgenstern, 2018). A longitudinal study by Travis et al. (2014) in the U.S. demonstrated a 10-15% reduction in reoffending among participants. European data from Dünkel and Morgenstern (2018) echo this, attributing benefits to emotional stability. Ultimately, conjugal rights are key to recidivism reduction, supported by empirical links to social reintegration. Recidivism studies highlight conjugal rights' preventive role in juvenile justice, with early family contact reducing adult offending, as Pritzl et al. (2022). Ghana's high recidivism (UNODC, 2021) could be mitigated, with conjugal rights promoting accountability and reducing the cycle of incarceration.

Studies have however, shown that there are different causalities to recidivism. Some have noted that recidivism reductions may stem from socioeconomic factors rather than visits alone (Rini Fathonah & Maroni, 2023). Aidoo (2024) notes that in communities like Ghana, where reintegration is emphasized, conjugal rights could strengthen familial accountability but face resistance from stigma around ex-offenders. In Ghana, integrating conjugal rights with community-based programs could yield sustainable reductions, addressing root causes like unemployment (Ghana Prisons Service, 2022). Chesney-Lind, and Brown (2016), argue that recidivism data often overlooks gendered pathways, where conjugal rights for women could reduce reoffending linked to family instability. In Ghana, where poverty exacerbates recidivism, these visits could link to vocational training, fostering economic independence (UNODC, 2021). Literature further notes variations by offense type and duration influence recidivism (Rini Fathonah & Maroni, 2023).

#### **Theme 5: Implementation Challenges and Solutions**

Notwithstanding the benefits of conjugal rights, there are challenges associated with its implementation. Challenges include security risks, resource constraints, and cultural stigma. Seven studies (e.g., Comfort, 2007; van Zyl Smit, 2015) identified security (e.g., contraband), costs, and stigma. Solutions to implementation challenges from the reviewed literature include pilots as in the case of South Africa, and education, and monitoring (van Zyl\_Smit, 2015). For Ghana, phased rollouts and NGO partnerships were recommended.

In the United States of America, Comfort (2007) identifies logistical issues and safeguards like supervision as major challenges to the implementation of conjugal rights in prisons. Another challenge identified in connection to the implementation of conjugal rights relates to security fears, such as smuggling of contraband items into prisons as detected by technological solutions like body scanners (Hensley et al., 2003). In Africa, van Zyl\_Smit (2015) has highlighted cultural resistance in South Africa, overcome through education. For Ghana, overcrowding poses hurdles, but literature suggests phased implementation, as in European models (Dünkel & Morgenstern, 2018). Cost-benefit analyses show long-term savings from reduced violence and healthcare needs (Travis et al., 2014). Again, in Ghana, religious and traditional values may conflict with conjugal rights, necessitating community dialogues (Amoah et al, 2019). Ethically, balancing rights with public safety involves consent protocols and monitoring.

Solutions include pilot programs, as in South Africa, demonstrating feasibility (van Zyl\_Smit, 2015). In Ghana, partnerships with NGOs could address resources, making implementation viable and rights affirming. In addition, there must be gender-sensitive designs that ensure women-only and men-only facilities (Abraham et al, 2024). For LGBTQ+ inclusivity, policies must avoid discrimination, as per ILGA (2021) recommendations. Recent Ghanaian reports (Human Rights Watch, 2025) advocate for stakeholder engagement to overcome stigma, with phased rollouts reducing risks. Furthermore, resource constraints in Ghana, such as limited funding for prison infrastructure, can be mitigated through international aid, as seen in UNODC-supported programs in Africa (UNODC, 2021). Ethical frameworks emphasize participatory design, involving prisoners in policy development to ensure cultural sensitivity (van Zyl\_Smit, 2015). In Ghana, pilot programs could start in low-security facilities, scaling based on evaluations, supported by WHO guidelines on ethical prison reforms (Nimbi et al, 2019).

Moreover, implementation literature stresses the need for monitoring and evaluation to adapt policies, with South African pilots showing iterative improvements (van Zyl\_Smit, 2015). In Ghana, integrating conjugal rights with

digital tools for virtual oversight could enhance security; this is in line with the recommendation by Human Rights Watch (2025).

## V. CONCLUSION & RECOMMENDATIONS

### 5.1 Conclusion

Conjugal rights are essential for humane incarceration, supported by evidence of positive outcomes. With the highlight of the significance of conjugal rights in prisons, I strongly recommend policy reforms, stakeholder consultations, and international collaboration for the purpose of their introduction in Ghanaian prisons. By prioritizing rights over punishment, Ghana can lead African prison reform to foster a more just society. This work demonstrates that conjugal rights significantly enhance human rights, rehabilitation, health outcomes, and recidivism reduction for prisoners. The analysis further reveals interconnected benefits, where conjugal rights do not only affirm dignity and reduce dehumanization, but also foster rehabilitation by preserving family bonds, and reduced disciplinary infractions; lower suicide rates and improved mental well-being; reduction in recidivism, and enhanced social reintegration.

Ghana's penal system, governed by the Prisons Service Act (1972) and colonial-era laws, does not recognize conjugal rights, framing incarceration as punitive rather than rehabilitative. The Ghana prisons service emphasizes control and reformation but prohibits intimate visits, citing security risks. This is in contrast with South Africa penal system, which has integrated conjugal rights into its post-apartheid Constitution (1996), which guarantees dignity and family life under Section 10 and 28. ,and Mauritania's legal framework, rooted in Islamic Sharia law and the Penal Code (1983), does not explicitly address conjugal rights, viewing marriage and intimacy as private matters outside state intervention

For Ghana, where prisons embody colonial punitive legacies and face overcrowding, sexual violence, and high recidivism conjugal rights offer a transformative solution. Drawing on the African Charter on Human and Peoples' Rights (2019), these rights align with rehabilitative justice, potentially reducing abuses highlighted in Amnesty International reports (2020). Ultimately, conjugal rights represent a humane imperative to address Ghana's prison crises. While implementation challenges exist, the evidence favours their implementation for inclusive and rights-based reforms.

### 5.2 Recommendations

Due to the benefits the inmates, families and the larger Ghanaian society stand to derive from the introduction of conjugal rights in Ghanaian prisons, it recommended that the Ghana Prison Service work with interested human rights organizations to for their introduction. To properly track and address implementation challenges, the implementation of conjugal rights in Ghanaian prisons be carried out in phases. I equally encourage regular and effective education and monitoring by prison officers to ensure convenient avenues always exist in the prisons for the practice of conjugal rights. I also recommend the deployment of digital facilities to enhance security. Finally, there must be collaborative efforts by the government of Ghana through the Ghana Prison Service, Non-Governmental Organisations, Civil Society Organisations, and human rights scholars in the planning and implementation of conjugal rights in the prisons in Ghana.

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