

FEAR, VIOLENCE & SEXUAL VIOLENCE IN A GAUTENG JUVENILE CORRECTIONAL CENTRE FOR MALES

Written by Sasha Gear

Violence, described as endemic to South African Correctional Centres (commonly known as “prisons”), is generally under-reported and a severe hindrance to the Department of Correctional Services’ current and ambitious vision to reduce re-offending through rehabilitating offenders (Department of Correctional Services, 2004:5). Victimization in prison has the contrary effect of causing trauma, which brings with it numerous negative consequences. In addition, it contributes to the normalisation of violence and to making violence part of how inmates understand themselves and each other. Sexual violence and coercion – often especially underreported in prison – are of particular concern as they intensify the risks of HIV and Aids and other sexually transmitted diseases. They also fuel damaging ideas about what it means to be a “man” or “woman”, which contributes to sexual and gender violence in our society more broadly.

During December 2004 and January 2005, the Centre for the Study of Violence and Reconciliation (CSVR) conducted fieldwork for a survey with young offenders held at the Boksburg Youth Correctional Centre (BYC), a medium security institution for male juvenile offenders. The aim was to investigate their experiences related to violence, sex and sexual violence in prison. The survey was envisaged as the first step in a pilot project to work with BYC staff to develop strategies to prevent and respond to sexual violence at the youth centre.

The stigma, taboo and fear layered into the subject matter (sexual violence and male victims) and the context of the research (prison), as well as the mainly quantitative survey methodology, likely limited what respondents were willing and able to share with us. Nevertheless, substantial and useful findings emerged.

Our intention was not to “expose” conditions in BYC as a specific institution. Rather it was to prepare the way for the pilot and to draw learnings that could also potentially benefit other correctional centres and organisations working with offenders, at the same time as building better understanding of our youth behind our bars.

This brief outlines the young men’s reports of fear and violence including sexual violence in the institution.

Another brief in this series (Brief 1), *Doing Time in a Gauteng Juvenile Correctional Centre for Males* gives a more general snap-shot of the surveyed youth, their reported views and experiences of life in the facility, and other issues related to HIV and Aids, sexuality and gender.

The full study, Gear and Isserow with Nevill (2006), *Situational Analysis of Boksburg Youth Centre, Sexual Violence in Prison Pilot Project* is available from the CSVR.

Who was involved?

Generous funding from Ireland Aid made the project possible.

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Project guidance and support: Amanda Dissel.

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The Sample

The survey was administered by fieldworkers who conducted face-to-face interviews with 311 randomly selected participants. At the outset of the fieldwork BYC held 462 offenders, and when completed, there were 438. The sample held a confidence interval of 99% and a 4% margin of error. While findings are not generalisable of the broader population of incarcerated male youth, they are representative of BYC, and are likely indicative of issues that are felt in prisons more broadly, if to differing degrees.

Some general information on the respondents

- Most respondents (78%) were aged between 18 – 21. Nine percent were younger than 18 years and 13% were 22 years or older.
- The average sentence the youth were serving was 4 years, 6 months. Eleven percent of respondents were serving one year or less.
- The majority of participants had served fairly short periods of their current sentences when they were interviewed: 55% of them had not yet served one year.
- The periods that they'd spent in BYC specifically were similarly short.
 - 66% had been in BYC for less than a year.
 - 26% percent had been there for between 1 and 2 years.

These relatively short periods in BYC influenced other findings as many questions asked for respondents' experiences in BYC.

(for more detail see, Brief 1, Doing time in a Gauteng Juvenile Correctional Centre for Males)

Perceptions of safety and fear

The extent to which offenders fear violence in prison fundamentally impacts on the experience of incarceration, and is also regarded as a good predictor of general well-being (Maitland and Sluder, 1996:24-31).

- Overall, the youth were marginally more likely to feel unsafe or very unsafe (49%) than safe or very safe (42%) in BYC. Just over 1 in 5 said they felt "very unsafe" and feared for their lives.
- Sixty-three percent of the 156 respondents who had spent time in another institution for sentenced offenders regarded BYC as less safe than other facilities they'd experienced and 25% regarded it as safer.

Staff provision of protective information

We asked participants whether on arriving in BYC they had received any information from staff to assist them in keeping themselves safe from physical harm or being hurt.

- Twelve percent had received information through "formal" means "such as booklets, pamphlets on regulations, rights, complaint procedures, or information sessions/workshops". Eighty-eight percent had not received any such information.
- A much larger group, (71%) had received some verbal advice from staff when arriving at BYC.
- Regarding both verbal and written/formal information, 9 in 10 of those who had received information had found it either "mostly helpful" or "somewhat helpful".

Clearly there are some efforts being made by staff to assist inmates to protect themselves, with the greater tendency being to provide verbal information to inmates. However, 25% of participants had not received any such information.

Experiences of Assault

Perpetration

- Twenty-seven percent of participants admitted to assaulting or hurting another inmate while in BYC.

Victimisation

- Nearly 3 in 10 respondents (29%) said they had been "assaulted /attacked/ physically hurt while in BYC".
- Regarding types of assaults in BYC, the greatest proportion (68%) of respondents said they had been the victim of "beatings, being pushed, stamped on or thrown up and dropped." Stabbings constituted 21% of assaults while sexual assaults constituted 7%.
- Seventeen percent of the youth who'd been in BYC less than 1 month had already experienced assault.
- Assaults were more likely to take place at the hands of gang members than non gang members. This was the case for half of the assaults reported, while a quarter were attributed to non-gang members. Correctional officers were also responsible for a quarter of assaults reported.
- Eighteen percent of all respondents had been assaulted by staff as a form of punishment. A greater number of respondents reported being assaulted by a staff member/s when asked about this specifically, as opposed to when they were asked about assault in general. The discrepancy likely results from perceptions that corporal punishment by staff does not constitute assault.
- One in six (16%) respondents who reported having been assaulted were currently sharing a cell with someone who had assaulted them during the last 6 months.

Reporting victimisation to authorities

- Fifty-eight percent of most recent assaults were not reported to anyone by the respondent victim. This indicates the inaccuracy of official statistics on assault. Severe under-reporting of assault to staff members undermines the ability of the appropriate authority to implement necessary actions.

However, pointing to serious problems with measures to address assaults:

- One in four respondents who had not reported said that this was because they didn't think that reporting would make any difference.
- Almost 1 in 5 said that they had been afraid to report it and/or being victimised.
- Just under a quarter of respondents who had been assaulted said that their assailants had been punished.
- More than half the assailants were apparently not punished.
- Some responses however also showed that not all victims had regarded it necessary or desirable that their assailants be punished.

Gang members and assault

Gang members (58%) were more likely than non-gang members (21%) to have assaulted or attacked another inmate. There were no differences, however, between these two groupings in relation to whether they'd been assaulted

in BYC or not, nor regarding their sense of safety in the institution.

Sexual violence and coercion

Perpetration

- Almost 1 in 3 (31%) young men said that they had had sex with someone (in or outside of prison) despite knowing that this person did not want to have sex with them. While further investigation is necessary into the circumstances of the sex, this suggests widespread involvement in sexual violence and coercion.
- Five respondents admitted to having forced another inmate to have sex in prison while 17 respondents (5%) said that they had tricked/manipulated or threatened another prisoner into having sex. Gang members were more likely to have done this than non-gang members.

Sexual victimization in BYC

While rape is generally an under-reported crime, there are numerous specific reasons that prevent many boys and men from reporting victimization and which are compounded in the prison environment. These include fear of further victimization, the intense humiliation that most victims feel and the common belief that they've lost their manhood as a result. Such stigma and taboos may have kept some respondents from telling us about their experiences. Even so, the findings confirm sexual violence as a problem at BYC.

Males have been excluded from legal definition of rape

Currently South Africa's legal definition of rape does not include boys or men as potential victims. Rather, male rape has been categorized as "sexual assault" and resultantly been considered a lesser offence. However with the Sexual Offences Bill finally having been passed by Parliament (a decade after work began on it) the gender bias of the legal definition will hopefully soon be removed.

- Two percent of respondents (six people) said that they'd had sex out of fear in BYC and just less than 2% said they had been pressured into having a long term sexual relationship against their will.
- Two percent stated that in BYC they had been given cigarettes, drugs, food or protection in exchange for sex. Of these eight respondents, only one had been aware that he would be expected to provide sex in return.

It's noteworthy that the proportion of those reporting having forced or tricked another inmate to have sex was greater than those reporting victimization. While this doesn't necessarily indicate the under-reporting of victimization, it could nevertheless be a result of this.

Participation in both consensual and coerced sex and/or definitional confusions

Respondents who had had "casual sex" in BYC as well as those who'd been in a "mutually agreed" sexual relationships were more likely to also have tricked, manipulated or threatened another prisoner into having sex than respondents who had not participated in "casual sex" or "mutually agreed" relationships.

This overlap between those involved in ostensibly consensual sexual situations with those admitting to tricking, manipulating or threatening others into sex is suggestive of two main possibilities. Possibly respondents who had coerced sex were more likely to also have been involved in consensual interactions. And/or, some respondents defined sex gained through trickery or manipulation as "consensual" or "mutually agreed" (i.e. not differentiating coerced from consensual situations). The likelihood of the latter scenario increases when considering data concerning those who had been victims of manipulation and trickery as well as their participation in "casual sex". Here, there was not the overlap that occurred in relation to perpetrators of tricked/manipulated sex. Apparently, while those who had been victimized did not define the coerced sex as "casual sex", those who had perpetrated did. This further suggests that it is definitional confusion at play rather than that the circumstances of the sex are situated in a murky area somewhere between 'coercion' and 'consent', which would make it difficult to attach either of these labels.

		Had tricked, manipulated or threatened another prisoner into having sex in BYC.		
		Yes	No	
Had casual sex in BYC	Yes	44%	56%	100%
	No	3%	96%	100%
Total		5%	95%	100%

		Had tricked, manipulated or threatened another prisoner into having sex in BYC.		
		Yes	No	
Had been in mutually agreed sexual relationship in BYC	Yes	55%	46%	100%
	No	4%	96%	100%
Total		5%	95%	100%

Understandings of the official status of sex and rape in prison

There is confusion concerning prison regulations in relation to sex and sexual violence in BYC – even on the issue of whether or not it's an offence to force another inmate to have sex.

- One in 10 participants thought that the DCS did not consider it a disciplinary offence for a prisoner to force another prisoner to have sex against his will. This is a high proportion of people who apparently did not know that forcing sex is against DCS regulations. While some respondents may have understood the question to be about how sexual violence is or is not dealt with by the DCS rather than its policy status; and the great majority knew it to be an offence, it is still a concerning proportion who apparently did not.

- Ninety-six percent on the other hand, knew that they have a right to press charges with the South African Police Service (SAPS) against a person who forces them to have sex. This apparent contradiction could be explained by their greater faith in the criminal justice system than in DCS to take cases of sexual violence seriously.
- Ninety-seven percent were also aware that if they lodged a complaint of having been forced into sex, the DCS is under obligation to investigate it.
- More than 1 in 3 believed that if one doesn't report an incident within 24 hours, then there's nothing further one can do.

Echoing a general difficulty faced by staff and inmates with the lack of clarity regarding the official status of sex in prison, 75% of respondents believed that there is a rule forbidding sex between inmates, 22% that there's no such rule, and 4% were unsure. A legal opinion commissioned by the CSVR on the matter (Fourie, 2005) was of the view that, "no such prohibition exists at the moment" (p16). (See also Gear 2007 for more detail on this issue).

Perceptions of staff behaviour in relation to assault.

All participants were also asked to appraise staff behaviour in incidents of assault and sexual violence. They did this by indicating their agreement or not with certain statements regarding staff behaviour.

	Strongly agree / Agree	Don't know	Disagree / Strongly disagree
Most prison officials will take action to stop prisoners being assaulted if they know about it.	87%	1%	12%
Most prison officials won't do anything to stop it if they know about a prisoner being forced to have sex against his will.	21%	5%	75%
With most of the correctional officers (warders), if you report that you've been raped they are likely to joke about it and say something like, "Such things are part of prison life".	15%	7%	79%

- A large proportion of respondents (87%) agreed with the statement "Most officials will take action to stop prisoners being assaulted if they know about it". However, disagreement on the statement was still considerable at 12%.

Respondents were more pessimistic and uncertain on staff responses to cases of sexual assault:

- Twenty-one percent (1 in 5 respondents) agreed that, "Most prison officials won't do anything to stop it if they know about a prisoner being forced to have sex against his will."

Respondents who had experienced assault as well as those who had spent longer in BYC were more likely to appraise staff negatively in situations of assault:

- Thirteen percent of those who had been in BYC for more than a month disagreed that officials would act to stop assaults, while only 3% of those who'd been there for less than a month disagreed.

There was also a correlation between time spent in BYC and pessimism regarding staff attitudes towards sexual assault: offenders who had spent longer in BYC, were more likely to be pessimistic about the staff's response towards sexual assault than those who had been in for a shorter period. This is reflected in the following table.

"Most prison officials won't do anything to stop it if they know about a prisoner being forced to have sex against his will"				
	Less than 1 year		More than 1 year	
	N	%	N	%
Strongly agree / Agree	33	17%	31	26%
Don't know	11	6%	4	3%
Disagree / Strongly disagree	149	77%	83	70%
Total N	193		118	

- An increase of almost 10% in pessimism about officials' responses to rape and coercion was recorded by those who had been in BYC more than a year relative to those who'd been in less than a year.
- Just more than 1 in 4 (26%) of those who had been in a year or more believed that, "Most prison officials won't do anything to stop it if they know about a prisoner being forced to have sex against his will."

The same increase applied to those who agreed with the statement, "With most of the correctional officers, if you report that you've been raped they are likely to joke about it and say something like, 'such things are part of prison life'."

Young offenders' ideas for increasing safety and related recommendations

Interviews ended by asking the youth for their ideas on making BYC a safer place.

Their recommendations for both general safety and to prevent forced sex were wide-ranging and illustrative of various factors that contribute to the dangerous environment. At the same time, and pointing to the challenges involved, some of the young men expressed helplessness, resignation or hopelessness, saying that nothing could be done about it. A greater sense of hopelessness was expressed in relation to sexual violence than about violence generally. This is suggestive of a view of sexual violence as embedded and normalised in prison and/or as particularly difficult to address.

The following table summarises main themes of their answers and also shows overlaps and differences of response between the general question on preventing violence (GQ) and the question on preventing sexual violence specifically (SVQ). Themes are briefly discussed below.

Respondents advice on making BYC safer – Themes			
	GQ	SVQ	Total count
Access to resources.	50	97	147
Keeping busy, education and development opportunities	110	7	117
Punishment, justice and follow-up	39	77	116
Accommodation and organisation of space	37	48	85
Security and patrols	57	21	78
Staff attitude, capacity and behaviour	57	20	77
No advice responses and hopelessness	22	43	65
Searches and the problem of weapons	32	-	32
Raising awareness	-	25	25
Sexuality, sexual prohibition and allowances	-	20	20
Health and hygiene (excludes sexual health education, condom provision etc.)	4	-	4

Security, patrols, searches, and the problem of weapons

Departing perhaps from common belief, the youth wanted to be patrolled, monitored and secure. They complained of a lack of staff, of ways to alert them, and a lack of monitoring mechanisms especially at night and at weekends - although the problems are clearly not restricted to lock-up times.

They wanted to see:

- Frequent patrols and searches.
- Steps to root out weapons from inmate possession.
- The use of safer construction materials and fittings (such as for windows and lighting)
- Systems to raise alarms.

Staff attitude, capacity and behaviour

Respondents wanted staff:

- To be more available to inmates,
- To take complaints seriously,
- To be professional: they raised problems of corruption, the lack of confidentiality with which some staff treat their complaints, favouritism and discrimination.
- To proactively engage with inmates (find out if there are problems, check for complaints),

- To receive training to enable them to handle rape cases.

They also highlighted the need for:

- Psycho-social support to be available to inmates who are victims of sexual violence.
- Programmes for perpetrators of sexual violence in prison to be instituted.

Justice and follow-up in cases of rape

Especially in relation to sexual violence and abuse, the youth did not trust DCS to take their cases seriously, or to support them in seeking justice in the broader criminal justice system.

They put great emphasis on a need for:

- Stronger connections with the criminal justice process in the form of police investigation and criminal court trials,
- Better internal systems of discipline.

Fundamentally, they want to see come-back and consequences for those who violate others. While their specific suggestions tended to be extreme and punitive, they reflect a current context of impunity. Along with stating that inmates require education on even the fact that rape in prison is an offence, they emphasised the need for meaningful disciplinary measures. Where measures exist, these were viewed as ineffective.

Separation of categories of offenders and arrangement of space

While overcrowding affects the ability to separate offenders as required by DCS policy, it is clearly advisable to separate vulnerable inmates from those more likely to offend. The youth suggested separating the young from the older inmates; gangsters from mphatas (non-gang members); and those with qualities regarded as effeminate, from others. However, separations of categories of offenders, and the ways in which this could be done need to be carefully tried and tested.

Regarding inmates' desire for increased personal space, it is noteworthy that during field-work BYC was not actually filled to "recommended capacity". At the same time, some respondents complained of a lack of basic resources like beds and ablution facilities – usually a result of overcrowding. While further investigation would be required, it appears that there are problems with offenders' access to resources even in the absence of overcrowding.

Access to resources

The manipulation of power by inmates and staff springing from resources such as food, toiletries and cigarettes is often a central component of abusive sexual interactions.

- Resources need to be better controlled in order to avoid the creation of power-blocs, exploitation and corruption which interfere with inmates' access to basic necessities: for example, to ensure inmates receive the food rations they're entitled to, as well as ensuring the adequacy of these.
- Systems of food management need to be revised and monitored.
- Inmates who do not receive items through visits need to be catered for in terms of their basic requirements.

Participants wanted to see DCS providing increased resources (such as basic toiletries and food) to inmates, together importantly, with the better management of these.

A general analysis of what makes inmates 'rich' and 'poor' would assist in generating strategies aimed at preventing dangerous power dynamics from developing.

Keeping busy: education and developmental opportunities

By far the most common piece of advice respondents offered on general safety was to keep them busy with activities such as learning, work or recreational opportunities. While this was a broad concern, they were also particularly concerned about "idle" sections. Very long periods of being locked up, and that many of them spend idle even during 'unlock' times are fundamental feeders of conflict and violence. Respondents had numerous constructive ideas about how they could use their time. Access to television and radios (which was uneven at BYC) was also seen as important for keeping 'minds occupied'.

Specific educational and awareness-raising needs

Concerning sexual violence, respondents specified areas for attention regarding inmate education, awareness raising and working with problematic attitudes.

Provide programmes that:

- Build positive understandings and attitudes on sexuality and gender.
- Increase life-skills.

Provide information and education:

- On the fact that rape is an offence (related to making sure there are consequences for perpetrators).
- On the rights of victims, and available paths of recourse and support.
- On HIV and Aids and sexual health.

To debunk sexual myths and promote tolerance of sexual diversity

The young men's inputs identified the need to establish clear definitions, and to correct misunderstandings and dangerous beliefs including confusion between sex and sexual violence and coercion.

Several of their recommendations were linked to the need for information and education on sexual health and sexuality as well as on programmes that seek to promote positive sexualities. So, for example, while it would likely not be desirable nor appropriate to provide the medication to douse sexual urges that was requested by some respondents, these requests point to how these youth experience sexual arousal as a burden in prison. Similarly, while there is no evidence to suggest that the availability of condoms promotes sexual activity, certain respondents believe that they do¹. This highlights the importance of increasing initiatives with inmates and staff to improve awareness and understanding of sexual health and sexuality.

¹In this they are not alone. We frequently hear from both DCS staff and offenders in other institutions as well that they disapprove of making condoms available in prison because they believe it to promote sexual activity and sexual violence.

In conclusion

Violence in prison is of grave concern not least because of its consequences for broader society. As Dissel puts it, "A culture which tolerates aggression and violence is an unlikely learning ground for an offender who is supposed to learn to manage his aggression and behave in... more non-violent ways." The young men's emphasis on a context of impunity in the institution, the extent of their fear, and some officials' continued use of corporal punishment – amongst numerous other things, point to such a culture at BYC, and one sorely in need of credible structures, skills and procedures aimed at reducing violence. The youths' increased pessimism regarding staff commitment to address sexual violence, and regarding their capacity to do this – even where commitment is not lacking – point to the additional challenges posed by this form of violence. It also makes it essential that focused attention is given to the matter and that DCS takes a lead in debunking the societal notion that men do not get raped. This can be done by developing systems to reduce and appropriately respond to its occurrence. South Africa's HIV and Aids epidemic and extremely high levels of sexual and gender violence make this all the more urgent.

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