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### WOMEN, FAMILIES AND IMPRISONMENT IN SOUTH AFRICA

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#### **1. Introduction**

The South African correctional system originated from Britain (Venter, 1959, p. 59). Since 1990 it underwent extreme transformation, including becoming an independent department (1990), releasing political inmates (since 1990), implementing community corrections (1991), ending inmate separation on racial grounds (1993), incorporating five correctional systems into one (1993), allowing inmates to vote (1994), adapting to Constitutional dictates (1993 and 1996), addressing representation (1995), demilitarization (1996), implementing new legislation (1998), introducing a judicial inspectorate (1998), opening super maximum prisons (1999), implementing unit management (2000), and opening private correctional facilities (2001) (Luyt, 2001:26-33). Van Zyl Smit (2004, pp. 227-228) writes that “when major political changes took place at the beginning of the 1990’s, it was common cause that elementary human rights of prisoners were not being respected in practice.” He notes that “the sad reality is that, in late 2002, there is no evidence of overall prison conditions having improved significantly for the bulk of prisoners in the eight years since the first democratic elections.”

The female inmate population in South Africa is small. Being a minority in one of the ten largest correctional systems in the world (Luyt, 2003, p. 96) may end in extreme marginalization. For example, Landman (2006, p. 336) mentioned that in the Pretoria female correctional center, a cell for one person contained six women who shared the toilet with more women sleeping in the corridor outside the cell. Against this background, women imprisonment in South Africa will be discussed comprehensively.

#### **2. Imprisonment since Apartheid**

South Africa became independent in 1961. Under the apartheid Department of Justice and forming part of the security forces, prisons

grew into political warehouses. The legitimacy of the system came under scrutiny during the apartheid period when a large number of political prisoners became incarcerated. During the state of emergency (1985–1990) the number of detained women political dissidents also increased. South African prisons took center stage again when Nelson Mandela was released in February 1990. Later that year, prisons became the independent Department of Correctional Services. By 1994, a new White Paper indicated the need for change to fit the purposes of a constitutional state (Department of Correctional Services, 2005, p. 48). The Correctional Services Act 111 of 1998 followed. The Department of Correctional Services became a service delivery department, like home affairs or social development (and lost its status as a security department that it held along with the police and the military).

After 1994, the Department of Correctional Services underwent significant changes while overcrowding increased. By 2002, the prescribed floor space of 3,344 square meters per inmate decreased to 1,722 square meters on average in large overcrowded facilities (Van Zyl Smit, 2004, p. 230). Dissel and Kollapen (2002, p. 89) stated that prison conditions have worsened. Hoffman (2005, p. 5) argued that the dynamics underlying interpersonal relations between inmates and society seem similar to those on which apartheid flourished. Two private correctional centers opened in 2001/2002. Sadly, female offenders cannot tap into these resources.

### **3. The Recent Prisoner Population**

By 2002, South African corrections had a design capacity of 110 874 with 8 facilities for women and 99 with sections for men and women. Since 2002, the Department has taken steps to reduce the inmate population, including amnesties.

Crowding in correctional facilities by March 2006 is summarized below (Table 1). All regions were overpopulated.

Table 1.

Region	Capacity	Un sentenced	Sentenced	Total in custody	%
Eastern Cape	12 717	5 340	14 306	19 646	154.49
Gauteng	26 709	16 392	28 441	44 833	167.86
KwaZulu-Natal	19 854	8 146	18 213	26 359	132.76
Limpopo/Mpumalanga/North West	18 996	3 749	20 323	24 072	126.72
Northern Cape/Free State	16 807	5 480	14 921	20 401	121.38
Western Cape	19 422	7 286	17 616	24 902	128.22
Total	114 505	46 393	113 820	160 213	139.92

Open Society Foundation for South Africa, 2006.

The inmate population in February 2007 is illustrated below (Table 2). The breakdown highlights female imprisonment. Reference to race is still maintained and racial perceptions remain strong in the correctional community.

Table 2.

Races		Unsentenced	Sentenced	Total
Asian	Female	37	29	66
	Male	134	481	615
	All Genders	171	510	681
Black	Female	795	1 759	2 554
	Male	39 455	88 003	127 458
	All Genders	40 250	89 762	130 012
Coloured	Female	189	452	641
	Male	7 277	20 290	27 567
	All Genders	7 466	20 742	28 208
White	Female	66	232	298
	Male	508	1 967	2 475
	All Genders	574	2 199	2 773
<b>All races</b>	<b>All genders</b>	<b>48 461</b>	<b>113 213</b>	<b>161 674</b>

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Van Zyl Smit (Van Zyl Smit & Dünkel, 2001, p. 603) note that the number of women in South African correctional facilities continued to decline (from 4463 in 1988 to 3006 in 1998). Kriel (2005, p. 103) tracked data on the inmate population back to 1956/57. The highest daily

average female inmate population recorded since then was 6888 in 1969/70. The lowest was 2530 during 1995/96. The introduction of correctional supervision, special remissions of sentence and special amnesty for women with children under 12 facilitated a decline in the inmate population. The female inmate population gradually decreased from 9.5% in 1958/59 to 2.3% in 2003/04.

#### **4. Legal Basis of Women's Imprisonment**

There is no separate legal basis for the imprisonment of women in South Africa. Legal aspects apply to men and women alike. With the judiciary, the most influential legislation in the area of corrections is the 1996 Constitution, the Correctional Services Act 111 of 1998, minimum sentencing laws, criminal law and common law.

#### **5. Sentencing of Women**

Section 276 (1) of the Criminal Procedure Act 51 of 1977 regulates sentencing (Republic of South Africa, 1977; Terblanche, 1999, p. 43). Historically, South African courts imposed nine types of sentences, namely death,<sup>1</sup> imprisonment, periodical imprisonment, declaration as an habitual criminal, committal to any institution established by law, a fine, corporal punishment<sup>2</sup> (see *S v Williams* 1995 (2) SACR 1 (CC)), correctional supervision, and imprisonment from which a person may be placed under correctional supervision in the discretion of the Commissioner/parole board. Women were exempted from corporal punishment by the terms of Section 295(1) of the Criminal Procedure Act 51 of 1977 (Republic of South Africa, 1977).

#### **6. Women Correctional Centers**

Correctional facilities should ensure safe custody, humane conditions, provision of corrective services, care and development, and general administration. Women's correctional centers can house 4378 inmates. Overcrowding is not a general problem, but isolated overcrowding occurs. In 2006 the worst overcrowded female correctional centers were Thohoyandou (capacity 134) holding 324 inmates (142% overpopulated) and Durban Westville (capacity 244) holding 389 (59% overpopulated). By March 2006, 2287 women were imprisoned. Of these, 171 were given a fine with imprisonment as alternative but were too poor to pay it. Another 70 served life sentences and 454 women served sentences longer than 10 years (Judicial Inspectorate, 2006, p. 16).

## **7. Study on Women's Imprisonment**

Imprisoned women experience specific problems. South African correctional centers focus on the majority male population (97% of the inmate population). This focus often leads to a neglect of women's needs. Landman (Landman, Luyt, & Du Preez, 2006, p. 339) for example, stated that inmates do not have a consciousness of the human rights of people of faith, women less so than men. The need was identified to conduct an in-depth study regarding women's imprisonment in South Africa.

### **7.1. Methodology**

The researchers investigated women's imprisonment from different angles. Examples included approaches to human rights, accommodation, education and employment opportunities, treatment, and certain areas regarding the skills of corrections employees. Secondly, an analysis of the perceived conditions of imprisonment was conducted with reference to living conditions, quality of life, needs, and stress levels. Other concepts were analyzed but will not form part of this discussion. The study only included sentenced women.

### **7.2. Data Collection**

Data was collected through triangulation, which is a combination of different methods (Silverman, 2000, p. 98). It is also known as the multi-method approach (Dünkel, Kestermann & Zolondek, 2005, p. 4). Institution-specific data was collected at participating facilities using standardized written questionnaires for inmates and staff, observations at participating correctional centers, and additional non-structured interview participants.

### **7.3. The Questionnaires**

Questionnaires were adapted for South African conditions, but originated from a similar study in nine European countries. For the European study, revised questionnaires were devised from an international study on men's imprisonment: the Mare-Balticum prison survey (Dünkel, Kestermann & Zolondek, 2005, p. 4). After a pre-test in South Africa, the questionnaires were refined and utilized in all identified facilities.

### **7.4. Basic Questionnaire for Significant Background Variables**

The questionnaire collected data about the structural conditions of participating facilities. Correctional staff completed it. It focused on specific areas impacting inmates, like the size of the facility, population density, type of regime, basic conditions, medical, social and psychological care, programs for inmates, and staff-identified issues.

### **7.5. Questionnaire for Female Inmates**

Information included socio-demographic data, assessment of conditions, well-being, interactions, development/work opportunities, victimization, and disciplinary measures.

### **7.6. Selection of Participating Correctional Centers**

Research results are based on feedback from three women-only correctional institutions and two institutions where a section is dedicated to women. Two correctional centers are urban institutions. Two female sections and one female-only center are rural institutions, allowing for a balance between urban and rural representation. Correctional institutions were selected by stratified sampling (Lunsford & Lunsford, 1995:105).

### **7.7. The Research Sample and Questionnaire Distribution**

Management of institutions completed the basic questionnaire for significant background variables. The convenience sampling method was applied, in which participants are selected due to their convenient accessibility to the researchers. Criticism against the method is that bias may be introduced in the sample as volunteers are often more suspicious due to natural dominance in the population. The researchers considered this and concluded that such dominance could favor the research as volunteers would feel empowered to answer questions objectively. The questionnaires for female inmates were less difficult to handle, as the women were mostly eager to participate. A high return rate was achieved. In total, 19.30% (n = 477) of all sentenced women (n = 2 472) participated in the research.

### **7.8. Research Results**

Walonick (2007, p. 3) argues that low response rates to questionnaires may lower confidence in results and reliability. The return rate of 19.30% of the female inmate population allows for positive generalization (Silverman, 2000, p. 85). From the sample, 87.42% of feedback was received from women-only institutions, while 12.58% was received from institutions with women sections. The individual feedback distribution is illustrated below (Table 3):

Table 3.

<b>Correctional Institution</b>	<b>Frequency of return (n = 477)</b>	<b>Percentage return</b>
1	147	30.82
2	156	32.70
3	114	23.90
4	31	6.50

5	29	6.08
<b>Total</b>	<b>477</b>	<b>100</b>

### 7.9. Demographics Concerning Sentenced Women

Concerning nationality, 93.24% were South African, while 30 participants were foreigners (missing = 33). The age of participants varied between 15 and 69 years. Women below 20 years constituted 2.95%, with 26.76% ageing from 20 to 29. Those between 30 and 39 years represented 36.73%. Women between 40 and 49 represented 20.41%, while those between 50 and 69 constituted 13.15%. The age with the highest representation was 36 (n = 28), followed by 27 (n = 24), 32 (n = 23) and 30 (n = 21), while 2.27% (n = 10) were 54, a high age for criminal activity. Women aged 25 to 42 had high representation at 64.17% (n = 283).

The majority (44.65%) was single, 25.74% were divorced or widowed, 29.61% were married and 40.83% reported no involvement in stable relationships. The majority (53.30%) reported involvement in a stable relationship outside, while 5.87% indicated involvement in a stable relationship inside prison (missing = 68).

Nearly 80% reported having children, while 21.40% had no children (missing = 47). Most women had two children, followed by those with one child and those with three children. Forty-two indicated they had four children and 3 reported having 8 children (missing = 113). The youngest child of 83.05% of the sample were aged seventeen or younger (thus being dependents). The age group five years or younger (qualifying to be housed with their mothers)<sup>3</sup> accounted for 33.33% of dependent children, while 34.75% of dependent children were between 6 and 12 years. Only 60 children were of independent age, varying between 18 and 45 (missing = 123).

The majority (31.34%) had completed secondary school education, while 12.44% have had no education, 23.50% completed primary school, 25.58% were secondary school dropouts, 6.91% had completed a university degree and 1 person has completed a postgraduate degree (missing = 43). Just over ½ of the women (56.78%) indicated that they had been employed prior to incarceration.

Nearly 57% (56.78%) reported to be first offenders, while 16.17% reported previous imprisonment. Forty-four participants reported pre-trial detention of 1 year, while 20 reported pre-trial detention of two years. Pre-trial detention was most concentrated in the period 1 to 11

months with 72% spending 6 months or less in pre-trial detention. The types of crime and the number of participants from the sample convicted for it are tabled below (Table 4):

Table 4.

Type of crime	Number convicted*
Theft/fraud/embezzlement or another form of property crime	151
Drug offences	8
Murder/manslaughter	30
Robbery	48
Assault/bodily harm	26
Economic crime	120
Sexual offence	34
Drunk driving	6
Other	37

\* Missing value = 17

Sentences ranged from a few days to 40 years. Participants who received a sentence of less than one year amounted to 20.29%. Sentences of 1 to 5 years amounted to 33.34% of the sample. Those serving 6 to 10 years represented 24.26% of the sample. Of the 105 persons who serve sentences of more than ten years, 28.57% serve 15 years, while 9.52% serve 20 years, and 7.6% serve 25 years. Of the sample, 303 participants looked forward to being released within 2 months, while 49 were expecting to be released within 2 years. Sixty-two participants expected release within 8 to 10 years.

#### **7.10. Women's View about *Capita Selecta* in their Respective Correctional Centers**

Women were asked to indicate whether certain aspects in their correctional center could be described as "very poor," "poor," "ok," or "very good." Statements covered a variety of fields typically forming part of the daily prison routine. Results are not broken down into individual correctional centers. Responses are described below.

Recreational opportunities were described as very poor (42.46%), while 30.86% said it was poor. A total of 23.90% were of the opinion that recreational opportunities were "ok." Only 2.78% felt it was "very good." Women argued that the quality of food was "very poor," with 37.75% expressing this view. Another 34.88% said food was "poor" and 2.43% argued that the food was "very good." Work opportunities evoked



positive responses with 40.00% responding that it was “ok.” In contrast, 24.27% described it as “very poor” and 29.89% said it was “poor.”

Opportunities for family contact created positive responses. From the sample, 49.20% indicated that it was ok, while 14.42% said it was very good. The climate between people in the institutions was experienced as “ok” by 45.66% while 35.39% said it was “poor.” Another 15.07% described the climate between people as “very poor” and 3.88% felt that the climate between people in the correctional environment was “very good.”

#### **7.11. Accommodation and Aspects of Care**

Women in South African correctional centers included in the sample indicated that they were accommodated in cells with between 2 and 89 persons. The majority (59.13%) indicated that they had enough space in their cells. It emanated that 26.41% were not allowed to have personal belongings with them. In 94.83% of the cases people had access to a toilet that was inside the cell, while 74.16% indicated that the toilet was separated from the cell and 35.58% indicated that toilets were in view of other inmates.

More than 90% (90.36%) were in possession of soap and toothpaste and 83.89% indicated that availability of women’s hygiene articles was not a problem. Availability of bedding was much lower at 59.38%. Concerning showering, 60.18% could shower once a day (8.43% could shower twice daily), while 17.14% could shower 3 times or less per month. Nearly 75% said water was warm, while 25.6% had regular cold showers.

Lighting in cells was reported as adequate by 90.66%, but 54.59% reported that cells did not allow a view of the outdoors. Just over 50% indicated that cells are too cold, while 75.33% reported having no heating during winter. Nearly 82% (81.76%) said cells are too hot in summer. A slight majority (52.24%) reported that cells are not damp, while the rest reported the opposite. Too much noise was reported by 48.79%, while 25.05% reported excessive noise (excessive noise refers to abnormal additions to already existing noise levels, for example those noises caused by hard floor surfaces, metal gates and doors, and the use of one television set for a large cell without the option of individual sound apparatus like earphones). Concerning ventilation, 51.72% argued that cells are poorly ventilated, while 59.09% experienced uncomfortable temperatures inside cells. Natural/artificial lighting was at acceptable levels with 73.23% indicating so.

Sentenced women are obliged to wear prison clothes. Nearly 92% (91.81%) confirmed wearing it. Only 37 women reported wearing private clothes. Reasons for this included washing, unavailability of prison clothes and being hospitalized. Privacy was acceptable to the majority (51.12%), but 29.28% indicated that lack of privacy was very high and 10.81% said lack of privacy was high.

#### **7.12. Food**

Although the majority (89.70%) indicated that they catered for themselves, 76.13% said they received three meals per day and 76.94% indicated they received at least one hot meal per day. Official policy is to prepare meals in central kitchens. However, the researchers found that women are sometimes allowed to prepare their own food, for example women with children inside, to create some normality.

The majority (70.98%) reported being able to purchase/receive additional food. Only 21.57% were able to prepare their own food in living areas. Nearly half (46.03%) had special dietary needs. Of those, 49.60% maintained that special dietary needs were not considered properly. Concerning wholesomeness, 69.63% argued that the diet was unbalanced. As for quantity, 55.22% were not satisfied, while 14.15% agreed that food was always sufficient. Only 5.82% maintained that food is always good, while 80.76% felt that the food was never good.

#### **7.13. Health**

Concerning health, 28.37% reported feeling very unhealthy and 17.26% indicated feeling perfectly healthy. In total, 52.72% of the sample felt unhealthy. Regarding sleeplessness, 36.53% experienced it often, while 28.91% experienced lack of appetite. Regular allergies were reported by 26.23%, while 52.22% never experienced allergies. Some 38.06% had backache complaints, while 48.84% reported regular headaches, 33.80% regular stomach trouble, and 29.12% regular abdominal pains. Concerning toothache, 58.80% reported never experiencing problems of this nature, while 41.33% reported other types of health problems.

Tuberculosis was reported by 6.51%, while 18.55% were not sure. Hepatitis (different variants) sufferers amounted to 4.15% while 17.56% was not sure. Having HIV/AIDS was confirmed by 9.00%, with 57.35% reporting being negative and 33.65% not knowing their status. Venereal disease was reported by 3.94% of the sample, while 30.71% did not know whether they had any.

Regarding medical treatment in prison, 19% reported never to have had any, 41.86% has had medical treatment 1-2 times, 16.97% made use of

medical treatment in prison 3-5 times and 21.95% used medical treatment more than 5 times. Some 54.84% reported their satisfaction with medical treatment, while 19.35% reported they were very dissatisfied with medical treatment. Medical provisions were satisfactory for 15.07%, while 54.11% were not impressed.

When required, 52.09% of participants reported not being able to have immediate access to medical assistance, but 61.42% were able to consult a general practitioner. Dentists were available to 55.43% of the sample, but psychologists/psychiatrists could not have been consulted by 53.33%. A gynecologist was only available to 11.88%, while 60.09% had no access one. Only 8.47% had had cancer screening and 34.23% reported having obtained essential medicines.

In total 51.49% could not obtain disinfectant when needed, while sterile needles were not available to 48.87%. Only 12.38% could obtain sterile needles and 38.74% did not know whether they would be available on request.

With self-assessment of mental/medical conditions, 50.00% agreed strongly that they felt dejected/depressed. Only 38.03% said they remain optimistic even during tough times, while 50% experienced constant loneliness. Some 13.10% said it's unlikely that they would be lonely. In total, 37.50% argued that they had someone to rely on inside, while 30.13% felt it unlikely that they could rely on anyone while in prison.

Relating to substance dependency, 25.78% showed extreme fear of becoming dependent while imprisoned. Some 16.82% feared the likelihood of dependency, while 47.76% showed no fear of developing substance dependency. Another 59.60% argued they could not bear another day inside prison, while 15.40% had the opposite view. Only 16.22% argued they were in good hands, while 18.47% said it was likely that they were in good hands and 65.31% argued they were not in good hands.

Concerning brooding, 72.8% said they spent a great deal of time brooding. Some 65.92% were often angry, while 14.80% very seldom become angry. Dealing with problems by speaking to someone was confirmed by 37.27%, while 35.45% experienced a likelihood of speaking to someone. Sadly, 15.23% argued that there was no likelihood to talk about their problems.

Nearly 50% feared contracting a disease inside prison, while 11.39% had no fear for this. Many (60.58%) felt that their lives were pointless. The majority (86.97%) argued that they try to make the best out of their

situation. Most (75.17%) felt that they looked well after themselves, while 3.33% thought it was impossible.

Many (46.46%) often felt so enraged that they could break something. In contrast, 33.64% almost never experienced this rage. Some 73.32% expressed being tensed regularly, while 14.13% very seldom experienced tension. Whilst 35.71% indicated that they sometimes consider self-harm, 49.78% hardly ever consider it. The majority (72.09%) indicated that there is always someone to comfort them when feeling down, while 12.72% said they had nobody to comfort them. A large 67.04% said they were at the mercy of their situation. Yet, 75.50% knew who could assist when help was needed.

#### **7.14. Drugs/substances in prison**

On the Lickert scale 66.20% argued that drugs played no role in everyday prison life, 13.89% lingered towards the center of the “no role” continuum, 4.63% were centered towards the “major role” continuum, and 15.28% argued that drugs played a major role.

Concerning alcohol, 6.93% knew inmates using alcohol, 15.45% knew inmates using cannabis,<sup>4</sup> 5.12% knew inmates using ecstasy, 4.23% knew inmates using amphetamines, 5.90% knew inmates using cocaine, 4.06% knew inmates using heroin, and 3.13% knew inmates using methadone related substances. Own drug use was indicated to be very low. For alcohol it was 3.60%, for cannabis 4.51%, ecstasy 1.13%, for amphetamines 0.45%, for cocaine 3.21%, for heroin 2.53%, for methadone 0.70%, and for other drugs 2.75%.

Regarding self-reported previous dependency treatment, 0.90% received alcohol treatment, 3.59% received drug treatment, 3.34% received prescription drugs treatment, and 6.86% received mental treatment. In comparison, current treatment was reported for alcohol (0.68%), drugs (0.68%), prescription drugs 2.30%, and 4.59% for mental health. Participants expressed the need to undergo treatment. Of these, 3.46% needed alcohol treatment, 4.85% drug treatment, 4.02% prescription drugs treatment, and 9.58% mental treatment.

#### **7.15. Work and Education and Training**

Some 144 participants indicated that they were working towards obtaining a school certificate, 39 followed vocational training and 102 participated in other training courses, while 156 did not participate in education or training. Another 57 planned participation in courses that have not started at the time of the research. Concerning other programs (social skills, anger management), 134 participants were involved in

these programs, of which 72.90% indicated voluntary and 27.10% obligatory involvement.

Many (60.92%) were employed inside correctional centers, with 39.08% not working. Of the employed, 80.33% reported working one hour per day, while 18.85% worked two hours per day. Only 0.82% worked three hours or more daily. Concerning remuneration, 46.15% received remuneration for their work. Some (54.06%) had a say in the work they performed, while interest and skills were reflected in 57.78% of work performed. Few (8.00%) were on work release (day parole), 26% indicated unavailability of work, 14.00% reported health problems as reason for unemployment, 29.00% participated in education/training, and 23% had reasons for not working (not being interested, awaiting release). Most participants evaluated their work/education/training as meaning something to them (75.66% totally agreed and 16.34% partly agreed). However, 50.48% argued that work/training did not improve skills levels, while 29.88% argued otherwise. The majority (81.17%) received feedback that they do a good job and 66.37% maintained that their work distracted them from everyday prison life.

The majority (59.88%) reasoned they were adequately trained for their work, while 22.80% completely disagreed. Many (65.66%) regarded their work/training as monotonous, while 59.94% totally agreed that you can always learn new things. Seventy percent agreed that time to complete tasks was sufficient, while more than 50.00% regarded work/education as an opportunity to meet other inmates.

#### **7.16. Leisure time**

Many (48.35%) were of the opinion that inmates spend less than 5 hours outside cells each day, while 51.65% indicated that time spend outside cells varied between five and nine hours. Some (26.18%) indicated that they could spend seven hours per day outside their cells, while 18.87% said the maximum time outside equaled two hours. Most (89.31%) could move freely when outside, but 55.74% indicated that a variety of leisure activities were unavailable. Where leisure activities were available, 55.36% indicated they were not able to utilize them.

During leisure time, 37.17% watched television, while 14.60% said it was not possible. Some (11.38%) would draw or paint, while 35.71% maintained this activity was not available. Fitness exercises were sometimes done by 5.22%, while 52.83% said it was not possible. Reading proved popular as 48.42% indicated frequent reading but 7.01% said it was not possible. While 5.22% said it was not at all possible to

spend time with other inmates as a leisure activity, 49.43% indicated to do so frequently.

Sport was high on the leisure time agenda and 5.79% indicated frequent participation in it, while 27.62% claimed no access. As for handicrafts, 42.73% indicated non-availability and 9.55% indicated frequent participation. "Hanging around" was done frequently by 16.59%, whereas 29.55% said it was not permitted. Music was popular with 66.96% (31.92% sometimes and 35.04% frequently listens to it), while 10.27% said it was not possible. Many (59.69%) indicated that they spent three hours or less a day on their activities.

Many (55.11%) spent leisure time by themselves. The majority (77.41%) could access information about current events and 81.12% could practice their religion freely. More than half (58.03%) spoke English fluently, but 41.78% did not have newspapers available in their native language. Only 35.44% indicated that English courses were offered.

#### **7.17. Contact with Inmates and Officials, and Institutional Atmosphere**

In their contact with other inmates 79.61% experienced respect from fellow-inmates. Although 49.02% indicated that they are afraid of some inmates, 90.23% indicated that they got along with most inmates. Many (56.90%) found it easy to establish contact with other inmates, while 83.41% knew which inmates to talk to when they experienced problems. Most (82.85%) were treated fairly by other inmates, while 50.90% said they were oppressed by other inmates. While 88.35% argued there are inmates with whom they were friends, 69.50% said that there were many inmates with whom they want nothing to do with.

Concerning officials, 70.30% experienced respect from them, although 50.76% feared some officials. The majority (76.06%) indicated that they got along well with officials, while 54.66% said it was difficult to establish contact with officials. Most participants (85.04%) knew whom to approach when they had problems. Generally, 79.51% felt officials treat them fairly. Many (58.01%) felt oppressed by officials, while 80.45% said they get along well with certain officials. Most participants (58.82%) felt constantly being monitored. Two thirds (67.11%) experienced most officials speaking in a commanding tone, while 81.02% argued that officials were doing their job.

On the Lickert scale (from relaxed to tense), 68.63% of the sample experienced a tense atmosphere in their institutions, while on the same scale (from safe to hostile) 48.14% experienced a hostile atmosphere. On

the same scale (from low to high), 46.4% of the sample saw their own position in the internal institutional hierarchy/pecking order as central, while 18.51% felt they had high positions. With 7.71% of participants indicating that they are foreigners, 21.95% felt they were disliked by others. Most (82.61%) argued that they were not taken better care of because of this. They were also not treated worse (claimed by 80.34%). More than half (52.37%) saw themselves minorities, but 81.41% indicated that it did not bring about better treatment, while 88.43% said the treatment was also not worse because they belonged to a minority.

### **8. Conclusion**

Women's imprisonment in South Africa faces various difficulties and challenges, while inadequacies persist in various areas. The Department of Correctional Services (2005:13) expressed that rehabilitation will be at the center of activities, but it is not (yet) the case, particularly when considering rehabilitation of women. One would imagine that significant changes would start with small victories, like walking the extra mile for incarcerated women, a minority group, in areas like parole, provision of necessities and special emphasis on rehabilitation programs to empower them for a crime-free life.

The importance of women in South African society cannot be overestimated. Without women the foundation of society is severely damaged. South Africa is primarily dependent on women for education, health services, and many others. The Department of Correctional Services employ 9751 women, constituting 25% of the total staff complement (Department of Correctional Services, 2007). Yet, they are unable to render comprehensive services to this minority inmate group. Something is terribly wrong in a correctional system when the State cannot deliver proper services to such a small portion of your correctional population. Noble ideas are afloat at high levels, but implementation and execution where it really matters is a big concern. Women are at the losing end in correctional institutions. In society, the future of the whole country may increasingly be jeopardized by the manner in which a core function of one of the largest state organs is executed.

**References**

- Department of Correctional Services. (2005). White paper on corrections in South Africa. Pretoria: Department of Correctional Services.
- Department of Correctional Services. (2007). Towards gender & racial equity. Retrieved on 2007/05/23:  
<http://www.dcs.gov.za/WebStatistics>
- Dissel, A & Kollapen, J. (2002). Racism and discrimination in the South African penal system. Cape Town: Centre for the Study of Violence and Reconciliation.
- Düinkel, F., Kestermann, C. & Zolondek, J. (2005). *International Study on women's imprisonment: Current situation, demand analysis and best practice*. Greifswald: University of Greifswald.
- Hoffman, S. (2005). Rehabilitation of prisoners in a transforming South Africa. Retrieved on 2007/03/30:  
<http://www.csvr.org.za/confpapers/hoffman.htm>
- Judicial Inspectorate. (2006). Annual Report for 1 April 2005 to 31 March 2006. Retrieved on 2007/03/25  
<http://judicialinsp.pwv.gov.za/Annualreports>.
- Kriel, J. (2005). Emerging trends among the South African inmate population and persons subject to community corrections. *Southern African Journal of Criminology*, 18(2), 100-115.
- Landman, C. Luyt, W. F. M. & Du Preez, N. (2006). The incarcerated body: Judicial inspections, human rights and religious policy in prisons in South Africa. *Studia Historiae Ecclesiasticae*, XXXII(2), 321-343.
- Lunsford, T. R. & Lunsford, B. R. (1995). The research sample, part 1: Sampling. *Journal of Prosthetics and Orthotics*, 7(3), 105-112.
- Luyt, W. F. M. (2001). The transformation of corrections in the new South Africa. *Southern African Journal of Criminology*, 14(3), 26-33.



\_\_\_\_\_. (2003). Genocide in Rwanda: Detention and prison involvement. *Southern African Journal of Criminology*, Vol 16(4), 96-111.

Open Society Foundation for South Africa. (2006). Sentencing in South Africa: Conference Report 25–26 October 2006, Cape Town.

Rabie, M. A. & Strauss, S. A. (1985). *Punishment: An introduction to principles*, 4<sup>th</sup> Edition. Cape Town: Lex Patria.

Republic of South Africa. (1977). *The Criminal Procedure Act 51 of 1977*. Pretoria: Government Printer.

\_\_\_\_\_. (1996). *The Constitution of South Africa 1996*. Pretoria: Government Printer.

\_\_\_\_\_. (1998). *The Correctional Services Act 111 of 1998*. Pretoria: Government Printer.

Silverman, D. (2000). *Doing qualitative research: A practical handbook*. London: Sage.

Terblanche, S. S. (1999). *The guide to sentencing in South Africa*. Durban: Butterworths.

Van Zyl Smit, D. & Dünkel, F. (Eds.). (2001). *Imprisonment today and tomorrow: International perspectives on prisoners' rights and prison conditions*. The Hague: Kluwer Law International.

Van Zyl Smit, D. (2004). Swimming against the tide: Controlling the size of the prison population in the new South Africa. In Dixon, B. and Van der Spuy, E. (Eds.), *Justice gained? Crime and crime control in South Africa's transition*. Devon: Willan Publishing.

Walonick, D. S. (2006). Everything you wanted to know about questionnaires but were afraid to ask. Retrieved on 2006/01/15: <http://statpac.com/research-papers/questionnaires.htm>

Venter, H. J. (1959). *Die Geskiedenis van die Suid-Afrikaanse Gevangenisstelsel 1652-1958*. Kaapstad: H.A.U.M.

**Case**

*S v Williams* 1995 (2) SACR 1 (CC).

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<sup>1</sup> The death penalty was deleted in terms of Section 34 of the Criminal Law Amendment Act 105 of 1997 (1997 (b)). Women could be and have been sentenced to death in South Africa. Only as recently as 2006 all death penalties were converted to imprisonment, despite the fact that the last execution happened in 1991 and the death penalty was declared unconstitutional more than a decade earlier.

<sup>2</sup> Corporal punishment was deleted in terms of Sections 1 and 2 of the Abolition of Corporal Punishment Act 33 of 1997 (1997 (a)).

<sup>3</sup> The Correctional Services Amendment Act 25 of 2008 reduced this age to 2 years.

<sup>4</sup> Known as dagga in South Africa.