VICTIMIZATION OF INCARCERATED CHILDREN AND JUVENILES IN SOUTH AFRICA

HEIDRUN KIESSL and MICHAEL WÜRGER

Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany

ABSTRACT

The empirical study reported here analyses the practical relevance of United Nations standards and norms in the area of juvenile justice. It concentrates on South Africa and focuses on the implementation of the Rules for the Protection of Juveniles Deprived of their Liberty and Article 37 of the Convention on the Rights of the Child. A total of 804 children/juveniles and 404 correctional officers participated in the survey. In this article, the broader analysis of implementation conditions of the minimum standards is confined to some core variables. Staff and inmates of 18 facilities were questioned on issues surrounding the reason for victimization of incarcerated child inmates and interpersonal violence. Although the extended survey is not purely a victim’s survey, it showed the relevance of victimization issues to the well-being of the young inmates. It is an important discussion, as there are only a limited number of prison victimization studies internationally, as prisoners are often neglected as possible victims. In particular, child inmates are much more sensitive to the effects of detention than adult inmates and are particularly vulnerable to victimization. Where young offenders become victims of assault or sexual assault during incarceration the question arises, how successful will be their future reintegration into society? Some areas for the improvement of safety of young inmates and the prevention of victimization which may be relevant not only to South Africa but also to other countries are identified.

INTRODUCTION

International minimum standards, which deal with prison conditions for children, deal in various ways with the protection and safety of incarcerated youth. During the 1980s, the United Nations opened a new range of applications for human rights with its standards and norms in the area of juvenile justice. It was intended to formulate international minimum standards for children in conflict with the law, which could be used by Member States as a basis for the creation of their own juvenile justice systems. In particular the aim was to ‘emphasize the well-being of the juvenile and his/her family’ and ‘to develop conditions that will ensure for the juvenile a meaningful life in the community’.

These standards and norms cover the whole spectrum that a justice system is required to have: from crime prevention, diversion, administration of juvenile justice, sentencing, training of personnel to conditions in prisons and facilities in which young people are deprived of their liberty. In particular, the binding Convention on the Rights of the Child deals in one article with safeguards for the confinement of children. These standards regard imprisonment as the depriva-
tion of liberty without further punishment, recommending that imprisonment for children should be avoided and taken only as a measure of last resort. Certain safeguards should be guaranteed to avoid further harm to the physical and psychological well being of the young inmates.\(^5\)

This study explored in the broader sense the use and application of one set of these standards, the Rules for the Protection of Juveniles Deprived of their Liberty and Article 37 of the Convention on the Rights of the Child in a selected Member State – South Africa – which is currently in a transition process. With regard to the purely explorative character and the restrictions on South Africa as a ‘case-study’, the scope of the study is for the present limited. Nevertheless, in its process of transition and social change, South Africa is an illustration of global developments and phenomena.\(^6\) An ‘in depth’ study of additional countries would have gone beyond available time and resources available to this project.

Apart from an analyst of the conditions of confinement in South Africa it was questioned which implementation structures for the standards are relevant for current practice of imprisonment internationally. Therefore, the study is an approach to the problems and progress in the use and application of the JDL in other member states. As part of the development of methods in implementation research, a specific research instrument for the measurement and control of the use and application of soft-law recommendations has been developed. As an outcome, selected indicator variables of the survey can be a basis for future research projects, in particular longitudinal studies or analyses of the implementation of minimum standards in other countries. With this selection, a screening-model for the implementation of minimum standards could be developed, which is also suitable for a general, worldwide evaluation of the imprisonment of juveniles in a justice system and which is applicable for future international studies.

The narrative will give a glimpse of the complex results of the study, with an in depth discussion of conditions of confinement for children (Kiessl, 2001). After an introduction to its methodology and design, the article will consider the results of the empirical study. To begin, an overview about the survey-population – children/juveniles – will be presented, and some aspects about accommodation and staff-inmate relations will be considered. In order to keep the scope of the discussion within reasonable limits, the main focus will be on victimization issues and interpersonal violence against incarcerated children and juveniles. A broader analysis of the implementation of the minimum standards is confined to some core variables. Although the extended survey is not purely a victim survey, it showed the relevance of victimization issues to the well-being of the young inmates. This discussion is important, as there are only a limited number of prison victimization studies internationally,\(^7\) prisoners often being neglected as possible victims. In particular, child inmates are much more sensitive to the effects of detention than adult inmates and are particularly vulnerable to victimization. The question arises, how young offenders who become victims of assault
or sexual assault during incarceration will succeed in their future reintegration into society.

As far as terminology is concerned, ‘juveniles’ will be used for the purpose of referring to persons under the age of 21, and, in a specific context, ‘children’ will be used to represent persons under the age of 18. Internationally, ‘child’ is the appropriate term, and is so used in the South African Constitution. However, as shown in the survey, South African prison practice is to house children and juveniles together, both separated from adult inmates.

THE RESEARCH IN ITS SOUTH AFRICAN CONTEXT

Transition is still the dominant factor in South African society. Many new and constructive processes have been initiated based on a strong desire to construct a new society. However, reform and responsibilities for the new democratic government can be characterized as Sisyphus-work with an unforeseeable end. Apartheid’s heritage is a stagnant economy lacking skilled professionals and a decaying school system. With poverty afflicting a great part of the population, a phase of accelerated population increase together with high unemployment contribute to retard the transitional process. One of the world’s highest crime rates – in particular a high murder and rape rate – leaves its mark on South African society and fosters fear of crime (Nedcor, 1996).

The ‘legal’ transition has so far progressed with a strong constitution and a flood of new legal codes. A new Child Justice Bill is being prepared, which focuses on diversion, non-custodial measures and restorative justice instead of imprisonment; at the time of the writing the draft had not been enacted. It concentrates on sentencing and the administration of justice, but does not consider the implementation of imprisonment. The new Correctional Service Bill, which was not in force during the survey, covers some aspects of this issue, but not in detail. Until now South Africa has not had a special legal code for children; the current justice system concerning procedures for delinquent children is an incoherent one (Franck/Arzt, 1997; p. 163). Only a few legal sections deal specifically with children. In 1995 corporal punishment was abolished (Sloth-Nielsen, 1990; pp. 73–95 for a historical overview), leaving a more limited range of sanctions concentrated mainly on imprisonment as the appropriate sentence.

Because of a lack of personnel, high numbers of cases, overcrowded prisons, lack of professional education, lack of resources and a high recidivism rate, the current justice system has bottlenecked. Current criminal justice policy discussions are characterized by a step backwards to mechanisms which existed before democratisation. There are supporters of the reintroduction of the death penalty, of corporal punishment and of life imprisonment sentences without bail or parole (Bussiek, 1999; p. 20; Necor, 1996; van Zyl Smit, 1997; p. 11; Berg, 2000; p. 58). This trend favours those elements of repressive criminal law and of a repressive society which were abolished during the transition.
At the end of this survey, prisons were in a state of unrest. In Johannesburg’s largest prison, which at this stage accommodated 10,000 prisoners, 339 were on hunger strike. This unrest was prompted by the Ministry of Correctional Services’ new policy of reducing privileges, additional supplies, food from the outside, and visits (TV and radio had already been removed from the cells.) Staff shortages linked with overcrowding seems to endanger management control, security and order in penal institutions. South African prisons are confronted with an overpopulation quota of 141% and a staff-prisoner ratio 1:4.5. Of 100,000 inhabitants about 330 are prisoners. In 1997 about 76 out of 100,000 persons under the age of 21 were imprisoned.

METHODOLOGY

Implementation research is the theoretical working basis for this study. It was established in the political sciences during the 1970s (Mayntz, 1980; p. 236; Mayntz, 1997; p. 144; Brohm, 1998; p. 110), and has meanwhile also flourished in criminological research (Heinz, 1998; pp. 48ff; Oswald, 1997). In this context, implementation is defined as the process of social change through norms, or more concretely, as the ‘execution and application of the law and other programmes of action in the process of politics’ development’ (Schwarze, 1996; p. 141; Rehbin­der, 2000; p. 178).

The empirical study, with its evaluating character (Rossi/Freeman, 1994; Hellstern/Wollmann, 1984; p 24), focuses primarily on the situation of children deprived of their liberty. It focuses mainly on the use and application of the JDL in terms of its level of execution; in particular, its use and application concerning specific addresses, such as the personnel in places of safety and prisons in the relevant institutions. It is characteristic of the implementation structure of the standards and norms for there to be no obligation for Member States to implement soft law standards like the JDL into their national legislation. Therefore, the pervasive and non-binding character of the JDL justifies the approach chosen in this research: focal points are, first, as the target group for implementation, the staff of prisons and places of safety (detention centres for children awaiting trial) and their acceptance of the JDL, and secondly the children themselves, as experts in describing their current situation in a penal institution.

The survey approach was chosen as an appropriate research method. As a main quantitative data source, self-completion questionnaires were distributed directly to staff who deal with children and who represent the whole spectrum addressed in the JDL (director, specialized and custodial staff). The questions focus on the working and training conditions for the different personnel and their attitudes towards the imprisonment of children, and on service provision for young inmates in a penal institution. Accommodation, clothing, hygiene conditions, food, discipline, medical and social services and educational programmes are addressed. In the same way, questionnaires were distributed to a sample of
children. These focus on similar areas. The specific needs and concerns of the children, such as the disciplinary measures imposed, the relation to fellow inmates and staff, and victimization, were additionally covered.

The fact that the questionnaire covered the everyday experiences of the young inmates enabled them to complete what was probably their first questionnaire in their lives, and increased their motivation to do so carefully. An important part of the concept was the execution of the survey for children (and partly for staff) in a ‘class-room context’ (which in practice meant not only class rooms, but also such premises as a dining-hall, a library, a courtyard or a church). The research team (composed of a researcher from the Max Planck Institute and a researcher from Technikon Southern Africa) was present to introduce the subject, to motivate, and above all to explain. Afterwards, the participating juveniles received a small gift as a reward and some information about the researchers. The reward did not affect the answers.

Criminological research discusses, particularly controversially, the analyses of prison conditions based on inmate surveys. In general, inmates would describe prison conditions negatively. New research approaches focus on inmates’ attitudes for the analysis of prison conditions and the evaluation of penal institutions, with a broad variance of evaluation results in different facilities (Camp, 1999; pp. 250–268; Lyon, Dennison and Wilson, 2000; Ortmann, 2000; Bottoms, 1999).

The design shown in Figure 1 was chosen to record the reality of the South African correctional system for children and juveniles and the implementation of the minimum standards. Different segments were brought together to provide the overall picture. A multi-level-model was pursued.

Sample Selection and Execution of the Survey

Due to a lack of statistical background information, and in order to choose the sample of institutions, a short questionnaire was distributed in May 1998 to the heads of prisons and places of safety. After an analysis of the results and due to logistical considerations, 16 institutions were included in the main survey, leaving out only three provinces (North, Free State and Northern Cape). The main survey was carried out during a period of seven weeks in the Autumn of 1998. It was conducted in 12 prisons of different sizes and in four places of safety (Kiessl, 2001; p. 195). Additional discussions with management and staff members took place. At the end of almost every survey there was a visit to the respective institution. One prison for females was included in the survey (n = 21). The analysis of this sample of female inmates was executed separately from the main male sample, which is solely considered in the following.

Preparation and execution of the survey was made possible with field support from Technikon Southern Africa (TSA). It was planned that about 50 children in each facility would be interviewed (if not enough children were available,
Inmates-information quality correctional system

Staff-information quality correctional system

Comparison inmates/staff quality correctional system

Reality of the correctional facilities for children and juveniles in SA

+ use and application of minimum standards

Figure 1. Research design.

juveniles were asked to participate. Of 806 children/juveniles (including pre-test participants) a total of 804 responded. 75% of the children/juveniles participated in the English language and the rest in Afrikaans. Of 779 staff members a total of 404 questionnaires were received, resulting in a return rate of about 52%.

To standardize and better control the survey situation, the inmate survey was conducted as a group survey, executed in a classroom context (Kiessl, 2001; pp. 203–204). The design of the staff survey was similar. Due to logistical and organizational problems, the staff survey could only be conducted in seven of the facilities as a group survey. In the other seven the relevant co-ordinator, chosen by the institution as representative, distributed the questionnaires with envelopes prepared by the researchers, so that the researchers could collect them at the end of the inmate surveys. In three institutions researchers distributed questionnaires directly to staff and the co-ordinator distributed additional questionnaires to staff who could not be present for the group survey. It was also possible for staff to send the questionnaire to TSA with the prepared envelope (prepaid postage and envelopes were addressed to TSA) (Kiessl, 2001; p. 204). In both surveys anonymity was guaranteed.
Characteristics of the Survey Population: Children and Juveniles

The current juvenile population in penal institutions covers a broad spectrum (10–25 years). The average age in the sample is 17.4 years. Adult inmates (n = 30) were also included if they were accommodated in a juvenile section or in a juvenile facility. Adult inmates can also be found in places of safety. Age determination is one major problem in the current South African justice system. As there was for a long time no birth registration, the accurate identification of age is difficult and therefore the separation of child/juvenile inmates from adult inmates is a complicated task. Inmates see an advantage in the juvenile/child status. Figure 2 discloses the ethnic background of inmates.

![Figure 2. Ethnic background of inmates.](image)

Compared with the general population, coloured inmates are over-represented in the sample (8.5% of the general population). White inmates are under-represented (about 12.7% of the general population). The proportion of Asian and black inmates in the sample does not differ from that of Asians and blacks in the general population. Out of 390 staff members, 55.9% were black, 25.9% were white, 14.1% were coloured and 4.1% were Asian. This proportion does not reflect the ethnic distribution of inmates.

Also of interest is the reason inmates gave for their incarceration. To reduce the number of possible statistical comparisons, offences which were committed or which could be inferred from the facts, were summarized into contact (violent offences) and non-contact (offences without physical contact). Since only a small group responded with multiple offences (13%), the offences were classified without difficulty. As shown in the following table, the number of contact and non-contact offences is virtually even.
TABLE 1
Type of offence

<table>
<thead>
<tr>
<th>Offence</th>
<th>%</th>
<th>n = 739</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact</td>
<td>51.8</td>
<td>383</td>
</tr>
<tr>
<td>Non-contact</td>
<td>48.2</td>
<td>356</td>
</tr>
</tbody>
</table>

As far as the respondents' personal background before their detention period is concerned, no differences between contact and non-contact offenders were visible. More frequently, the younger inmates lived with their mother and/or father, but violent offenders had 'normal' family relationships as well.

Accommodation

As can be seen in Table 2, most respondents were housed in communal cells. The concept of 'places of safety' means that accommodation is in smaller groups, whereas in prisons, communal cells accommodate sometimes 20, but in some cases more than 60 inmates.

The average population per cell was 20 inmates. When the different types of institutions are taken into account, the mean in prisons was 23.3 inmates and in places of safety 9.5 inmates per cell. The difference between these averages is striking, but it must be noted that the size of the room varies between facilities. However, overcrowding seems to be a big problem in the prisons (Kiessl, 2001).

TABLE 2
Number of inmates per cell/type of facility

<table>
<thead>
<tr>
<th>Number of inmates per cell</th>
<th>Prison</th>
<th>Place of Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td></td>
<td>(n = 538)</td>
<td>(n = 175)</td>
</tr>
<tr>
<td>0–2</td>
<td>9.7</td>
<td>4.6</td>
</tr>
<tr>
<td></td>
<td>(n = 52)</td>
<td>(n = 8)</td>
</tr>
<tr>
<td>3–15</td>
<td>24.0</td>
<td>82.9</td>
</tr>
<tr>
<td></td>
<td>(n = 129)</td>
<td>(n = 145)</td>
</tr>
<tr>
<td>16–25</td>
<td>25.7</td>
<td>8.0</td>
</tr>
<tr>
<td></td>
<td>(n = 138)</td>
<td>(n = 14)</td>
</tr>
<tr>
<td>26+</td>
<td>40.7</td>
<td>4.6</td>
</tr>
<tr>
<td></td>
<td>(n = 219)</td>
<td>(n = 8)</td>
</tr>
</tbody>
</table>

(p < .001)

(Missing values n = 68)
Age Separation

Joint accommodation of child and adult inmates might result in various problems, e.g., various types of abuse or introduction into the prison subculture. To avoid these problems international instruments and the South African Constitution acknowledge the request for separate accommodation of adult and child inmates. This important cornerstone for adequate incarceration of children was questioned in both surveys (inmate and staff). Both groups of respondents indicated whether inmate accommodation complied with the principle of separation of children from older inmates. Table 3 illustrates that inmates and staff have different ideas regarding the compliance of their respective institution with the separation principle (p < .001).

<table>
<thead>
<tr>
<th>separation principle</th>
<th>complied %</th>
<th>did not comply %</th>
</tr>
</thead>
<tbody>
<tr>
<td>inmates (n = 587)</td>
<td>73.3</td>
<td>26.7</td>
</tr>
<tr>
<td>staff (n = 364)</td>
<td>52.2</td>
<td>47.8</td>
</tr>
</tbody>
</table>

Table 3 illustrates that inmates and staff have different ideas regarding the compliance of their respective institution with the separation principle (p < .001).

A total of 951 (80.3%) inmates and staff responded. Out of 587 inmates more than 70% said that their accommodation complied with the principle of separation, whereas of 364 staff respondents just over half said that the separation principle was met. Thus, and perhaps surprisingly, inmates regard the situation more positively than staff. Staff members may have a better overview of the whole situation in the facility, whereas inmates may say something about their specific section of the facility.

Staff - Inmate Relationship

Observation of assaults

Child participants were questioned about the frequency on which they noticed assaults on inmates by staff members.

More than half of the inmate respondents observed assaults by staff members in both types of facilities. This is a serious claim. Even after the end of apartheid, violence is still present in staff–inmate interaction, although more in prisons than
in places of safety. Positive role models established through constructive behaviour seem to be absent; instead the opposite might be claimed. Conflict resolution through violence in the relations between staff and inmates could carry over to inmates in their relations with one another. Once violence is imposed by staff or inmates, a vicious circle develops which is difficult to break.

**Offences of inmates in confinement**

Staff respondents’ assessment of inmates’ rule infractions in confinement reinforce the above picture. These infractions can be regarded as sign of ‘adjustment problems’ of inmates into prison life (Bottoms, 1999; p. 231).

With regard to violent offences against staff, the responses diverge in both types of facility (p < .01). Of all the staff surveyed in places of safety, 66.4% (75) said that there are violent offences against staff members, whereas in prison the proportion was lower 48.5% (141) respondents. The problem seems greater in places of safety than in prisons. In both types of facility respondents described the climate for inmates as violent, since inmate–inmate violence is reported by more than three quarters of respondents.
TABLE 4
Offences reported by staff.

<table>
<thead>
<tr>
<th>offences</th>
<th>prison</th>
<th>places of safety</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td></td>
<td>(n = 291)</td>
<td>(n = 113)</td>
</tr>
<tr>
<td>escape</td>
<td>75.9</td>
<td>79.6</td>
</tr>
<tr>
<td></td>
<td>(n = 221)</td>
<td>(n = 90)</td>
</tr>
<tr>
<td>violent offence against staff</td>
<td>48.5</td>
<td>66.4</td>
</tr>
<tr>
<td></td>
<td>(n = 141)</td>
<td>(n = 75)</td>
</tr>
<tr>
<td>violent offence against inmates</td>
<td>80.4</td>
<td>73.5</td>
</tr>
<tr>
<td></td>
<td>(n = 234)</td>
<td>(n = 83)</td>
</tr>
<tr>
<td>illegal pos. of weapons</td>
<td>54.3</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>(n = 158)</td>
<td>(n = 61)</td>
</tr>
</tbody>
</table>

(missing values n = 126) *(p < .01)*

*Disciplining experienced by inmates*

Table 5 shows the distribution of disciplinary measures from the inmates’ perspective in both types of facility. The referential quantity relevant to this description is the prevalence rate, not the rate of incidents; the number of disciplinary measures measured over a certain period of time takes no account of how often someone would be disciplined.

To a considerable degree corporal punishment still exists and isolation is also used. These ‘illegal’ measures violate not only the South African Constitution, but also the JDL (S v Williams 1995 (3), SA 632; Kiessl, 2001, chap. 4, VIII and chap. 6; Sloth-Nielsen, 1990; p. 78, regarding the history of flogging in South Africa). Their psychological effects may be more damaging than their physical consequences: they may contribute to the future commission of violence against the victim and to his/her potential to perpetuate violence in society. According to the JDL and the CRC, the restriction of visits (particularly, limiting contact with family) would also be forbidden.

In vital points identical behavioural patterns emerge in both prisons and places of safety. The opinion that corporal punishment is justified for educational purposes still seems to be broadly accepted by staff members. Even in ‘treatment’ (or in ‘education’) orientated places of safety, inmates are exposed to punitive and illegal disciplinary measures. In this context smacking as a ‘light’ form of corporal punishment might be regarded as a disciplinary measure which is socially acceptable. Participants were asked to provide additional information on the disciplining they had experienced. Some exemplary comments are ‘I was beaten to hell for talking while I was going to eat’, or being ‘under the iron hand by being transferred to another prison without a valid proof’. Unusual measures...
TABLE 5
Disciplinary measures

<table>
<thead>
<tr>
<th>disciplinary measure</th>
<th>Prison % (n = 416)</th>
<th>place of safety % (n = 148)</th>
<th>Total % (n = 564)</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. removal of privileges*</td>
<td>39.9 (n = 166)</td>
<td>30.4 (n = 45)</td>
<td>37.4 (n = 211)</td>
<td>n.s.</td>
</tr>
<tr>
<td>2. lock-up in cells during the day*</td>
<td>51.4 (n = 214)</td>
<td>19.6 (n = 29)</td>
<td>43.1 (n = 243)</td>
<td>p &lt; .001</td>
</tr>
<tr>
<td>3. solitary confinement/isolation</td>
<td>13.7 (n = 57)</td>
<td>4.7 (n = 7)</td>
<td>11.3 (n = 64)</td>
<td>p &lt; .05</td>
</tr>
<tr>
<td>4. restriction of visits</td>
<td>22.4 (n = 93)</td>
<td>18.2 (n = 27)</td>
<td>21.3 (n = 120)</td>
<td>n.s.</td>
</tr>
<tr>
<td>5. warning*</td>
<td>35.1 (n = 146)</td>
<td>65.5 (n = 97)</td>
<td>43.1 (n = 243)</td>
<td>p &lt; .001</td>
</tr>
<tr>
<td>6. whipping</td>
<td>19.2 (n = 80)</td>
<td>19.6 (n = 29)</td>
<td>19.3 (n = 109)</td>
<td>n.s.</td>
</tr>
<tr>
<td>7. smacking</td>
<td>26.4 (n = 110)</td>
<td>33.8 (n = 50)</td>
<td>28.4 (n = 160)</td>
<td>p &lt; .05</td>
</tr>
</tbody>
</table>

(missing values n = 217)
*compliance with JDL.

such as ‘body exercises like frog jumps or push ups’ or ‘standing for a long time in a funny position’ were reported. Cleaning is also used as disciplinary measure.

In summary, it can be said that the pattern of disciplinary measures used is alarming, though some of the disciplinary measures used comply with the JDL.

**Staff attitude to inmates**

In their responses to the staff survey, staff revealed their attitude towards their profession and, most importantly, towards the inmates. There were rarely any positive remarks about inmates, and poor interaction between staff and inmates was also expressed from their side. The need for support to develop an understanding of their inmates and for responsible training is evident (Kiessl, 2001; pp. 479–506). The handling of child inmates may be limited to care, security and control. Staff often disapprove of the attachment developed through real interactions with the young inmates. As long as there is no real approach to or
consideration of young inmates, and as long as staff more or less maintain an ‘enemy’ image, conflicts will be present in the institution’s everyday life. In this case the staff’s level of stress can only increase and their satisfaction with work decrease. Particularly in closed institutions, commitment in this area, though essential, is difficult to reach.

Victimization of Inmates by Fellow Inmates

‘Now we would like to know more about your relationship with your fellow inmates’ served as the thematic introduction into the last section of the children’s questionnaire, which dealt with the victimization of incarcerated children/juveniles by other inmates. The survey included two yes/no questions on whether the inmate experienced fear of assault and fear of sexual assault. The next variable focused on encounters and problems with gang members. Afterwards, two variables explored (as yes/no questions) whether respondents had observed assault or sexual assault in their facility. As the next step respondents were asked whether they had ever been assaulted by fellow inmates in this facility. If ‘yes’ was indicated, they were asked whether they had complained to the staff. If so, they were further asked whether they received a response, and whether this was positive or negative. With regard to sexual assault a similar set of variables followed. The question ‘do you belong to a gang and if not, would you like to belong to one’, concluded this section. Only prevalence data was collected. The question of the number of incidents was not operationalized in the research.

As far as terminology is concerned, ‘victim’ will be used for a respondent who reported to being the victim of assault or sexual assault; ‘non-victim’ for an inmate who indicated no victimization experience. A ‘double victim’ would be a respondent who reported being a victim of both assault and sexual assault. The percentage of respondents will be listed who once or repeatedly became victim of assault/sexual assault. The referential quantity relevant to this description is prevalence, not incident rate. About 90% of inmate respondents answered the questions in the victimization part of the questionnaire.

About 30% of respondents indicated that they had experienced victimization during detention by other inmates. Every fourth respondent reported that he became a victim of assault at least once during incarceration, and more than every eleventh inmate responded that he became a victim of sexual assault at least once during incarceration. Inmates in prisons have a higher probability of being doubly victimized (assaulted and sexually assaulted). In contrast, it is in a place of safety that they are more likely to be assaulted. As far as the proportion of inmates who indicated being victimized or witnessing victimization, there is no significant difference between the two types of facility.

With regard to the respective variables which focused directly on the victimization experienced (not on observation or fear of victimization), a slight, but
TABLE 6
Type of victimization and victim status

<table>
<thead>
<tr>
<th>victimization</th>
<th>%</th>
<th>(n = 697)</th>
</tr>
</thead>
<tbody>
<tr>
<td>non-victims</td>
<td>69.7</td>
<td>486</td>
</tr>
<tr>
<td>victim assault</td>
<td>20.5</td>
<td>143</td>
</tr>
<tr>
<td>victim sexual assault</td>
<td>3.7</td>
<td>26</td>
</tr>
<tr>
<td>double victim sex./assault</td>
<td>6.0</td>
<td>42</td>
</tr>
</tbody>
</table>

(missing values n = 84)

striking increase of non-respondents (missing answers) appeared: 10.7% (84) whereas in the observation or fear of victimization items, the rate of missing values was less than 5% of the total respondents. This increase is more evident in the question concerning directly experienced sexual assault than assault. In the questions which followed after the victimization items, almost all responded, again with the usual low rate of missing values. This slight increase in missing answers in the part in which directly experienced victimization was questioned might relate to the difficulties victims or more particularly rape victims have (in particular males) in reporting such incidents. Shame, taboo or fear might block the victims, or the pain experienced might lead to denial. The statistical analysis showed that the age of the respondents is not a relevant factor in the increase in these missing answers (non-responses).

Victimization and age

The following tables show an interdependence between the age of the respondents and the victimization (p < .01).

The younger the respondents were, the more they experienced victimization. More than 60% of the younger inmates reported victimization, whereas of the older inmates only 18.6% experienced victimization.

Table 8 demonstrates that becoming a victim of sexual assault is independent of the age of the respondent. Becoming a victim of sexual assault might rather be a question of stigmatization by fellow inmates, by a ‘looser’ image, or related to the offence the respondent committed (see below: victimization and type of delinquency), than a question of age. However, in becoming victim of assault, age is a relevant factor. The Table shows that the younger the inmate, the greater the chance of being victimized. In the group of the youngest inmates more than half responded that they had been assaulted. Table 8 suggests that the older an inmate, the more capable he may be of defending himself.
TABLE 7
Victimization status and age

<table>
<thead>
<tr>
<th>age level</th>
<th>10–13</th>
<th>14–15</th>
<th>16–17</th>
<th>18–20</th>
<th>21+</th>
</tr>
</thead>
<tbody>
<tr>
<td>status</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>non-victim</td>
<td>(n = 8)</td>
<td>(n = 49)</td>
<td>(n = 186)</td>
<td>(n = 194)</td>
<td>(n = 48)</td>
</tr>
<tr>
<td>victim</td>
<td>(n = 14)</td>
<td>(n = 31)</td>
<td>(n = 93)</td>
<td>(n = 62)</td>
<td>(n = 11)</td>
</tr>
<tr>
<td></td>
<td>36.4</td>
<td>61.3</td>
<td>66.7</td>
<td>75.8</td>
<td>81.4</td>
</tr>
<tr>
<td></td>
<td>63.6</td>
<td>38.8</td>
<td>33.3</td>
<td>24.2</td>
<td>18.6</td>
</tr>
<tr>
<td>(missing values n = 85)</td>
<td>(p &lt; .01)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TABLE 8
Age and type of victimization

<table>
<thead>
<tr>
<th>age level</th>
<th>10–13</th>
<th>14–15</th>
<th>16–17</th>
<th>18–20</th>
<th>21+</th>
</tr>
</thead>
<tbody>
<tr>
<td>victims</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>non-victims</td>
<td>(n = 8)</td>
<td>(n = 49)</td>
<td>(n = 186)</td>
<td>(n = 194)</td>
<td>(n = 48)</td>
</tr>
<tr>
<td>victim assault</td>
<td>(n = 13)</td>
<td>(n = 22)</td>
<td>(n = 61)</td>
<td>(n = 39)</td>
<td>(n = 8)</td>
</tr>
<tr>
<td>victim sexual assault</td>
<td>(n = 0)</td>
<td>(n = 4)</td>
<td>(n = 11)</td>
<td>(n = 10)</td>
<td>(n = 1)</td>
</tr>
<tr>
<td>double victim sex./assault</td>
<td>(n = 1)</td>
<td>(n = 5)</td>
<td>(n = 21)</td>
<td>(n = 13)</td>
<td>(n = 2)</td>
</tr>
<tr>
<td></td>
<td>36.4</td>
<td>61.3</td>
<td>66.7</td>
<td>75.8</td>
<td>81.4</td>
</tr>
<tr>
<td></td>
<td>59.1</td>
<td>27.5</td>
<td>21.9</td>
<td>15.2</td>
<td>13.6</td>
</tr>
<tr>
<td>(missing values n = 85)</td>
<td>(p &lt; .01)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Most of the 10 to 13-year-olds (n = 19) are accommodated in one specific place of safety (for young persons under the age of 14). Children at this location also indicated that they had been assaulted. This might be a sign of a lack of control on the staff side, but as the aggressors are persons of the same age group, there may be limits on what they would do to prevent inmate violence. In this context, an interview at the pretest stage, which took place in March 1998, illustrates the hardship of incarcerated children.

M, a 15 year old coloured, spends his four months in pre-trial detention. At first he was accommodated for two months in Pollsmoor prison from which he was moved to his current place of safety. He is a first time offender. As he told me, he was drunk while he committed a robbery with a friend. He
was placed in Pollsmoor admission centre in a completely crowded communal cell. Most of the nights he spent sleepless because he was scared. In those two months he was raped twice, once by the 20-year-old S and once by the 20-year-old C. (You could sense the trauma which he was going through while telling his story). A. had not talked to anyone in Pollsmoor about the matter; he hadn’t asked for help. In the place of safety he talked about it with a social worker, who advised him to keep silent. His colleagues in the dormitory aren’t aware of his victimization. During the course of the interview he further told me that he had been brutally raped and almost strangled at the age of 11. His family had brought him to hospital. The offender, a stranger, has been convicted and received a prison sentence. Why all this happened to him was a question he couldn’t answer. His eyes showed his sorrow, fear of death and his misery, having to cope completely alone with these experiences.

Victimization of minorities

At the international level, research results concerning the relationship between race and victimization in prison, using victim survey data, are sparse (Bottoms, 1999; p. 229). As the following table demonstrates, distribution of victims and non-victims in different ethnic groups is statistically significant (p < .05).

TABLE 9
Victim status and ethnic belonging

<table>
<thead>
<tr>
<th>Status</th>
<th>Asian % (n = 18)</th>
<th>Black % (n = 491)</th>
<th>Coloured % (n = 142)</th>
<th>White % (n = 20)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-victim</td>
<td>61.1 (n = 11)</td>
<td>72.1 (n = 354)</td>
<td>68.3 (n = 97)</td>
<td>45.0 (n = 9)</td>
</tr>
<tr>
<td>Victim</td>
<td>38.9 (n = 7)</td>
<td>27.9 (n = 137)</td>
<td>31.7 (n = 45)</td>
<td>55.0 (n = 11)</td>
</tr>
</tbody>
</table>

(missing values n = 110) (p < .05)

Among inmate respondents, Whites and Asians, both minority groups in current prison practice in South Africa, were significantly more likely to be victimized than Blacks and Coloureds. These results parallel research results in USA and England (Bottoms, 1999). This is a challenge not only for the South African prison system, but is, rather, a general problem in the handling and protection of ethnic minority groups in prison systems all over the world.
Victimization and type of delinquency

With regard to these results, non-victims appear to be more involved in violent acts than victims. Out of 472 non-victim respondents, 55.3% (261) were incarcerated following conviction for a violent offence. For neither type of victims can a particular tendency towards violence be inferred.

Analysis of the exact offences committed by victims shows that, only a small number of the sexual assault victims (5) display offender attributes, being incarcerated for rape. There is a clear distinction between double victims and the other two victim groups. Of 38 double victims more than half (20) were incarcerated for a contact offence. More than half of these victims show considerable potential to be violent. In particular, rape (8) and murder (5) are represented more frequently than in the two other victim groups. These results show that sexual offenders might have a particularly difficult status in the penal institution, and that they might be especially vulnerable to victimization and stigmatisation in the prison setting.
Victimization and reporting

There is widespread evidence in the prison literature that the making of a formal complaint is often the inmate’s last resort when victimized by other prisoners, since there is a strong subcultural norm against official complaints in prisons. Research has discussed this problem only briefly (Bottoms, 1999; pp. 223, 275).

One variable asked whether inmates generally have an opportunity to complain: 733 (93.9%) inmates responded to this question. Of these 64.9% (476) said that they could complain to the staff and 8.7% (64) said that they could complain to persons from outside the facility. A fifth (154) said that they had no opportunity to complain, and 5.4% (32) said they had both opportunities. Regarding assistance with complaints to staff, inmates in places of safety (178) received more assistance (77.0%, n = 143) than in prisons (60.5%, n = 549) (p < .001). This may be connected with the better qualified personnel and opportunities for care in places of safety. Nevertheless, 154 inmates responded that they did not have an opportunity to complain, which may be a sign of a lack of knowledge with a corresponding lack of explanation from the staff (Kiessl, 2001; pp. 334–335).

Related to the experience of victimization, inmates could indicate whether they had complained to the staff about the assault/sexual assault. The survey showed that action is taken by inmates, but quite hesitantly. Of 68 victims of sexual assault, 39 (63.9%) complained about the incident: 19 received a reaction, 10 regarded the reaction of the staff as a positive one and nine as negative. Of 131 victims of assault 60.3% (79) made a complaint and 45.6% (36) received a reaction. About two-thirds regarded the reaction received as positive and one-third as negative. Less than a third of the inmates who complained received a response from the staff. This may be a sign that formal citation for prisoner–prisoner assaults can potentially vary with the personal attitudes of individual prison officers (Bottoms, 1999; p. 225; Eigenberg, 1994).

Activities at night

For the security and protection of both inmates and staff, control of inmates is an important and inter-related task for the staff. From both perspectives, subcultural or any other inmate activity at night should be prevented. The children’s questionnaire asked whether inmates were able to leave their cell at night. If inmates are capable of moving in and out of their cells at this time (potentially someone could also move from one cell to another), the protection of inmates could readily be compromised.

Almost all children (752) responded: 20.5% (154) indicated that they were able to leave their cells at night. Of 204 victims, about a quarter (52) responded that they could leave their cells at night, whereas of 478 non-victims, 16.7% (80) had this opportunity (p < .05). Most of the victims of sexual assault and double victims who responded as having this opportunity were accommodated in
prisons. It is remarkable that the more serious the victimization, the greater the proportion of respondents able to leave their cells at night.

**Problems with gang members and staff concern about gang subculture**

Variable 96 of the children’s questionnaire asked about gang membership. Gangs have a long tradition in South Africa. Belonging to a prison gang is a tougher proposition than being a gang member in the various community gangs. Typical prison gang behaviour results in some specific subcultural activities, including assaults, homosexual intercourse, (which, where coercive, is rape), the preparation for escape, or for collaboration with staff (Coetzee/Gericke, 1997; pp. 113ff; Pete, 1998; p. 81).

Above all, subcultural activities are popular in a detention environment with sparse living conditions, inmate inactivity and a tense relationship with staff. Gang membership and gang activities can be regarded as an indicator of the climate in the respective facility, which is characterized by violence. Of 738 inmates, 12.0% (86) admitted their gang membership. With regard to their status as victim or non-victim, there is no significant statistical difference. Double victims or victims of a sexual assault rarely admitted gang membership, whereas victims of assault more frequently did. Victims of assault might have a double role as victim and also as aggressor, since assaults often result from fights in which the differentiation of victim from offender might be difficult.

Inmates were asked whether they had problems with gang members in their facility. Staff members were asked if they were concerned about subcultural activities of inmates. Of 743 children/juveniles 43.7% (325) indicated problems with gang members, whereas of 372 staff members 83.1% (309) expressed their concern about subcultural activities. This strong subcultural activity may, as discussed earlier, also hinder formal complaints by victims.

Victims of sexual assault responded more frequently to having problems with gang members than the other three groups. Sexual assaults might be connected with gangs and with their specific subculture of possible gang rape.

**Disciplining with corporal punishment and victimization**

As mentioned above, unauthorized disciplinary measures do still exist in current prison practice. Of interest are the questions whether there might be a difference in the disciplining of victims and non-victims, and whether there is a different disciplining pattern. Victims may be more vulnerable to victimization practice by the staff than non-victims.

Figure 6 records experiences with disciplining from the perspective of victimization. Differences are significant (p < .001). Victims are more frequently subject to corporal punishment than non-victims. They experience violence more
Figure 5. Victimization and problems with gang members

Figure 6. Experiences of corporal punishment and victimization.
immediately than do non-victims, committed by both inmates and staff. The staff’s method of using corporal punishment as disciplinary measure might be less frequent with inmates who present a ‘looser’ stigma and who might experience exclusion by fellow inmates (see further research evidence: Schmalleger, 1996; p. 287; Dumond, 2000; p. 408 for sex offenders). There might also be a kind of complicity between staff and gang members which contributes to punishment of the weaker from both sides.

FEAR OF VICTIMIZATION
A consideration of their fear of victimization, coupled with their observation of victimization, completes the assessment of the ‘climate’ in which inmates live.

TABLE 10
Fear of assault and victim status

<table>
<thead>
<tr>
<th>fear of assaults</th>
<th>non-victims (n = 482)</th>
<th>victims (n = 202)</th>
</tr>
</thead>
<tbody>
<tr>
<td>yes</td>
<td>62.7</td>
<td>80.7</td>
</tr>
<tr>
<td></td>
<td>(n = 302)</td>
<td>(n = 163)</td>
</tr>
<tr>
<td>no</td>
<td>37.3</td>
<td>19.3</td>
</tr>
<tr>
<td></td>
<td>(n = 180)</td>
<td>(n = 39)</td>
</tr>
</tbody>
</table>

Both items can be regarded as indicators of the hidden figure of actual victims. Almost all inmates (744) responded to the question, ‘are you afraid of assault’? More than two-thirds (502) said they were afraid that they would be victimized. As Table 10 demonstrates, victims report fear more strongly than non-victims (p < .001). The more intensely victimized double victims were in particular fearful: 32 out of 40 respondents.

FEAR OF SEXUAL ASSAULT
About 95% (745) of inmates responded to the question, ‘are you afraid of sexual assault’? 63.6% (474) indicated their fear of sexual assault by fellow inmates. The following Figure illustrates that victims express fear of sexual assault more often than non-victims (p < .05). Double victims express this fear most frequently. This might be connected with their particular vulnerability and bad experiences. Non-victims show fear of sexual assault as often as victims. Altogether, the intensity of fear of sexual assault is stronger than fear of assault. Even in a violent environment, a possible sexual assault might be more threatening for inmates than a physical assault.
Observation of victimization

Two questions focused on inmates’ observations of assault and sexual assault. Almost all inmates responded to these questions. Of these 66.7% (501) out of 752 said that they had observed assaults. In contrast with non-victims, victims (63.6%; 78.6%) reported more frequent observations. A significant difference was found (p < .001). Of 141 victims of assault, about 80% (113) indicated that they had observed assaults; 73.9% (17 out of 23) victims of sexual assault made this observation as did 76.2% (32) of the double victims. More than every second respondent reported to having observed an assault. More than 75% of the victims of assault and of the double victims observed assaults which could be a sign that the milieu in which victimization takes place could be characterized particularly by violent interaction. Further, these observers could also be additional victims, whose pride does not allow them to identify themselves as victims.

Thirty nine percent of the respondents (291) observed sexual assaults. One-third of 484 non-victims reported an observation of sexual assault in comparison with more than half of 200 victims. There is a significant difference visible (p <
Of 138 victims of assault 45.7% (63) observed sexual assaults. This observation was reported by 68.2% (15) of 22 victims of sexual assault and 80.0% (32) of 40 double victims. From 16–18 years old onwards, between 40 and 50% of respondents said that they had seen sexual assaults, which means that almost every second inmate over the age of 16 had witnessed a sexual assault. Only 3% of the 10–13 year olds and 8% of the 14–15 year olds reported observing a sexual assault on another inmate. Only for the very young inmates is an observation of sexual assault a rare experience.

Of all victim groups, double victims observe sexual assaults most often; also victims of sexual assault are more frequently confronted with this issue than are victims of assault. The more intense the victimization is (double victimization), the more sexual assaults are observed. The environment in which assaults take place might be different from the environment in which sexual assaults take place. The facility in which more violent sexual assaults take place might also be an environment with stronger subcultural activities, particularly gang activities. Nevertheless, almost one-third of non-victims also observed sexual assaults. It seems that the younger children (under the age of 16) are not confronted with sexual assaults; but every second 16-year-old observed a sexual assault.

**Threatening daily life**

In addition to the fear and observation of victimization items, the research sought to reflect the stress-level of inmates, whether inmates experienced problems with fellow inmates or with gang members. All these items were summarized in one variable: ‘worry’. This related to feelings of present anxiety in everyday life and in daily routines. From the perspective of inmates’ feelings, the intensity of threat in the living environment in the penal institution should be covered. Only 2.7% (21) did not respond to these questions. Of those who did, 18.7% (146) indicated worries in one area, 28.8% (225) in two areas. Almost half the respondents (355) reported worries in three areas. For these inmates, everyday life in detention can be characterized as a permanent threat. Fear is ever-present. Although not victimized, the victimization of others is observed. Only about 4% (34) of respondents did not report such worries. Surviving detention ‘unharmed’ or without serious traumatization is probably a rare experience, with unforeseeable consequences for society and inmates’ reintegration.

Differentiation between the victimization experiences reveals significant variations. The ratio of victims who worry in three areas is much higher than the ratio of non-victims. All double victims (n = 42) regard the prison environment as a threat. Almost three-quarters (31) show worries in three areas. The 486 non-victims draw a different picture. Comparatively, ‘only’ 39.3% (191) are aware of threats in three areas. The Table shows a significant difference between those two groups. More than half the 10 to 13 year olds and the adult inmates are confronted
with worries in three areas, whereas these concerns were present in between 40 to 47% of the other age groups.

Staff concern is a valuable complementary indicator of how risky and harmful the environment of a penal institution can be for children. The staff questionnaire asked whether the respondent felt a need to protect children in their facility from any form of abuse or exploitation. Of 404 staff members, 93.1% (358) responded; almost two-thirds were concerned about the physical and psychological well-being of the children in a penal institution.

CONCLUSION AND DISCUSSION

The results of this survey do not differ greatly from research in other countries, as demonstrated for example by the relevance of age or the status as ethnic minority and by the victim quota, which are comparable to research results in USA or England. In some respects it complements international research; for example, the vulnerability of inmates to corporal punishment inflicted by the staff and to victimization by other prisoners, the significance of the committed offence, and the meaning of complaints or subcultural phenomena. As well as the outcome of other studies, the need for further research using victim surveys is stressed, in particular the availability of data about the prevalence of victimization (also regarding incidents of victimization) (Bottoms, 1999; p. 222) which is relevant not only to South Africa but also to other countries.

At the end of the questionnaire, the children could include additional commentary on topics they wished to raise. The points they made comprised a further
critique of the situation in the penal institution. Their responses included such comments as: ‘even inside here you learn crime’, ‘the personnel say I am rubbish’, ‘staff members don’t want us to succeed’, ‘complaints aren’t heard’. Other comments which further characterized their relationship with other prisoners and their subcultural experiences were: ‘some inmates beat us’, or ‘boys end up in gangs here’. Such positive comments as: ‘this place is nice’, ‘they have healthy food’ or ‘thank God for the opportunity to be in this place’, were rare. These qualitative impressions complement the negative assessment described in this article and lead to the difficult question of how daily life in penal institutions can be improved and victimization reduced.

The victimization issue is present in each facility visited, regardless of whether it is a place of safety or a prison. When considering the factors which most characterize the climate in the respective institution (victimization, observation of victimization and problems with other inmates and imposition of illegal disciplinary measures), the similarity of responses in both types of facility visited were striking (Kiessl, 2001; pp. 366ff). A massive further endangering of the psychological and physical well-being and development of these already delinquent young persons can be anticipated. To survive detention ‘unharmed’ and without serious traumatization is probably a rare experience, with unforeseeable consequences for society and inmates’ reintegration. International standards stress the importance of the reintegration of young delinquents into society; on this evidence, it is doubtful whether it can be achieved. Even in a treatment-oriented facility, reintegration is difficult to achieve if the vulnerability and sensibility of young persons in their specific stage of development is taken into account along with the problem of victimization.

Some areas for the improvement of safety of inmates in prison and the prevention of victimization which may be relevant not only to South Africa but also to other countries may be identified.

Inmates were most severely harmed by the threatening everyday life experiences and experiences of victimization. Interpersonal violence among young inmates results from a lack of care, lack of activities, the strong presence of subcultural phenomena, missing role models, and the scarcity of life necessities. The reduction of subcultural activities seems to be an important prerequisite for the reduction of victimization. An improvement in basic living conditions might reduce subcultural activities, in particular the establishment of prison gangs.

Also of importance is the management of the respective facility and the sufficient provision of committed staff who are aware of the problems and have the capacity to prevent victimization. Special training for handling children should be implemented. In the institutions’ everyday life, custodial staff have constant contact with the young inmates. For these professionals, the opportunity for training and advanced education needs to be intensified.

The existing low quality of staff–inmate relations, which is also demonstrated by the occurrence of violent actions and corporal punishment, is based on a
shortage of personnel and by overcrowding, but above all, to insufficient education concerning the treatment of children and to a lack of motivation linked with a lack of professional ethos (Kiessl, 2001; chap. 10). The establishment of a professional ethos and of training opportunities has a constructive effect on institutions’ everyday life, building up trust instead of distrust. Good climate, motivation and commitment are transmitted to other staff and to inmates.

In each penal institution, a violence prevention concept has to be established, together with a clear policy for dealing with the treatment of traumatized children who have experienced victimization in the penal institution. The development of specific best practice guidelines to deal with these problems could advance the discussion and assist management in the application of a prevention concept in the South African prison system. The relevance of rape, a taboo issue for male victims of sexual assault, to health and harm reduction has to be discussed seriously, along with the prevention of HIV infection and other sexually transmitted diseases. The distribution of condoms, which the survey showed took place quite rarely, should be considered and implemented. Staff need to identify access to assistance, in particular the availability of special services, such as social workers, psychologists, as well as representatives of the various religious groups.

It is arguable that victims would articulate their need for assistance more frequently if they felt that the aggressor would be punished and that they would be protected. Complaints will be rare if the victim expects that sanctions against fellow inmates or staff are unlikely to be taken. The aggressors’ impunity requires that we take a careful view of staff attitudes and/or a possible lack of control over actions.

This research cannot resolve the conflict between the need for safety and the negative aspects of control. The latter influences the adjustment of inmates into the prison environment. As the literature on environmental effects suggests, the more control that inmates feel that staff exercise within their settings, the less likely they are to experience adjustment problems (Bottoms, 1999; p. 232 with further references).

However, if the night activities described above are considered, it is clear that staff play a key role in the maintenance of order. While a maximum security environment for the young inmates is not recommendable the issue of control has to be discussed for the sake of safety. Nevertheless, the presence of staff should be increased and the particular guard on night shift duty should guarantee inmates a safe lock-up at night. The concept of ‘environmental’ prevention of victimization has to be considered. This could eliminate ‘dark spots’, currently without a staff presence and so outside their control, hand in hand with a concept to better deal with overcrowding. Staff awareness and concern about the risk potential for victimization in the prison setting has to be further raised. Another disincentive to act violently might be the introduction of unit management. Cell occupation should be reduced, though this goal might be difficult to fulfill in the current situation of prison overcrowding. In any case, policies to reduce over-
crowding are necessary. Inmates’ classification at admission into the penal institution should give greater emphasis to their age and to the dangerousness of offenders, placing particular importance on the protection of the younger inmates and first time offenders. Inmates who show affiliation with a certain prison gang (as evidenced by specific tattoos) should also be separated from the identified groups at risk of victimization. Protection of minority groups, also with regard to their ethnic background, should be intensified; special attention should be given to this issue in the admission and classification procedure, as well as in pre-trial detention. Furthermore, the situation of sexual offenders, with their need for special protection against sexual assaults and stigmatization, has to be considered. That means providing at least separate group accommodation or accommodation in a separate section, while maintaining their programmes for leisure time and education.

The prevention of sexual assaults by the separation of children from older inmates seems to work (see above). But the results of the survey demonstrate that mere compliance with the separation principle does not guarantee protection. Not only should the separation of inmates older than 18 be considered, but also separation of inmates younger than 16. The survey showed that for younger inmates the probability of victimization is higher than for older inmates.

Apart from the prevention of victimization from prison violence and the improvement of conditions inside penal institutions, the use of non-custodial measures, early release and diversion particularly for younger children, should be implemented more strongly. Behind closed doors children are forgotten. Their wrongdoing is punished by society with imprisonment. What happens behind these doors is often a taboo issue and has to be discussed internally in the institutions themselves. It is often only discussed in public where the consequences of a life in such a harsh environment endanger the child’s future development as a person who can grow up with a right to a future without traumatization and a right to break out of the cycle of violence.

NOTES

2 BEIJING RULE 1.1.
3 BEIJING RULE 1.2.
4 Article 37 CRC.
JDL: ‘All personnel should ensure the full protection of the physical and mental health of juveniles, including protection from physical, sexual and emotional abuse and exploitation, and should take immediate action to ensure secure medical attention whenever required’.

A joint cooperation with an ‘in country’ counterpart is regarded as a prerequisite for an empirical research project abroad and was the primary reason for selecting South Africa. In particular, the willingness of Technicon S.A. to support this project and to use it for the development for training material for prison personnel, made the empirical research possible.

For an excellent overview of the literature on victimization of inmates in prisons, see Bottoms (1999); Kury (2002).

For historical overview see Conradie (1996; p. 287); Hutchinson (1983; pp. 236–259).

In November 1998 the Ministry for Correctional Services described the capacity of South African prisons as 99,000 inmates, whereas 140,000 prisoners were actually incarcerated, see The Cape Argus (3 November 1998; p. 3); compare Van Zyl Smit (2001; pp. 71–76).

With regard to the general population quota estimates were made, since there is no definite figure available. For international comparison, see Walmsley (2000; p. 2) he describes that on 30 November 1999, of 100,000 inhabitants, 400 were incarcerated.

With regard to this estimate there were no reliable absolute figures available. In particular, the number of juveniles in the general population quota can only be estimated.

Implementation research overlaps with evaluation research, which was developed in social science.

JDL elaborates the basic principles found in the Convention on the Rights of the Child.

Places of safety are now designed as remand centres for children awaiting trial; during apartheid they were children’s homes and welfare facilities. They are the model for the development of future prisons for children.

In the case of children, a few sweets were provided, in the case of juveniles after completion, two cigarettes were taken as reward. Questionnaires were completed under controlled conditions.

Nine juvenile prisons are located in a larger prison complex, one is a model facility for juveniles, two are juvenile prisons. The places of safety (now remand centres for children awaiting trial – during apartheid welfare facilities) are a model for the development of future prisons for children. Compared with the number of prisons, they are not as numerous and therefore a smaller number was included in the survey. There were a total of 238 prisons, of which eight were for females. Out of 17 special juvenile prisons, eight were selected, located in different provinces and surroundings.

Each facility organized the execution of the inmate survey. Some facilities led the researchers to persons, whom they had listed according to age and prepared them for the visit, others lead them into the respective sections, in which the researchers had to choose the sample of respondents. Occasionally there was a need for improvisation related to the local situation.

In relation to prerequisites for a staff survey in South African prisons focusing on prison conditions for inmates, staff response rate was fairly high. Young inmates, with a lack of activities and an interest in meeting people from the outside, are generally more motivated to participate, in particular, if the conditions of their confinement are questioned.

For further details on the special survey situation for children and how language and writing problems were solved successfully, see Kiessl (2001; pp. 203–204). It took the inmates between 35 minutes and 3 hours to respond (mean: 67 minutes).

Only 6 questionnaires were sent back to TSA. All other questionnaires were collected directly in the institution or later personally.

As the main focus of this essay is on the inmates, the staff characteristics are not specifically discussed. See for further details Kiessl (2001, chap. 10).

JDL Rule 31–37 … ‘sleeping accommodation should normally consist of small group dormitories or individual bedrooms, account being taken of local standards’.

For detailed discussion of overcrowding as an obstacle to the implementation of a sound standard of living conditions in prisons. Overcrowding as an international problem, see

Section 28, South African Constitution; Article 37 CRC.

Staff could fill in a list of offences and add unlisted items in open answer categories. The referential quantity relevant for this description is the rate of prevalence, not the rate of incidence.

JDL Rule 66–71 ... ‘any disciplinary measures and procedures should maintain the interest of safety and ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.’

Article 10 and 11 South African Constitution. Also in schools, even if it is forbidden, corporal punishment is still used, see Republic of South Africa (2000; p. 80).

JDL 81–87. ... ‘the personnel should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective’.

The South African Ministry of Correctional Services and the government draw attention to victimization in prisons and places of safety. In the annual report of 1998, 4, 2361 assaults on inmates by inmates were reported. Compare also Republic of South Africa (2000, p. 51). See, for the importance of victim surveys to better assess the level of actual interpersonal violence in prisons; also for English research Bottoms (1999; p. 215).

Inmates could further indicate whether they regard the sexual assault as rape.

As comparison, an English study about bullying in young offenders’ facilities (n = 132) reported that almost every third young offender and about every fifth adult offender would be assaulted at least once a month; O’Donnell and Kimmet (1998; p. 26); see further Maitland and Sluder (1998).

English and American research suggests the same; O’Donnell and Edgar (1998); Cooley (1993), even where young inmates were separated from adult inmates.

For categorization in contact and non-contact offences see n. 4 above.

In Republic of South Africa (2000; p. 80, the government reports problems with complaints and existing cases, in which the victim had to go back to the same cell as the alleged offender.

JDL Rule 33 ... ‘during sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile’.

Widespread parts of the townships around Durban, Cape Town and Johannesburg have been gang territory since the late 1950s and early 1960s. It is estimated that there are approximately 80,000 gang members in Cape Town alone, Bussiek (1999; p. 101).

Compare Coetzee and Gericke (1997; p. 113ff). Pete (1998; p. 81) reports that staff use gang members for drug trafficking and drug distribution in the facility.

A so called ‘summation variable’ has been built from these items (summation of numeric values of the responses to the respective items).

JDL Rule 45, 79 and 80.

See e.g. for further in depth discussion of life necessities, hygienic conditions, spare-time activities and other items Kiessl (2001; chap. 9–11).

A staff member reported: ‘to some extent in the pre-trial section, two staff members worked with 260 inmates; in particular, night shifts were strenuous’.

The Ministry of Correctional Services reported in 1998 that there were 107 inmates with AIDS and 1,745 HIV infected persons imprisoned. Compared with 1997, the figures have risen dramatically; Ministry for Correctional Services (1998; 12); for problems with screening and staff infractions of human rights, see Pete (1998; p. 81).
REFERENCES


