INTRODUCTION

Historically, the rape of males was more widely recognized than in current times. Several of the legends in Greek mythology involved abductions and sexual assaults of males by other males or gods. The rape of a defeated male enemy was considered the special right of the victorious soldier in some societies and was a signal of the totality of the defeat. There existed a widespread belief that a male who was sexually penetrated "lost his manhood" (even if it was by forced sexual assault), and could no longer be a warrior or a ruler. Gang rape of a male was considered an ultimate form of punishment and, as such, was known to the Romans as punishment for adultery and the Persians and Iranians as punishment for violation of the sanctity of the harem (Stop Prisoner Rape, Internet site).

Currently, men are still being subjected to sexual violence and correctional facilities (detention centers and prisons) are high-risk settings for the sexual victimisation and rape of prisoners (Cotton & Groth 1982:47; May & Pitts 2000:125-126). Indeed, as noted by Messerschmidt (Sabo, Kupers & London 2001:67) prison rape is a widespread practice in male prisons.

Rape is a sexual act imposed upon a non-consenting partner. The method of imposition is often violent, though it may be by threats or intimidation or abuse by persons in positions of authority. Rape is one of the most misunderstood of all crimes, and when the victim is male, the misconceptions are severely compounded. Many legal jurisdictions do not even recognize a crime of rape against a male victim, but instead use terms such as "forcible sodomy" or "child abuse." Nonetheless, rape of males in the non-legal sense is a much more common event than is usually supposed, but covered with a blanket of silence. According to Derrick Mdluli, previous national president of the South African Prisoners’ Organisation for Human Rights and an ex-prisoner, “prisoners are sodomised every day and every night” (Lazarus 2002:82). Despite these revelations, male-on-male rape in men’s correctional facilities remain an ignored crime problem within the larger society (Lehrer 2001:24). This may be ascribed to the feature that prison authorities rarely mention the sexual victimisation that takes place in their institutions, and if they do discuss this issue, it is referred to as a “homosexual problem” (Fishman 1934:19; Rideau & Sinclair 1982:4). It is thus no surprise that the general public knows little, if not nothing about the plight of many male prisoners who are the victims of prison rape (Fishman 1934:19).

The most fearful event for a heterosexual male is to be “butt fucked” and for most heterosexual prisoners witnessing or experiencing male-on-male rape can be their first confrontation with same sex contact (McMullen 1990:53; Sabo et al 2001:14; Sex behind bars, Internet site). The outcome of this experience may be that the heterosexual male victim have an
erection and/or ejaculate during the sexual act. Ultimately, the victim may be disturbed by this physiological sexual response and perceive himself as homosexual or bisexual. Thus, the victim questions his sexual identity and manhood and may view the sexual attack as confirmation of him being homosexual (May & Pitts 2000:128; McMullen 1990:53).

Coerced sex in prison is not referred to as rape by the prisoners but known as “turning out” of a person. This is a non-sexual description of an act of conquest and demasculination of the victim (Rideau & Sinclair 1982:5). Relating to this is the mores in prison that victims of rape are not regarded as “victims”. This is based on the notion that a “real man” cannot be forced to do anything he does not want to do. Thus, a “real man” cannot be raped or sexually exploited. If a man is “turned out” he is regarded as being weak and not worthy of respect from those who are “men” (i.e. penetrators). Consequently this weakness both invites and justifies sexual exploitation and rape (Knowles 1999:267; May & Pitts 2000:128-129).

The focus of this review is on males who rape other males in correctional facilities. This article addresses issues such as the legal definition of male rape, the extent of male rape in correctional facilities, victim and offender characteristics, factors that mitigate rape in prison, the consequences of rape for male victims and the authority’s response to male prisoner rape.

**METHODOLOGY**

Little is known about the hard facts about prisoner-on-prisoner sexual abuse and scarce conclusive national data exist regarding the prevalence of prison rape in South Africa (Department of Correctional Services Annual Report, 1 April 2002 to 31 March 2003:58). Some prison officials even claim that prisoner-on-prisoner sexual abuse is an exceptional occurrence rather than a systematic problem (No Escape: Male Rape in US Prisons, Internet site).

The present report describes the complex dynamics of male prisoner-on-prisoner sexual abuse. This heralds an explorative and descriptive research design, solely based on a literature review, to explain:

- Why and how male prisoner-on-prisoner sexual abuse and rape occur;
- Who commits it and who falls victim to it;
- The physical and psychological effects of prison rape;
- How prison authorities are coping with this phenomenon.

The scope of this article is mostly limited to male rape in prison environments. An extensive literature review was conducted on national and international findings, and South African data was extracted from the Department of Correctional Services to outline the South African problem.

**DEFINITION OF CONCEPTS**

In order to better understand male rape in correctional facilities, the concept rape will be defined, and the limitations of this definition as it pertains to male victims will be highlighted.

**Rape**

A traditional definition of rape is set out in Doerner and Lab (2002:110) as the “carnal knowledge by a male of a female, who is not his wife, forcibly and against her will”. According to Snyman (1995:424) rape can be defined as "a male having unlawful and intentional sexual intercourse with a female without her consent”. These definitions emphasise the notion that a man cannot be raped, and currently all cases of male-on-male rape in South Africa is recorded as indecent assault (Male rape – the legal situation, Internet site).

The limitation of these definitions has led to a new proposed definition by the South African Law
Commission (hereafter referred to as SALC). The SALC defines rape as: “Any person who intentionally and unlawfully commits an act of sexual intercourse with another person, or who intentionally and unlawfully causes another person to commit such an act is guilty of an offence” (Milton 1999:365). The SALC (2002:114) further proposes that sexual penetration means any act that causes penetration, and include:

- The genital organs of one person into the anus, mouth or genital organs of another person.
- Any object, including any part of the body of an animal, or part of the body of one person into the anus or genital organs of another person in a manner which simulates sexual intercourse.

Sexual penetration does however exclude an act that is consistent with a medical practice, which is carried out for medical purposes.

Genital organs in this context refer to the whole or part of both male and female genital organs, as well as surgically constructed sexual organs (Male rape – the legal situation, Internet site). This proposed definition holds various implications for male rape victims in prison. For the first time in South Africa forced oral sex will be considered rape. Since oral sex is widely practiced in prison, victims will be able to lay formal complaints. The insertion of an object (e.g., finger, mop and/or a broom) into the genital organs of another person will also be regarded as rape. It is however suggested that prisoner’s should be made aware of the proposed change in the current legislation so that they can be aware of their victim status.

This broadened definition of rape will ensure that penalties and sentences for male rape will be on par with female rape. Before 1994, a person found guilty of raping a female could have received the death penalty, whereas indecent assault was regarded as a lesser offence, with a person serving a shorter term of imprisonment. If the proposed definition is passed through parliament all forms of rape, including male-on-male rape will be classed as a Schedule Six offence. This type of offence prescribes the minimum sentence and no bail will be granted, except under compelling circumstances (Male rape – the legal situation, Internet site).

During 2002 South Africa saw its first court case involving the sexual offence of male rape that occurred in Pollsmoor Prison. However, since the proposed definition of rape has not yet passed through Parliament, the 37-year old perpetrator is charged with four counts of indecent assault and one of assault. The perpetrator allegedly engaged in coerced sex with the victim and threatened the victim with a knife (Prisoner in court for male rape, Internet site).

**MYTHS ABOUT MEN AND RAPE**

No matter what was said or done or worn, no one "asks for" or deserves to be sexually abused. Sexual assault has nothing to do with someone's present or future sexual orientation. Sexual assault is a crime of violence and power, not of lust or passion. Unfortunately, many doctors, nurses, and law enforcement officers do not realize that men as well as women may be sexually assaulted. This may affect the way they treat men who have been raped. Sometimes a stereotyped view of masculinity, rather than the physical assault of the crime become the focus of the medical exam or law enforcement investigation. The following myths regarding homosexuality may affect the way men are treated (Adapted from a presentation at the Fifth International Conference on Incest and Related Problems, Biel, Switzerland, August 14, 1991):
Boys and men can't be victims

This myth, instilled through masculine gender socialization and sometimes referred to as the "macho image," declares that males, even young boys, are not supposed to be victims or even vulnerable. That is, males should be able to protect themselves. In truth, boys are children - weaker and more vulnerable than their older perpetrators - who cannot really fight back due to the perpetrator's size, strength, and knowledge. This power is exercised from a position of authority, using resources such as money or other bribes, or outright threats - whatever advantage can be taken to use a child for sexual purposes (May & Pitts 2000:128-129).

Most sexual abuse of boys is perpetrated by homosexual males

Paedophiles who molest boys are not expressing a homosexual orientation any more than paedophiles who molest girls are practicing heterosexual behaviours. While many child molesters have gender and/or age preferences, of those who seek out boys, the vast majority are not homosexual - they are paedophiles.

If a boy experiences sexual arousal or orgasm from abuse, this means he was a willing participant or enjoyed it

In reality, males can respond physically to stimulation (get an erection) even in traumatic or painful sexual situations. Therapists who work with sexual offenders know that one way a perpetrator can maintain secrecy is to label the child's sexual response as an indication of his willingness to participate. "You liked it, you wanted it," they'll say. Many survivors feel guilt and shame because they experienced physical arousal while being abused. Physical (and visual or auditory) stimulation is likely to happen in a sexual situation. It does not mean that the child wanted the experience or understood what it meant at the time.

Boys are less traumatized by the abuse experience than girls

While some studies have found males to be less negatively affected, more studies show that long-term effects are quite damaging for either sex. Males may be more damaged by society's refusal or reluctance to accept their victimization, and by their resultant belief that they must "tough it out" in silence.

Boys abused by males are or will become homosexual

While there are different theories about how the sexual orientation develops, experts in the human sexuality field do not believe that premature sexual experiences play a significant role in late adolescent or adult sexual orientation. It is unlikely that someone can "make" another person a homosexual or a heterosexual. Sexual orientation is a complex issue and there is no single answer or theory that explains why someone identifies himself as homosexual, heterosexual or bi-sexual. Whether perpetrated by older males or females, boys' or girls' premature sexual experiences are damaging in many ways, including confusion about one's sexual identity and orientation.

The "Vampire Syndrome"- that is, boys who are sexually abused, like the victims of Count Dracula, go on to "bite" or sexually abuse others

This myth is especially dangerous because it can create a terrible stigma for the child, that he is destined to become an offender. Boys might be treated as potential perpetrators rather than victims who need help. While it is true that most perpetrators have histories of sexual abuse, it isn't true that most victims go on to become perpetrators.

If the perpetrator is female, the boy or adolescent should consider himself fortunate to have been initiated into heterosexual activity

In reality, premature or coerced sex, whether by a mother, aunt, older sister, baby-sitter, or other female
in a position of power over a boy, causes confusion at best, rage, depression, or other problems in more negative circumstances. To be used as a sexual object by a more powerful person, male or female, is always abusive and often damaging.

Research furthermore sustains the reality of male rape by demonstrating the following facts (Male Rape in UK Prisons, Internet site):

- Rapists who rape men are heterosexual in 98 percent of the cases;
- Both homosexual and heterosexual men get raped;
- In all parts of society – especially in prison;
- Men are less likely to report rape;
- Not many doctors and nurses know how to deal with the situation of male rape.

**THE DARK FIGURE OF MALE-ON-MALE PRISONER RAPE**

Victims of prison rape are not likely to report the incident to the prison authorities, thus leading to a dark figure. Even if prisoners want to report such incidents there are currently no mechanisms in place in South Africa available to report these crimes (Oersen 2001:29). This underreporting is further due to the prison code that can be set out as follows: “Even if a prisoner is not able to cope with prison life, he has to act as if he is; he should not snitch on a fellow prisoner; regardless of what is happening may it be an assault, rape or murder, he should not say anything and should not get involved; furthermore, he should avoid doing anything that will make other prisoners think he is gay, effeminate or weak” (Sabo et al 2001:10). Another reason for the underreporting of male-on-male rape in prison is the no-win situation it holds for the victim, and although the victim has four available options, each has a negative consequence (Cotton & Groth 1982:49-50; No Escape: Male Rape in US Prisons, Internet site):

- The victim may try to escape by going into protective segregation. This will however confine him to his cell, restrict activities for example, attending prison school and reduce privileges he may have in prison such as recreation facilities.
- The victim may defend himself by fighting back. The consequences of this action are twofold. Firstly, the victim may suffer severe physical injury and secondly, there is the risk of a disciplinary action against the victim for violation of the institutional rules.
- The victim may submit to sexual assault, and for the remainder of his sentence have the reputation of being weak, making him vulnerable to further assault. This prisoner will be stigmatised as a “punk” and may be forced to “hook up” (provide sexual services) to one inmate in exchange for protection from other potential sexual aggressors.
- The victim may endure the sexual exploitation and rape in silence and secrecy. The consequence of this action is that the victim will not seek treatment and therefore may experience long-lasting after-effects.

**THE EXTENT OF MALE-ON-MALE PRISONER RAPE**

Information regarding coercive sexual activity in prisons is usually collected by means of self-report surveys and interviews conducted with prisoners. In 1993 a self-report survey under male prisoners in Rio de Janeiro, Brazil, found that 73 percent had sex with other prisoners. A New South Wales survey (Australia) conducted in 1994 reported that only eight percent of prisoners revealed engaging in anal or oral sex while in prison. In Zambia, eight percent of prisoners in Kamfinsa prison reported that they engaged in coerced anal sex during a study conducted in 1995 (Prisons and AIDS: UNAIDS Best Practice Collection Point of View April 1997, Internet site).
Several studies were also undertaken in the United Kingdom (UK) with varying results (Goyer 2003:18). A survey of 453 ex-prisoners established that 10 percent participated in unprotected anal penetration. Another study, also focusing on released prisoners found that of the 50 prisoners interviewed, four acknowledged to having anal sex while in prison with between four and 16 partners. According to researchers from the Prison Reform Trust, a Non-governmental organisation (NGO) based in the UK, 30 percent of prisoners practice sex while serving a sentence in prison.

According to Karmen (2004:273) about nine percent of all rapes reported in the United States of America (during 1991), were male-on-male rapes. Records kept by rape crisis centers indicated that about one caller out of every 10 was a victimised male. American research furthermore demonstrates that 21 percent of male correctional clients had experienced at least one episode of pressured or forced sexual contact (since being incarcerated), and approximately seven percent had been raped in their facility (No Escape: Male Rape in US Prisons, Internet site).

Research was also undertaken pertaining to the extent of sexual assault and male-on-male rape in prison. In one study 55 percent of heterosexual prisoners reported having sex with other male prisoners. This study showed that while 14 percent were forced to have sex and 19 percent had regular sexual partners. This is in agreement with the notion that in prison sex is not related to a person’s sexual orientation outside prison, rather it is associated with power and domination inside prison.

A study conducted by Davis and his colleagues at a Philadelphia correctional facility with 3 304 male prisoners, showed that more than 2 000 inmates experienced sexual assault over a period of 26 months (Goyer 2003:18). In another study, Jones focused on indirect victims rather than direct victims of prison rape. He included questions of how many rapes prisoners are aware of in the Tennessee State Penitentiary. Accordingly three-quarters of the prisoners recalled at least one rape per month and more than one third recalled at least one rape a week. Jones did however fail to ask how many prisoners experienced direct sexual victimisation and could thus not construct a rape victimisation rate for the entire prison. Despite this shortcoming the study showed that continuous commission of rape took place in that facility (Report: Male rape victims in prison get little empathy, Internet site).

In one of South Africa’s neighbouring countries, Malawi, respondents from the Zomba prison indicated that 10 to 60 percent of prisoners participated in sex, and about one third of these have regular sexual partners. Overcrowding was indicated as one of the main reasons for male-on-male sex in Zomba prison, since 43 prisoners are cramped into a cell. In Malawi, homosexual activity is regarded as an “unnatural offence” and punishable with a prison sentence of 14 years – this may contribute to sexual activity in prison being underreported. Also in Malawi, as with the studies conducted in the USA, the prisoners who engage in the sexual activity with other men regard themselves as heterosexual and will continue with heterosexual relationships after their release from prison (Goyer 2003:19).

Although the reality of prison rape is deeply disturbing, it remains difficult to ascertain the true extent of sexual assault and male-on-male prisoner rape in South African prisons. The Department of Correctional Services (hereafter referred to as DCS) does not have statistics or reports on incidents of prison rape. Also, the Provincial departments as well as individual prisons lack any statistical information on prison rape (Farren 2000:33). However, social workers at Westville Medium B prison, estimate that more than half of the prisoners engage in anal sex, either voluntary or by means of threats and coercion...
(Goyer & Gow 2000:15). According to an article in The Economist (South African Prisons: Where life means death, 2004:8) rape in South African prisons are common. It is purported that gangs use the HIV virus as a means of control – threatening those who defy them with death by “slow puncture”.

MITIGATING FACTORS REGARDING MALE-ON-MALE PRISONER RAPE

According to Judge Fagan, the Inspecting Judge of Prisons, over-population in prisons continues to be a major challenge, and accordingly the unacceptably high occupancy rate will be a problem in the foreseeable future. The latest figures indicated that the South African prison population countrywide stood at 188,307 as of March 2003, of whom 57,858 had not been sentenced (Judicial Inspectorate of Prisons 2002/2003:25).

It is also postulated that a certain amount of official involvement is present in the nature of male-on-male prisoner rape (Scacco 1982:15). This involvement can be direct by means of encouragement and active involvement, or indirect through tolerance or silence. Although it is safe to assume that this behaviour, or lack thereof, occurs at the majority of prisons, Grootvlei Prison in Bloemfontein was the media focus of such corruption. This scandal paved the way for the establishment of the Jali Commission of Inquiry into prison corruption. The Commission investigated a case where a juvenile was sodomised more than eleven times in Grootvlei Prison by a warder. The juvenile alleged that he was promised “All Starr” running shoes and food in return for sex. It was also brought to the attention of the Commission that another warder sold a juvenile for R25 to an older prisoner and that the juvenile received R10 for the sex (Pollsmoor not fit for humans, Internet source).

VICTIMS AND PERPETRATORS OF MALE-ON-MALE PRISONER RAPE

Certain prisoners are targeted for sexual assault the moment they enter a correctional facility - their age, looks, sexual orientation, and other characteristics mark them as candidates for abuse. These characteristics include youth, small size, physical weakness, being white, or a first offender, possessing ‘feminine’ characteristics such as long hair or a high voice, being unassertive, unaggressive, shy, intellectual, not street-smart, passive or having been convicted of a sexual offence against a minor (No escape: Male Rape in US Prisons, Internet site).

The foregoing characteristics are illustrated by the experience of the following inmate (No Escape: Male Rape in US Prisons, Internet site):

“When I first came to prison, I had no idea what to expect. Certainly none of this. I’m a tall male, who unfortunately has a small amount of feminine characteristics. And very shy. These characteristics have got me raped so many times I have no more feelings physically. I have been raped by up to five and two men at a time. I’ve had knives at my head and throat. I had fought and been beat so hard that I didn’t ever think I’d see straight again. … I probably have AIDS now. I have great difficulty raising food to my mouth from shaking after nightmares or thinking to hard on all of this …. I’ve laid down without physical fight to be sodomised. To prevent so much damage in struggles ripping and tearing. Though in not fighting, it caused my heart and spirit to be raped as well. Something I don’t know if I’ll ever forgive myself” (Own interpretation).
The characteristics of prison rapists seem to be unclear and unpredictable. The perpetrators tend to be young and old, but generally under 35 years of age. They are reported to be larger and/or stronger, more assertive, physically aggressive, and more at home in the prison environment than their victims. Thus, they are “street-smart”, often members of prison gangs, and have been convicted of more violent crimes than their victims (No Escape: Male Rape in US Prisons, Internet site).

THE CONSEQUENCES OF MALE-ON-MALE PRISONER RAPE

Another major focus of existing research is the impact of the sexual assault on the male victim. Compared to the general population, male sexual assault victims are more likely to experience anxiety disorders, depression, post-traumatic stress disorders and suicide ideation and action (Coker & Williams 1998:605; May & Pitts 2000:127-128). Sexual assault can impact on the male victim psychologically and/or physically. In this regard, May and Pitts (2000:127) note that:

“You take a guy who’s been raped in prison and he is going to be filled with a tremendous amount of rage … Now eventually he is going to get out. Most of people do. And all the studies show that today’s victim is tomorrow’s predator. So by refusing to deal with this in an intelligent way, you are genuinely sentencing society to an epidemic of future rape.”

Psychological consequences

Regarding the psychological consequences, male rape victims are subjected to post-traumatic stress disorder (PTSD) and display symptoms of the rape trauma syndrome in the same way as female rape victims do. Common symptoms associated with PTSD are: embarrassment and shock, rape related phobias, increased anger, irritability, conflicting sexual orientation and sexual dysfunction (Karmen 2004:273; May & Pitts 2000:127-130).

A victim of prison rape posits that:

“I did nine years … in that nine years, I was raped several times … I came back to prison … I was raped again. I attempted suicide .. The doctor here in prison say “quote” major depression, multiple neurotic symptoms, marked by excessive fear, unrelenting worry and debilitating anxiety. Antisocial suicidal ideation, self-degradation, paranoia and hopelessness are characteristic …” (May & Pitts 2000:127).

Physical consequences

Regarding the physical impact of this crime, concerns about sexually transmitted infections (STI’s), human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (Aids) in prisons due to rape and sexual assault are twofold: the risk of contraction and transmission in prison, but also the spread thereof in society once the prisoner is released from prison (May & Pitts 2000:127-128).

It is postulated that the first prisoner in South Africa diagnosed with HIV/Aids was in 1987, and he died soon afterward (Minnie, Prins & Van Niekerk 2002:51). Since then, the numbers of people entering prison and the number of people infected with HIV have increased (Goyer & Gow 2000:14). The Department of Correctional Services (2001/2002:77) provides the following information in its Annual Report regarding the number of known HIV/Aids cases in South African prisons as at 31 December of each year.
Table 1: The extent of HIV/Aids in South African prisons from December 1998 to December 2001

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of HIV/Aids cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>1 865</td>
</tr>
<tr>
<td>1999</td>
<td>2 536</td>
</tr>
<tr>
<td>2000</td>
<td>3 397</td>
</tr>
<tr>
<td>2001</td>
<td>4 720</td>
</tr>
</tbody>
</table>

The Minister of Correctional Services, Mr. Ben Skosana, attributed the incidence of HIV/Aids in prisons to the following factors (Minnie et al. 2002:52):

- Consensual sex
- Male-on-male rape
- The prevailing culture of violence in prisons (including sexual violence)
- Overcrowding in prisons

Gear (Sex, sexual violence and coercion in men’s prisons, Internet site) found that in Malawi, Nigeria and South Africa, sexual activity is the most common cause of HIV infection during incarceration. This may partly be due to the damage that is done to the epithelial lining during anal penetration, making it easier for the semen of the host to enter the bloodstream of the victim. The mother of a 17 year-old awaiting trial prisoner at Johannesburg prison, is convinced that her son contracted HIV while in prison and as a result died due to complications caused by the disease. The family of Tebogo Mtonga heard evidence of the juvenile being locked up with adult prisoners who repeatedly sodomised him. An X-ray showed Tebogo’s anus severely bruised and torn (Prison rape killed my son, 2001:8). Also the presence of sores from existing STI’s makes the spread of HIV easier during sexual intercourse (Goyer & Gow, 2000:16).

Currently HIV/Aids mandatory testing is not being conducted by the DCS to prisoners upon admission into the prison. Therefore the statistics given by the DCS and displayed in Table 1 is not a true reflection of the HIV/Aids infection rate. According to Judge Fagan, a decade from now as many as 45 000 people in South African prison could die as a result of HIV/Aids related complications each year (Prison rape killed my son, 2001:9). The projected HIV prevalence rate in South African prisons is set out in Table 2 by Goyer (2003:30).

One cannot discuss STI’s/HIV/Aids in prisons without referring to the availability of condoms. The majority of national as well as international correctional facilities prohibit condom possession or distribution among prisoners (What is the role of prisons in HIV, Hepatitis, STD and TB prevention, Internet site). Currently, condoms are not freely distributed in South African prisons and if a prisoner wants a condom he has to see the social worker or go to the prison hospital (Lazarus 2002:83; Prison health is public health, HIV/AIDS and the case for prison reform, Internet site). However, it is unlikely that a prisoner will take this route due to possible stigmatisation, as either a rapist or a homosexual. It is put forward by Knowles (1999:268) that even if condoms were issued there are
still two possible problems. Firstly, condoms are not designed for anal penetration and manufacturers state this on the packaging. Secondly, it is unlikely that the rapist will stop in the process of rape to put on a condom.

Table 2: HIV prevalence in South African prisons from 2000 – 2004

<table>
<thead>
<tr>
<th></th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male prisoners</td>
<td>34.3%</td>
<td>38.2%</td>
<td>41.4%</td>
<td>43.5%</td>
<td>45.2%</td>
</tr>
<tr>
<td>Female prisoners</td>
<td>34.4%</td>
<td>38.3%</td>
<td>41.3%</td>
<td>43.8%</td>
<td>45.3%</td>
</tr>
<tr>
<td>Total prison population</td>
<td>34.3%</td>
<td>38.2%</td>
<td>41.4%</td>
<td>43.5%</td>
<td>45.2%</td>
</tr>
</tbody>
</table>

AUTHORITY’S RESPONSE TO MALE-ON-MALE PRISONER RAPE

Criminal prosecutions of male-on-male prisoner rape are rare, and several reasons can be offered for this (May & Pitts 2000:126-127). First, it is obvious that the severe underreporting of cases of abuse means that only a small minority of rapes are known to correctional authorities, let alone to anyone outside the prison. Second, the failure of correctional authorities to react appropriately to complaints of sexual abuse, including collecting physical evidence of rape, and to properly investigate such complaints means that the necessary fact-finding to support a criminal prosecution is lacking. But another crucial problem is the low priority that local prosecutors place on prosecuting prison abuses (May & Pitts 2000:126-130; No Escape: Male Rape in US Prisons, Internet site).

In general, correctional officers are not adequately trained to prevent sexual assault or to treat survivors after an attack. Even simple prevention measures, such as pairing cellmates according to risk, are uncommon, and basic supervision is often lacking. Prisoner rape occurs most easily when no one is around to see or hear, particularly at night and in hidden areas that are difficult to monitor. Inmates complain about a lack of vigilance, even reporting that screams for help have gone unanswered (May & Pitts 2000:126-130; No Escape: Male Rape in US Prisons, Internet site).

Punishment for prisoner rape is rare. Few public prosecutors concern themselves with crimes against inmates, and instead leave such problems to the discretion of prison authorities. As a result, perpetrators of prisoner rape almost never face charges. Staff members who sexually abuse inmates are rarely held accountable, facing only light administrative sanctions, if any. Prisoner rape has been used in some cases as a tool to punish inmates for misbehaviour. Male inmates have testified that they were forced into cells with known sexual predators as a form of punishment for unrelated misconduct (May & Pitts 2000:126-127; No Escape: Male Rape in US Prisons, Internet site).

The South African Department of Correctional Services intervention and initiatives to male-on-male prisoner rape

During 1999 the President and the South African Government declared the prevention of sexual violence against women and children a priority. In March 2000, Cabinet directed the Ministers of Safety and Security and Health to develop a strategy for the release of information relating to sexual offences, which was to be linked to the process of developing a strategy on rape. In fulfilling this mandate, an Inter-Departmental Management Team (IDMT) represented by the Departments of Correctional Services, Education, Justice, Safety and Security, Social Development, and Health was formed.

The major focus and objectives of the Anti-Rape Strategy is to combat and prevent rape from taking place and to conduct research on the extent of sodomy in prison (Department of Correctional Services,
DCS therefore has an important role to play in the prevention of rape, and this has been aptly captured by the National Commissioner of Correctional Services in South Africa when he stated that “prison is a peculiar environment wherein the problem of rape, in particular male rape had to be understood within the context”.

Prison is a crucial point of intervention in so far as prevention, reaction and support are concerned. However, working with male victims of rape or any other sexual violence is not only a challenge to DCS, but to society in general (Adapted from a presentation at the XIth International Symposium on Victimology, Stellenbosch, Cape Town, July 13-18, 2003).

In line with the South African Government strategy on Anti-Rape and the abuse of women and children, DCS has placed rehabilitation of offenders at the center of all its activities, and the establishment of formal partnerships with non-governmental organisations and community based structures as a strategic achievement. The other strategic imperatives are the promotion of Restorative Justice, development of Victim Empowerment Programmes and the design and development of accredited treatment programmes for rape victims in prisons.

In order to realize these objectives the South African Department of Correctional Services identified issues within which interventions should be urgently planned. They are summarized as follows: (Adapted from a presentation at the XIth International Symposium on Victimology, Stellenbosch, Cape Town, July 13-18, 2003; Department of Correctional Services, Annual Report 1 April 2002 to 31 March 2003:58):

**Development and implementation of the model of intervention in the rehabilitation of offenders**

This model of intervention shall assist in the thorough assessment and appropriate profiling of offenders and determining the appropriate rehabilitation routes for rape perpetrators and victims of rape. It is also envisaged that such a model of intervention assessment shall reflect some key aspects of the offenders such as victim statements, history of offence, progression of sexually aggressive behaviour, dynamics of victim selection, intensity of sexual arousal, use of force, behavioural warnings etc.

**Design and development of rehabilitation programmes for victims of rape**

DCS has accepted and expanded the recommendations of the South Law Commission report on offender treatment that states “all sexual offenders should be required to undergo treatment in an accredited treatment programmes” and that victims of such offences should also undergo treatment. Dealing with the victims of rape is highly sensitive and sexual offences are highly specialized fields that require some specialized skills and competencies. Therefore, training of key personnel is viewed in a serious light by DCS. The design and development of an a Sexual Offenders Programme, Victim Empowerment Programme and Victim Offender Mediation for the victim of rape and other sexual offences are intended to assist in providing restorative based rehabilitation programmes for both offenders and victims.

**Admission and release system for sexual offenders**

DCS realizes that for effective prevention to take place there must be an accurate integrated system to capture data on offenders. This therefore has placed an obligation on them to revise the admission and release system to ensure that potential victims inside the prison walls and within the community are protected from any form of attacks.
Research is also one of the areas that have been highlighted as crucial to the prevention of male rape in prison.

For instance, the extent and nature of victimization in prisons is not known. The database on victims of rape in prisons is not compatible with the one for the Criminal Justice Cluster due to various factors such as underreporting, lack of common definitions of concepts, and lack of training of personnel working on this highly specialized field.

HIV/AIDS in prison

DCS includes yearly statistics on HIV/AIDS infection in its annual report. However, these statistics only reflect the reported cases from the health services, thereby underestimating the extent of HIV infections because reporting of rape and other sexual assaults incidence are inconsistent and unrealistically low in the report. The conditions of overcrowding in prisons can contribute, in varying degrees, to the risk of HIV transmission and leads to increased high-risk behaviours. In dealing with these problems, the Department has adopted the strategy to update the policy on HIV/AIDS in line with the rehabilitation objectives and to develop medical protocol to assist victims of rape. This will be done whilst it is engaged at the Justice, Crime Prevention Cluster levels, which involves a number of State Department to deal with the overall problem of overcrowding.

CONCLUSION

Rape of males, while a widespread and extremely serious problem, has escaped the attention of society because of deep taboos springing from popular conceptions that to be raped is to forfeit one's masculinity. The actual dynamics of rape are only beginning to be explored, and very little of what is known to students of the phenomenon has penetrated the public consciousness. The public media have continued to treat rape of males as a taboo subject. Until this taboo is broken, there can be little hope that survivors of male rape will be enabled to deal constructively with rape trauma, or that the vicious cycle of rape can be effectively undermined.

In conclusion, when analyzing the facts of prison rape and comparing these to what is purported by the justice system and the media, there appears to be one common thread, namely the public interest, or the lack thereof. Prison rape is no secret. If one asks citizens on the street whether they believe prisoners are raping each other, one should receive a strong and resounding "yes". If you ask that same person whether they care more about the weather or the trauma experienced by victims of prison rape, you probably would get a false answer. However, if that same person became educated about the real issue of prison rape, which requires a desire to reach out (convenience is key) and a medium to accomplish it, the weather could become less important.

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