



**LET'S END IT  
NOW!**

**STOPPING  
SEXUAL VIOLENCE  
IN CORRECTIONAL  
CENTRES**

**A resource for staff**



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# INTRODUCTION



Sexual abuses are a severe and widespread problem in our correctional centres. The abuses range from forms of sexual harassment (like unwelcome sexual comments or gestures) to rape and gang rape. Much of it is perpetrated by inmates on other inmates, but it can also be perpetrated by staff against inmates and inmates against staff.

Although it is well known that these sorts of abuses are happening, it is often seen as part of normal prison life. Many of us also don't realise that this violence happening in correctional centres is closely connected to the high levels of sexual violence in our broader society. In fact, focussing on sexual violence in correctional centres is necessary if we are to address violence in our communities outside prison.

In the past, we have tended to keep quiet about sexual abuse in correctional centres, or we have felt powerless to do anything about it. Sexual violence is an uncomfortable topic which we find hard to talk about. In addition, there has not been enough focus on training staff members to deal with the issue.

This booklet aims to help change all this so that we give sexual violence in our correctional centres the attention it deserves. It focuses on how to support victims of rape, and on how to prevent inmates from becoming victims in the first place.

Male and female inmates are victims of sexual violence in correctional centres. While this booklet considers the assistance, support and protection needed by both male and female victims, the main focus is on male victims. This is because males make up the vast majority of our prison population. We are also not accustomed to thinking about men as victims of sexual violence and our society generally lacks understanding of sexual violence against men including the needs of male victims.

We hope that staff working in female facilities will find this booklet useful, but we recommend that you use additional resources as well. We also hope that materials aimed specifically at female inmates can be developed in the future as sexual violence is certainly a problem in women's facilities too!

**WHY THIS BOOKLET?**



## THINK ABOUT THIS!

Inmates say the loss of freedom and autonomy over even the simplest routines is one of the most difficult things about being in a correctional centre:

*'When you are hungry you cannot go to the kitchen and get some food. You must wait for when they serve meals.'*

EX-PRISONERS VIEWS ON  
IMPRISONMENT AND  
RE-ENTRY (CSPRI, 2009).

## THINK ABOUT THIS!

As correctional officers, the inmates rely on you for their daily needs. They depend on you to get food, to access the facilities to keep themselves clean, to get medicine and health care, to see their visitors, to get books to read, and for space to study.

You are in a very powerful position in relation to the inmates (even if it doesn't always feel like it). Their well-being depends on your cooperation.

## Why this booklet

As correctional officers and support staff working in correctional centres, you have a very important job to do.

You are expected to keep inmates, correctional officials and the public safe. You must treat inmates well and also support them to get the skills, attitudes and knowledge they need to live a crime-free life after their release.

## You have to do your job under difficult conditions:

- You have to manage a population of very different and often difficult individuals under abnormal circumstances.
- You have to deal with an economy based on contraband\*, where sex is bought and sold, and where having access to resources like cigarettes and food makes some inmates (and officers) more powerful than others.
- You have to reduce the high levels of physical and sexual violence.
- You have to manage high rates of illness, HIV infection and help prevent the transmission of HIV.

## Inmates are dependent on you

For thousands of men and women, the correctional centre is almost their entire life experience during the term of their sentence. These inmates are dependent on the correctional system, its officers and support staff, as well as on each other, for providing the necessities of life – food, bedding, healthcare, recreation, relationships and personal development.

To survive in the correctional centre, inmates need to build a new life for themselves. They need to get hold of daily necessities like food, soap and bedding. They often have to get these necessities through a system of bartering and exchange (even if this is not how things are supposed to work), or they may join or be forced to join gangs, make alliances and go into debt or get tricked into 'debts'. Intimidation\* and violence become a part of daily life for many inmates.

As a result, in correctional centres there is a continuous threat to personal safety.

## There is an ongoing threat to personal safety

There is the ongoing risk of being robbed and raped by another inmate or even by a correctional officer. Sexual assault and the threat of it are commonly used by some inmates to intimidate and control other inmates. Many sexual relationships are not willingly entered into, but are forced. Often sexual interactions involve the forced exchange of sex for goods or for protection.

These forms of sexual violence are hidden and often not acknowledged. Some people in the correctional system may even deny that they take place. Yet it is clear that sexual activity is taking place amongst inmates, and much of it is forced.

Because the reality of sexual violence is usually not spoken about, there is little guidance on how to prevent and manage it, how to deal with perpetrators and how to support victims/survivors.

## And finally...

This booklet aims to provide some guidelines and support for correctional officers and support staff on how to prevent and respond to sexual violence in correctional centers.



## GLOSSARY

\* **contraband** –  
illegal imports,  
smuggled goods.

\* **intimidation** – force,  
coercion, pressure,  
bullying.



**In this booklet you will find the following:**

## **1. INMATES ARE PEOPLE TOO**

In this section we take a look at inmates' rights and responsibilities.

## **2. SEXUAL VIOLENCE**

Violence in correctional centres ranges from intimidation and the threat of violence to physical and sexual assault and rape. This section defines and describes the crimes of sexual assault and rape and some of the other sexual offences established in the Sexual Offences Act (2007).

## **3. SEX AND SEXUAL VIOLENCE IN CORRECTIONAL CENTERS**

In this section we explain important concepts like sexuality and gender. We then look more closely at how sex and sexual violence are organised in correctional centres and what you can do to prevent sexual violence.

## **4. THE TRAUMA OF SEXUAL VIOLENCE AND RAPE**

Here we discuss the trauma of rape and how difficult it can be for the victim to report it and come to terms with it.

## **5. RESPONDING**

In this section you will find steps that correctional officers can take to support inmates who have been victimised.

## **6. MAKING CORRECTIONAL CENTRES SAFER**

As correctional officers or staff members, you can help to create a safe, supportive and healthy environment in the correctional centre.

## **7. GLOSSARY**

## **8. USEFUL NUMBERS**

1

**INMATES ARE  
PEOPLE TOO**



## THINK ABOUT THIS!

*'No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest ones.'*

FORMER PRESIDENT NELSON  
MANDELA (LONG WALK TO  
FREEDOM, 1995).

## WHAT YOU WILL FIND IN THIS SECTION...

In this section you will find an introduction to the rights\* and responsibilities that inmates have, and a discussion of what this means.

## INMATES DESERVE TO BE TREATED JUSTLY

People in prison are already being punished by being in prison and having their freedom taken away from them. They are not there to experience additional forms of punishment or harm. Being in prison is punishment in itself and all inmates deserve to be treated justly and fairly during their imprisonment.

This means, amongst other things, that you have a duty to make sure that inmates are accommodated in safe custody, secure from intimidation and violence. You also have a particular duty to see that inmates are safe from sexual abuses and rape.

## INMATES SPEAK ABOUT VIOLATION OF RIGHTS

Some inmates have talked about a few of the ways in which their rights are being violated in our correctional centres:

*'There was no bed for me. I had to share or sleep on the floor.'*

*'My brother had no bribe for the member so she wouldn't let him in to visit.'*

*'I was mugged and my pants, shoes, ring, belt and watch were taken from me.'*

*'On Friday I am supposed to get my ARVs\*. The clinic did not come.'*

*'People ... do things because of boredom. There's no one helping.  
That's why they end up doing all these bad things.'*

*'The member wanted money before he would take me  
to the social worker.'*

# IT'S NOT JUST A PROBLEM OF OVERCROWDING

While it is true that conditions that inmates experience in some correctional centres are due to overcrowding, there is still a lot that you can do even if you work in one of the overcrowded institutions.

For example, just by carrying out your duties properly you will already be making sure that inmates receive the food and the supplies that they are entitled\* to and you will be preventing some exploitative situations.

## RESPECTING INMATES' DIGNITY

Dignity is a difficult word to explain, but really it means behaving in a way that shows self-respect and respect for others as human beings. Of course the most important way to value inmates' dignity is by treating them with respect. Furthermore, in a correctional centre, self respect can be difficult for inmates to maintain without your help.

Section 2 of the Correctional Services Act (CSA) states that all inmates must be treated with dignity and sets out the basic requirements for how this should be done. The obligation is on the Department and its staff to ensure these requirements are met. The CSA together with other departmental policies like the White Paper on Correctional Services and the HIV-AIDS Policy require you as officials to:

- Be accessible to inmates:
  - For complaints (section 21).
  - For requests (section 21).



## GLOSSARY

✱ **rights** – A right is something all people are entitled to based on law and custom.

The Constitution guarantees the fundamental rights of all people including arrested, detained and imprisoned people.

✱ **ARVs (antiretrovirals)**  
– are drugs used to treat HIV and AIDS. They are not a cure but stop or slow the HI-virus from reproducing. When taken as a treatment for AIDS they must be taken every day for the rest of a person's life.

✱ **entitled** – allowed, permitted.



## THINK ABOUT THIS!

Poor conditions of detention and neglect of inmates' rights cannot be justified as being typical to correctional centre life.

It is very important to ensure that inmates are treated with respect and helped to change, so that they can contribute positively to their communities when they get out.

- Follow up on complaints and requests and give inmates proper feedback (section 21).
- Provide access to medical, social work and legal advice and services (sections 12, 16, 17 & 41).
- Ensure inmates receive proper and timely medical care (section 12).
- Ensure inmates have access to condoms, prophylaxis\* and HIV and AIDS care where needed (Policy on Management of HIV and AIDS for Offenders, 2005).
- Carry out body searches as unobtrusively\* as possible (section 27).
- House inmates according to classification requirements (section 7 & 29).
- Take care with inmates' belongings (section 2).
- Be firm but fair (section 4).
- Not ask for or take bribes (Chapter XV).

In addition, it's important that you:

- Always be on the alert to notice inmates who may be at risk of victimisation from other inmates or staff, and that you take steps to address this.
- Ensure that complaints are kept confidential.

- Ensure privacy during consultations with social workers and medical professionals.
- Provide information regarding safe sex and always help inmates access condoms, safe-sex measures, and prophylaxis where this is needed.



**Some other ways to help inmates to keep their self-respect and self esteem (dignity).**

- Make sure that inmates have soap and showers, or access to water so they can be clean.
- Check that eating utensils are clean and that meals are dished up and handed out civilly.
- Respect inmates' choices at those times where they are allowed to choose.
- Always use respectful forms of address. Talk to inmates and listen to them with interest.
- Encourage and help inmates to access books, workshops and study programmes.
- Provide a quiet place to study and ensure that inmates are given information regarding courses and help them to get examination timetables and venues.

## GLOSSARY

\* **prophylaxis** – a drug taken to prevent diseases. For example, certain drugs can be taken to prevent HIV in cases of rape.

\* **unobtrusively** – discreetly, without force or fuss.

## THE RESPONSIBILITIES OF INMATES

*The Correctional Services Act* requires that the Department take whatever steps are necessary to ensure the safe custody of every inmate and to maintain good order in the centre (section 4 & 26).

On the other hand, every inmate is required to accept the authority of the Department's officials and to obey their lawful instructions.



## INMATES HAVE A RESPONSIBILITY TO BEHAVE IN A WAY THAT SHOWS RESPECT FOR THEMSELVES AND FOR OTHERS AS HUMAN BEINGS

### THINK ABOUT THIS!

#### What makes a good correctional officer?

According to some ex-prisoners 3 things make a good correctional officer...

1. Correctional officers who have good communication skills and show respect – they listen, give feedback and explain a decision.
2. Correctional officers who show integrity and fairness and bring some emotional safety and security as well as predictability into the relationship between inmates and themselves.
3. Correctional officers who have a passion for the work and a heart for the inmates.

EX-PRISONERS VIEWS ON  
IMPRISONMENT AND  
RE-ENTRY (CSPRI, 2009)

In addition, inmates have the responsibility to keep themselves, their clothing and bedding clean, and to participate in assessments and the development of a sentence plan (sections 9 & 37).

They also have a responsibility not to act abusively to others, not to use insulting or threatening language, and not to assault others (section 23).

### AND FINALLY...

Just a few ways of showing respect have been described here. Some are specified in policies, and others are additional ideas to put into action.

You are sure to be able to think of more situations that could be humiliating\* to inmates and to think of things you can do to change this to lessen the shame.

You can also speak to fellow staff and managers. Together you can probably come up with many more ways that you can show respect for the dignity of inmates.



### GLOSSARY

\* humiliating –  
shameful,  
embarrassing.

2

# SEXUAL VIOLENCE





## WHAT YOU WILL FIND IN THIS SECTION...

In this section we will look at sexual violence and how it is defined. Violence in correctional centres includes physical violence and sexual assault and rape. These are crimes and must be treated as such.

## MAINTAINING SAFETY AND SECURITY

One of your key functions as correctional officers is maintaining safety and security, and protecting inmates, officials and other people in correctional centres from harm. You must ensure that inmates do not suffer cruel, inhuman and degrading treatment, and you must not tolerate physical and sexual violence.

As you know, sexual violence is not often spoken about in correctional centres. Most people are embarrassed or afraid to speak about sex and sexual violence. They may also find it hard to use the sexual and violent words that accurately describe what is happening.

Also, only very few staff have, in the past, admitted to the enormity of the problem and to the fact that not nearly enough is being done about it. They may also see it as a gang problem, and something that cannot be addressed while gangs are active in our correctional centres.

Some inmates join the gangs in an attempt to protect themselves from sexual violence only to discover, once they've joined, that they are expected to supply sex to other inmates or to commit violence if they don't want to supply sex.

## THINK ABOUT THIS!

When the government takes away someone's freedom, it has a responsibility to protect that person's safety.

Section 4 of the Correctional Services Act says that the Department must take whatever steps are necessary to ensure the safe custody of every inmate and maintain security and good order in the prison.

## THINK ABOUT THIS!

*'No matter how long you are in prison, and who you are, ... you are always scared of everybody all the time. You don't know what is going to happen when they lock the cells at night.'*

**EX-PRISONER'S VIEWS ON  
IMPRISONMENT AND  
RE-ENTRY (CSPRI, 2009)**

It is true that the gangs are involved in organising sexual violence (even if not all gang members agree with it). It is NOT true that there is nothing we can do about it.

By knowing about the different kinds of sexual activity and sexual violence that take place in correctional centres, we can begin to address the problems. There is a lot we can do and a key thing is not to tolerate\* it, or feel that it is simply 'part of prison life'.

## KNOWING ABOUT SEXUAL VIOLENCE

It is important for you to know exactly what sexual violence is so that you can help prevent it. Sexual assault and rape are crimes that you have to respond to immediately and effectively.

## SEXUAL VIOLENCE

Sexual violence is when someone is forced to have sexual contact or interaction that they don't want. Sexual violence includes rape and sexual assault as well as other offences (like child pornography\*, indecent exposure\* and unwanted sexual advances or comments).

### TAKE NOTE

Sexual violence can take the form of rape, sexual assault or other forms of sexual abuse. Men, women and children can all be sexually assaulted and raped.

#### Here we discuss:

- The definition of rape.
- The definition of consent and consensual sex.
- The definition of sexual assault.



## GLOSSARY

\* **tolerate** - being able to accept something even if you disapprove of it. Not tolerating something means not accepting something you disapprove of.

\* **child pornography** - refers to images or writings that show sexually explicit activities involving a child. Child pornography is child abuse.

\* **indecent exposure** - this refers to the act of being nude in public or deliberately showing parts of the body that go against community standards of modesty.



## WHAT IS RAPE?

In 2007, the definition of rape was changed in South African law with the introduction of the *Criminal Law [Sexual Offences and Related Matters] Amendment Act, 2007*. This is often shortened and referred to as the *Sexual Offences Act (SOA)* which is how we refer to it in this booklet.

The definition of rape now recognises that men, women, boys and girls can all be raped.

### **Rape occurs:**

- When a person puts any body part or object into the vagina or anus of another person without that person's consent,
- When a person puts his penis or the genitals of an animal into another person's mouth.

*(Sexual Offences Act, 2007; Chapter 1 & Section 3)*

We have grown up mostly believing that only women can be raped. But the truth is that men too, can be forced to have sex. Men can be raped.

## RAPE IS PENETRATION WITHOUT CONSENT

We have seen that rape is penetration without consent.

### **So what is consent?**

Consent means positive and willing cooperation - in this case - in a sexual act. The person has agreed to take part in having sex out of free will and knows what is happening and what they are doing. They are not under pressure to agree.

# MISTAKING RAPE FOR CONSENSUAL SEX

Often in correctional centres people mistake rape for consensual sex because it seems either that the person has agreed, or that some kind of exchange has taken place. For example a person may say 'yes', because they know that they will be beaten up if they don't agree to have sex.

But this 'consent' is not freely given. The person is under pressure to agree to protect their own safety. For consent to be real it must be given freely and willingly.



## TAKE NOTE

**The Sexual Offences Act also makes 'compelled rape'** a crime. 'Compelled rape' is when someone forces another person to rape a third person. In correctional centres this could be the situation in gang rape (section 4).

In addition, any person who **attempts, conspires, aids, abets, instructs, commands or procures (bribes) another person to commit rape or another sexual offence** is guilty of an offence. They can be given the same punishment as the person who actually committed the offence (section 55).

We see many situations in correctional centres where these crimes could happen, like where gang leaders instruct others to commit rape, or where inmates help to trick or trap other inmates into situations that force them to have sex, or where corrupt correctional officers accept bribes to make inmates available to other inmates for sex (section 55).

**Read Zander's story on the next page to find out more about sexual violence against men.**

# ZANDER'S STORY

*This story tells about a young man raped by another man. It describes what happened and also how Zander, the victim, responded and felt.*

*I was 22 when it happened. It's not something I like to think about. But it is important that men know that adult men can be raped.*

*The night of my assault was like any other. I was at a friend's house. I was chatting with anyone who sat down near me. That's how I met my assailant. He looked about 25. We started talking.*

*He asked if I wanted some zol. We went up to the bedroom. He told me to wait while he got the zol. I waited several minutes when I heard the door open. He was holding a hairdryer, and he smacked me across the bed with it. Before I could get up he was on the bed hitting me on the shoulders, thighs, and groin. He pulled my shirt up over my head and tied my arms with it.*

*At that point I froze up. I was very frightened and confused. I kept on thinking, 'This is not happening. This is a nightmare. I couldn't move, or cry, or scream, or even breath that well. My jaw was all clenched up. He hit me in the stomach, and then he jerked off my belt and pulled down my pants. I then realised I was going to be raped- I just thought 'no...no...no' and started to stare at the wall.*

*He hit me in the testicles with the hairdryer a few times, then suddenly pushed me over and penetrated me. It hurt so bad, I started gagging. I could smell his sweat on me. I could smell his cologne.*

Although everyone responds differently, some of the ways Zander felt, acted and thought, are common in men and women who are being raped.

Zander felt afraid and confused. He felt ashamed because his body showed signs of arousal; he froze up; he felt nauseous, and he felt guilty for somehow causing the rape and for not resisting. He thought he should have screamed and shouted for help.

## THERE IS NO RIGHT OR WRONG WAY TO RESPOND TO RAPE

In fact there is no wrong or right way to behave! Anything you do to live through the rape is right. Some people yield, and pretend to cooperate; some try to bargain, others may fight back. The main task during an assault is survival.

## ONLY THE RAPIST IS RESPONSIBLE

### TAKE NOTE

Nobody deserves to be raped.

Nobody asks to be raped.

Rape is an act of violence.

Rape is a crime.

When his friend's wife came in, Zander could not tell her about the rape. He told her that he must have passed out drunk:

- He felt ashamed and at fault because he had drunk too much (so he felt he deserved something bad),
- He had been friendly with the rapist (so he thought he had asked for it),
- He had been aroused several times and ejaculated (which he thought meant he must have liked it).

After being raped many survivors feel ashamed and at fault, but they are not responsible for the rapist's behaviour. Being raped is never the victim's fault.



## THINK ABOUT THIS!

Rape is when penetration happens without consent. It does not always have to be violent, nor does it have to cause obvious physical injury.

## THINK ABOUT THIS!

Rape is penetration without consent. Sexual penetration of any body part or object into the vagina or anus of another person without that person's consent is rape. It includes when a person puts his penis or the genitals of an animal into another person's mouth.

## 'VICTIMS' AND 'SURVIVORS' OF RAPE

In this booklet we mainly use the term 'victim' to refer to a person who has been raped. You may also have heard the word 'survivor' used in this context, and may decide that you prefer to use that term.

The terms convey different parts of the rape experience. The word 'victim' emphasises the harm and suffering experienced by people who've been raped, as well as the power that perpetrators use in rape. The term 'survivor' emphasises the strength and courage victims show in surviving rape, and their ability to make different choices in the hard work of recovery.

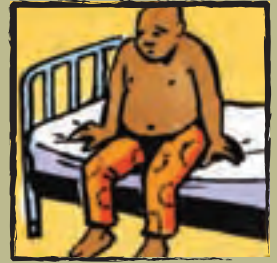
Some recommend using 'victim' to talk about those who've recently been assaulted and the term 'survivor' to talk about those further along the road to recovery.

People who've been assaulted should be free to decide whether they are 'victims' or 'survivors', and their feelings about this may change as they go through different emotions. Your job is to ensure that they get the best possible support and to acknowledge both the pain they experience, and the courage and strength they show in surviving after rape.

## CONSENT HAS NOT BEEN FREELY GIVEN IF...

- a person is tricked or forced to do something against their will or lied to.
- a person is pushed into doing something they don't want to do because another person has power over them.
- a person is threatened with their physical safety, the safety of others, or loss or damage to their property.
- a person does not know what they are doing because they are mentally disabled; drunk or drugged; asleep or unconscious.

The *Sexual Offences Act* explains different circumstances where consent has not and cannot be given. Even if it may look on the surface like the person 'agreed', consent has not been given. Sex happening in these circumstances is therefore rape and against the law:

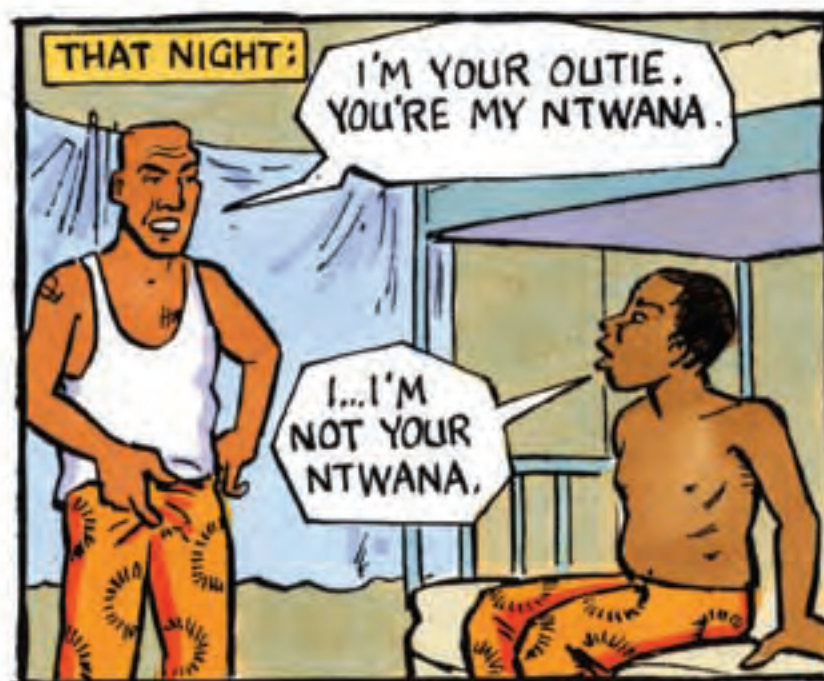




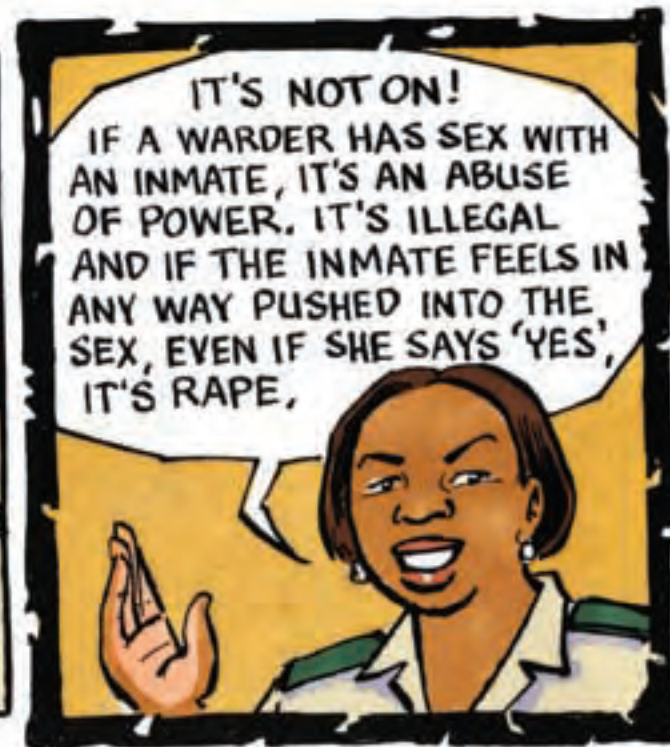
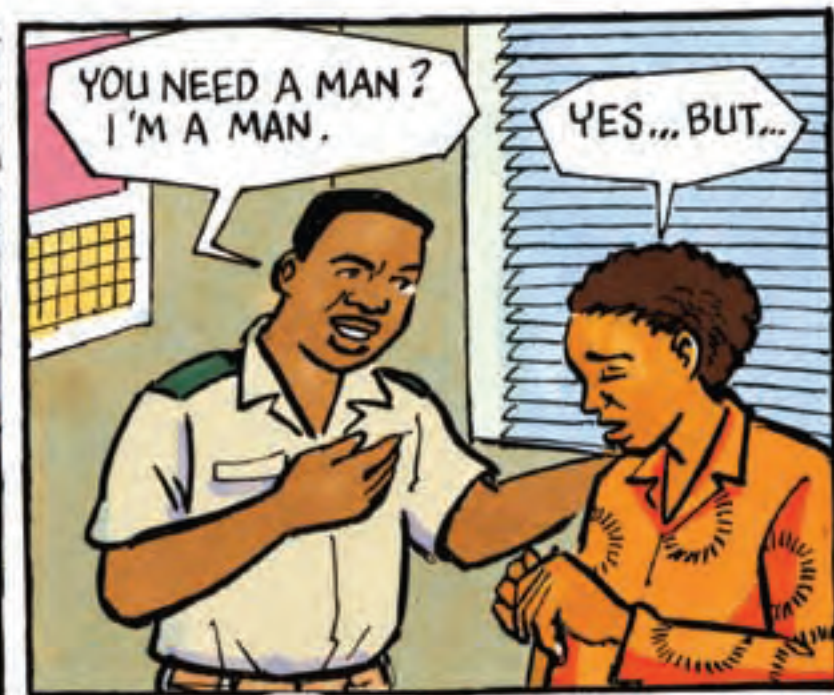
**CONSENT HAS NOT BEEN  
GIVEN IF A PERSON IS  
TRICKED OR FORCED TO  
DO SOMETHING AGAINST  
THEIR WILL OR LIED TO.**

**TURN THE PAGE TO VIEW.....**











**CONSENT HAS NOT BEEN  
GIVEN IF A PERSON IS  
PUSHED INTO DOING  
SOMETHING THEY DON'T  
WANT TO DO BECAUSE  
ANOTHER PERSON HAS  
POWER OVER THEM.**

**TURN THE PAGE TO VIEW.....**



## THINK ABOUT THIS!

A culture that tolerates aggression and violence will not be able to teach an offender to manage his own aggression. As long as violence is an acceptable way of dealing with anger, fear and disappointment in correctional centres, no new problem-solving and coping methods will be learnt.

## WHAT IS SEXUAL ASSAULT?

According to the *Sexual Offences Act*, sexual assault is sexual contact (other than rape) that a person did not consent to. This includes:

- Forced touching of body parts and genitals, anus and breasts, and forced contact between the mouth and another body part;
- Forcing an object representing the genitals into another person's mouth;
- Forcing someone to masturbate you or someone else.
- It can even be where a person makes someone believe that somebody else will rape them. For example, have you ever heard something like this- 'I'll tell Mbulelo that you won't pay and he'll come and collect for himself'

## TAKE NOTE

Rape and other forms of sexual abuse can happen to anybody – whatever their gender or sexual orientation. A person who is gay or transgendered, for example, has just as much right to say 'No' to sex with someone they don't want to have sex with. (We'll talk more about what it means to be gay or transgendered on p40-42).

When correctional officials are participants in sexual violence, it is a crime and may also constitute torture. In terms of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or punishment:

This may be the case when officials sexually abuse inmates, when they are involved in 'selling' inmates for sex or when they collude with inmates to have another inmate raped. It may also apply when officials fail to act to protect inmates, or when they know that sexual violence will happen but they do nothing.

**In addition:**

Indecent exposure by staff (of their private parts to inmates), voyeurism\*, verbal comments or gestures of a sexual nature, and saying demeaning\* things about inmates' sexuality, gender or body are all sexual abuse and are NEVER appropriate behaviour.



## GLOSSARY

\* **voyeurism** – gaining sexual pleasure from watching others when they are naked or engaged in sexual activity or enjoying seeing the pain or distress of others.

\* **demeaning** – causing a feeling of humiliation or loss of dignity.

## YOU CAN BE ROLE MODELS OF POSITIVE BEHAVIOUR

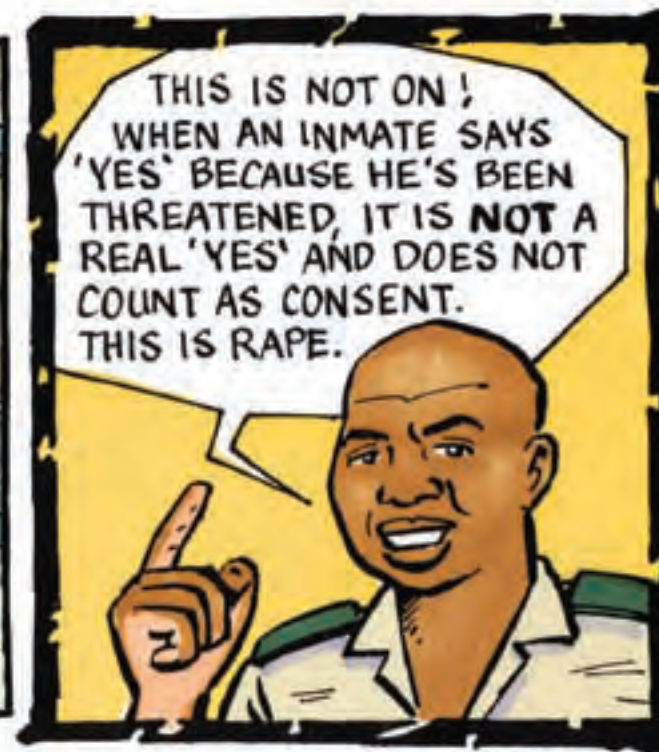
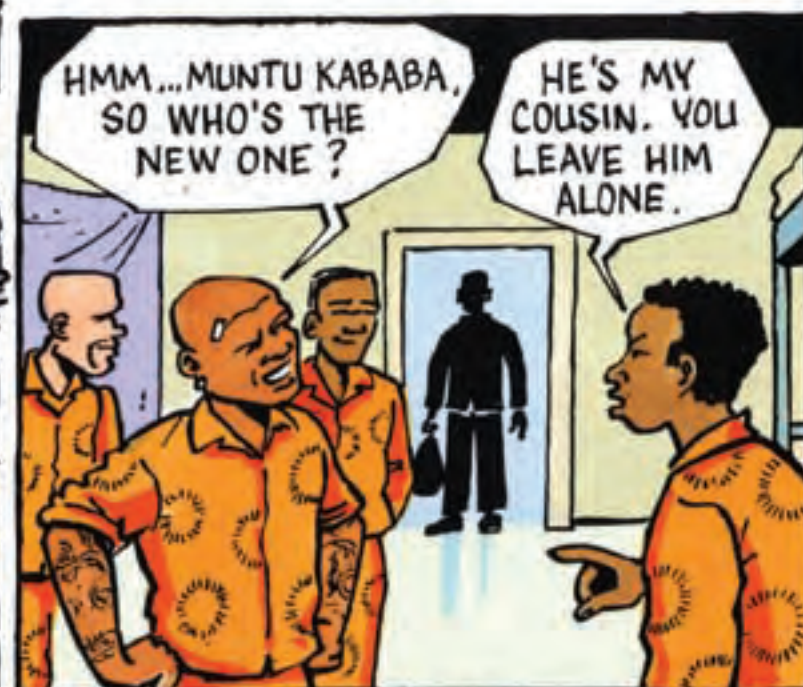
The *White Paper on Corrections in South Africa (2005)* emphasises how correctional officers can role-model new and positive modes of behaviour. Some important ways in which you can role-model are:

- You can deal with conflict using non-violent and non-aggressive ways.

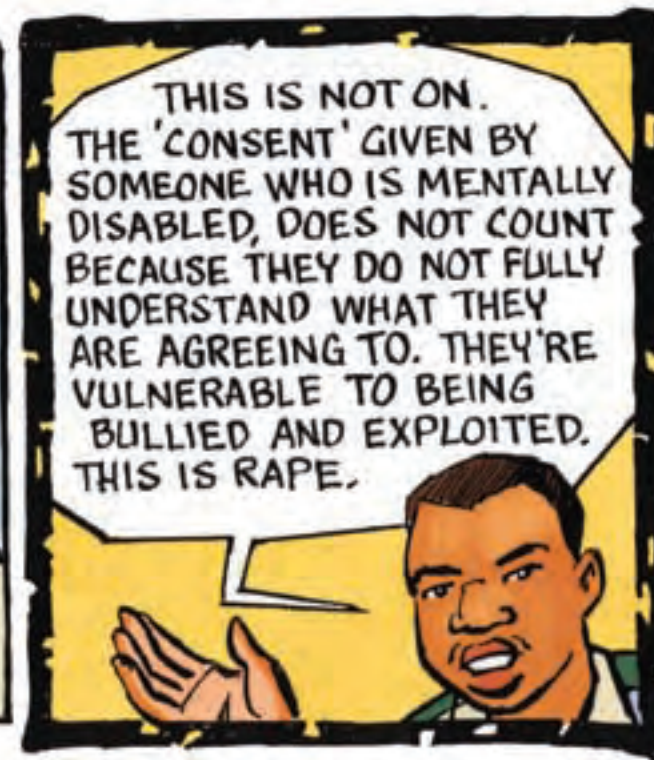
**CONSENT HAS NOT BEEN  
GIVEN IF A PERSON IS  
THREATENED WITH THEIR  
PHYSICAL SAFETY, THE  
SAFETY OF OTHERS, OR  
LOSS OR DAMAGE TO  
THEIR PROPERTY.**

**TURN THE PAGE TO VIEW.....**











**CONSENT HAS NOT  
BEEN GIVEN IF A PERSON  
DOES NOT KNOW WHAT THEY  
ARE DOING BECAUSE THEY  
ARE MENTALLY DISABLED,  
DRUNK OR DRUGGED,  
ASLEEP OR UNCONSCIOUS.**

**TURN THE PAGE TO VIEW.....**



- You can help inmates to adjust to prison life by...
  - ..... talking to them.
  - ..... interacting with them.
  - .... finding out their problem areas.
  - ..... and making referrals to appropriate service providers.

## AND FINALLY...

We've seen that sexual violence is an enormous problem in our correctional centres. Does this mean that all sex happening inside is forced? No. There are in fact times when inmates are having sex with each other that they've both freely agreed to. This is discussed in the next section, p47-48.

**3**

**SEXUALITY, SEX  
AND SEXUAL  
VIOLENCE IN  
CORRECTIONAL  
CENTRES**



## THINK ABOUT THIS!

A person born with male sex organs and hormones may have a sense of himself as a man, and be attracted to women, but there is also the chance that he may be attracted to men.

Also some men may feel more like a woman than a man, and may be attracted to either men or women. Your physical sex does not determine your gender identity or your sexual identity.

## WHAT YOU WILL FIND IN THIS SECTION...

### In this section

- We explain concepts of sexuality and gender.
- We look at some circumstances of consensual sex happening between inmates in correctional centres.
- We also look more closely at how both consensual sex and sexual violence are organised in correctional centres.
- We look at what you can do to help prevent sexual violence.

## LET'S TALK ABOUT SEX!

Talking about sex means we have to understand four important ideas: physical sex, gender identity, sexual orientation and sexual practices.

1. Your **physical sex** is your reproductive and hormonal system – usually male or female, or simply put – ‘what’s in your pants’.
2. Your **gender identity** is your sense of yourself as a man or a woman.
3. Your **sexual identity** expresses who you are attracted to on more than one level, i.e. emotionally, intellectually, physically and sexually.
4. Your **sexual practice** is how you have sex with another person (or yourself) in various contexts, or your sexual behavior.

The above concepts are often confused with one another, or misunderstood for having all the same meaning.



## EXPRESSIONS OF SEXUALITY

Human sexuality can express itself in many ways, and can even change depending on the situation people are in. One term often used that can relate to situations like these, is MSM, which means 'men having sex with men' or WSW, which means 'women having sex with women'.

In correctional centres for example, people may have sex with other inmates of the same sex because there are only people of the same sex in a prison. This is often referred to as 'situational MSM' or 'WSW'.

But they may also do it for different and various reasons. It may be because they choose to have sex with people of the same sex, or have always been sexually attracted to people of the same sex.

These individuals may identify as homosexual, bisexual or heterosexual and may or may not feel love (as one of many possible feelings) for their sexual partners.

So, some people may regularly have sex with others of the same sex without seeing themselves as lesbian or gay or bisexual. This could be for cultural, religious or personal reasons or being in a specific situation like prison.



## THINK ABOUT THIS!

**Heterosexual people** are attracted to people of the opposite sex.

**Homosexual people** are attracted to people of the same sex.

**Bisexual people** are attracted to people of both sexes.

## THINK ABOUT THIS!

Remember, only water-based lubricants are safe to use with condoms. (Saliva can be used when water-based lubricants aren't available). It is **not safe** to use Vaseline, baby oil or any other oil-based lubricants because these make holes in condoms.

## LET'S TALK ABOUT SEX

Your **physical sex** is determined at birth by your reproductive system, including your genitals and hormones (male or female) or 'what's in your pants'.

**Intersex** - Some people are born with full or partial genitals of both sexes, or with unusual hormone combinations. In the past, intersex people were given a sex at birth. However, lately, many intersex people choose later in life to identify with a specific sex.

**Sexual orientation** is whether you are attracted to members of the same or the opposite sex, or both, on various levels (eg. emotional, intellectual, physical, sexual).

## LET'S TALK ABOUT GENDER

**Gender identity** refers to your sense of yourself as a man or a woman and how you behave and feel about being a man or a woman. This is regardless of your male or female sexual organs. A person's gender presentation could be masculine, or feminine.

**Gender roles** are what society tells us it means to be a man or a woman and how we should behave.

**Transgender** is a term for people who do not act according to the gender assumptions of their society. It includes people who are transsexuals and transvestites.

**Transsexual** is when the sex organs that a person is born with do not match that person's gender identity. So it can feel like being trapped in the wrong body.

**Transvestites** are men who like wearing woman's clothing and adopt feminine characteristics. Most transvestites are heterosexual.

# SEX IN CORRECTIONAL CENTRES

## Is consensual sex in correctional centres an offence?

There is a lot of confusion on this issue in the Department of Correctional Services (DCS). If you are confused, you are not alone.

In fact, there is no clear policy that makes it a disciplinary offence for inmates to have consensual sex with each other. The Correctional Services Act only speaks about it being an offence for an inmate to conduct him/herself 'indecently by word, act or gesture' (section 23(1)(g)).

## ACCEPTABLE BEHAVIOUR

Trying to determine what is 'decent'\* or 'acceptable' behaviour is also confusing. In some countries or cultures it is not acceptable for women to wear clothes that show their shoulders and arms or their knees. The way in which people greet each other, their table manners, and ways of celebrating are not the same. Clearly, what is acceptable or normal behaviour is different from place to place, and this also applies to what people see as acceptable sexual behaviour.



## GLOSSARY

\* **decent** - reasonable, polite, respectable behavior.



## SOME MYTHS ABOUT PRISONS, SEX AND SEXUAL VIOLENCE. MAKE SURE YOU KNOW THE FACTS.

MYTH	FACT
If a person gets abused in prison, it's his or her own fault for getting into prison in the first place.	<b>Being in prison is punishment in itself. The punishment is having your freedom taken away. People are not in prison to get additional forms of punishment.</b>
If we give inmates condoms, won't we be condoning sex?  Giving out condoms will promote sex in prison.	<b>Existing evidence tells us that making condoms available does not lead to an increase in sexual activity.</b>  <b>It is rather true that information and conversations about difficult issues (like sex, HIV, and the importance of using condoms) help people to think about the issues and to make better decisions.</b>
Masturbation is sinful and dangerous.	<b>Masturbation is a natural thing that should not make you feel guilty.</b>  <b>It will not make you blind, deaf or insane. It will not make hair grow on your hands, stop you from having babies in the future, or stop God from loving you.</b>
Gay men commit rape (or are more likely to commit rape) against men.	<b>Most men who rape other men consider themselves heterosexual and are involved in heterosexual relationships.</b>
Gay men won't mind being raped so much because they're used to having sex with men.	<b>Rape is not about sex. It is an act of violence. Being raped is a terrible and fear-filled experience for whoever it happens to. Gay, bisexual and transgendered people have the same rights to be free from sexual violence as everyone else.</b>

## MYTH

## FACT

Some male prisoners act like women so they obviously don't mind having sex.

**The way in which a person behaves or expresses themselves cannot mean that they want to be raped. No one wants to be raped.**

**While certain behaviour may seem unusual or strange to you, for others it will be an expression of their self. They are as entitled as anyone else to their dignity and to your respect.**

If a boy or man gets raped then he is not a man anymore. He has been changed to be more like a woman.

**No one can take away the gender identity of someone else.**

**However, lots of people wrongly believe that men who've been forced to have sex have been turned into women. This is because there are strong messages in society that tell us that rape does not happen to men. This is simply not true.**

**A man who has been raped is still a man and needs to be supported and acknowledged for the traumatic experience he has been through. He should never be made to feel that he has lost his manhood.**

In prison, if a boy or man is given things (like food, drugs, cigarettes) by the person who forces him to have sex, then it is not really rape. Actually he likes it because he's getting things in return.

**Many inmates in prison are given things by other inmates and are then raped.**

**For example, the person who raped them may tell them that it's pay-back for what they were given. But often the victim did not know that they'd be expected to pay back. They've been tricked. And therefore they've been raped. The perpetrator has severely abused his position of power.**

Aren't we promoting sexual violence if we allow prisoners to have consensual sex in prison?

**Consensual sex and sexual violence are two different things and need to be treated separately.**

**Would you argue that people having consensual sex outside prison promotes sexual violence outside?**



## THINK ABOUT THIS!

The UN, WHO and UNAIDS recommend that we 'recognise that consensual sexual activity occurs in prisons, and ensure that consensual activity is not penalised as this will discourage prisoners accessing condoms'.

(UN OFFICE ON DRUGS AND CRIME, HIV/AIDS PREVENTION, CARE, TREATMENT AND SUPPORT IN PRISON SETTINGS, 2006).

## ACCEPTABLE SEXUAL BEHAVIOUR

- You personally might hold the opinion (as, for example, the Catholic Church does) that sex is only for making babies.
- Or you may believe that sex should only be between a man and a woman.
- Or you may believe that sex can be between any two adults who agree to it, never mind if they are men or women.

In general, acceptable or decent behaviour means different things to different people. And there are many different ideas about what is sexually acceptable.

But our Constitution says that men and women have the right to have sex with whomever they choose as long as they are adults who can consent to it. So sex in correctional centers in a private space between consenting adults should not be seen as indecent.

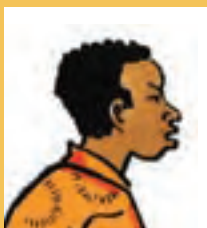
It is **never**, however, appropriate, decent or legal for correctional officers and other staff to have sex with inmates. It would be an abuse of power as inmates may not feel free to say 'no' to a person in a position of power in the correctional centre.

## CONSENSUAL SEX BETWEEN INMATES IN CORRECTIONAL CENTRES

While there is lots of sexual violence happening in correctional centres, there are also situations where inmates are having consensual sex. This means that both parties have agreed to have sex freely and willingly.

## Ushintsha ipondo

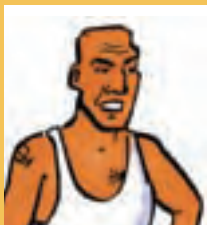
One example of consensual sex that takes place in correctional centres for men is something often referred to as *ushintsha ipondo*\*. This is a sexual interaction that is by agreement. Sex is exchanged for sex rather than for goods or protection. The inmates doing this kind of sexual activity may also be friends with each other. In this case consent has been given freely and willingly. As one inmate explains,



*"Sometimes you find that we are the same age and rank so we decide to ushintsha ipondo. It's different because both parties agree to give each other. It's not one-sided".*

## Love relationships

Another form of consensual sex may be in relationships based on love feelings and where sex is consensual. They may involve gay partners, or friendships that over time have developed to include intimacy and sexual relations. Consent has been given freely and willingly. As one ex-prisoner said...

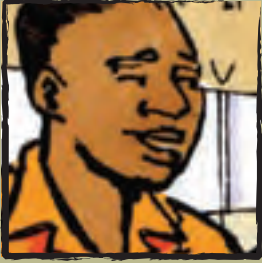


*"You care for them and all that. You find that it is mutual - they care for you. And it's very easy that one thing would lead another and you'd end up sleeping with them".*



## GLOSSARY

**\* ushintsha ipondo**  
- a consensual sexual interaction that is seen as an equal exchange. Neither party is considered superior or inferior. Both parties provide sex to the other, taking turns to penetrate and receive.



## TAKE NOTE

Sodomy is not a crime although the word is often used as if it were. 'Sodomy' simply refers to anal sexual penetration. It is practiced between men and women as well as between men. It only becomes a crime when it is forced, and then it becomes 'rape'.

## The danger of unprotected sex

A very important thing to understand is that all penetrative sexual encounters without condoms involve a high risk for the transmission\* of sexually transmitted infections (STIs) and HIV. This is true for anal, vaginal and oral sex.

Unprotected anal sex is particularly risky - especially for the receiving partner (the person being anally penetrated), although the person penetrating is also at risk of contracting the disease. Often males engaging in anal penetration wrongly perceive it to be risk free for HIV and other STIs (because there is no vagina involved). This is not true. Unprotected anal sex carries a very high risk.

Victims of rape are in grave danger of contracting STIs and HIV because injuries are likely to occur (to the anus, vagina or mouth) which means there is even more danger of exposure. It is well known that many inmates have contracted HIV as a result of rape in prison.

Remember, only water-based lubricants are safe to use with condoms. (saliva can be used when water-based lubricants aren't available). It is **not safe** to use Vaseline, baby oil or any other oil-based lubricants because these make holes in condoms.

## In correctional centres most sex is forced sex

While some of the sex in correctional centers is between consenting adults, many of the inmates involved in sexual activities have not consented to have sex freely and willingly. Most sexual activity in correctional centres is coerced and is therefore sexual violence.

Often people talk about sex in correctional centres as if consensual sex and forced sex are all part of the same thing. They are not. It is very important to tell apart sex that is consensual from sexual violence. Remember that consensual sex is between two consenting adults no matter their biological sex or gender presentation.

## Forced sex

As we've already seen, there is a great deal of forced (non-consensual) sex happening in correctional centres.

### TAKE NOTE

Men who have been raped in this environment are typically labeled as 'women'.

Victims, who are labeled as 'women', are usually forced into partnerships - often referred to as 'prison marriages' - with other inmates who use them for sex. These relationships usually begin with one inmate raping another who he then takes as his wyfie\*.

To be viewed as a 'woman' or a wyfie in a correctional centre is seen as a shameful position.



## GLOSSARY

\* **transmission** - the passing on of something (in this case sexually transmitted infections and HIV) from an infected person to a previously uninfected person.

\* **wyfie** - In men's correctional centers the most common form of sexual partnerships are known as 'marriages' which are usually forced.

Within these forced 'marriages' one partner has power over the other one.

The one with the power is identified as a 'husband' / 'man' / 'boss'. The one he forces is often referred to as a 'wife' or 'wyfie' / 'girl friend' / 'small boy' / 'ntwana' and is seen as a woman.



## SEX IN CORRECTIONAL CENTRES CAN BE FORCED IN DIFFERENT WAYS. INMATES HAD THIS TO SAY...

### THINK ABOUT THIS!

#### Children and young inmates

Often younger prisoners are forced to have sex with older prisoners. These young people may also be children.

Did you know that sexual penetration between a child and an adult is an offence even if the child consents or is believed to have consented.

The Sexual Offences Act says that if the child is less than 12 years then it is rape because a child under 12 cannot give consent. If they are aged 12 – 16 years and consented to the act, then it is statutory rape.

*'On the first night you are fresh meat and somebody is going to get you.'*

### THIS IS FORCED SEX.

*'If I give you a cigarette, at night I will remind you, 'give me sex'.'*

### THIS IS FORCED SEX.

*'The smaller people get forced. You get big tough people trying to force them.'*

### THIS IS FORCED SEX.

*'Those boys in correctional centres for theft and rape are taken as women.'*

### THIS IS FORCED SEX.

*'The correctional officer made me do him in his office.'*

### THIS IS FORCED SEX.

## TAKE NOTE

If the sexual abuse amounts to torture, the state has a duty to ensure that it is speedily investigated by an impartial body. So make sure that any abuses that you think may constitute torture are immediately reported to the Judicial Inspectorate of Correctional Services and the police. (see p30 for more information on torture).



## GLOSSARY

\* **vulnerable** - to be at risk or in danger; to be in a weak position through no action of your own.

\* **exploitative** - using someone or something in a way that is selfish and unfair and harmful.

## WHO IS VULNERABLE TO FORCED SEX?

- Newly arrived first-time offenders are particularly vulnerable\*. They know nothing about prison life, are scared and may come across as shy or unassertive. They can be easily drawn into exploitative\* situations like accepting a cigarette or seemingly helpful information about life in that centre when they first arrive. But often they will have to 'pay' for this later with sex even though they didn't know this before.
- Inmates who lack material goods and who do not receive visits from friends and family with food, money, cigarette and toiletries. They get exploited and may have to barter sex for goods.
- Female inmates who will not fight are vulnerable.
- Male inmates who cannot or will not fight will be labeled as 'women' and taken as wifies more easily.
- Inmates who are thought to be 'pretty' or 'good looking' are vulnerable.
- Inmates in correctional centres for non-violent crimes are seen as less manly and are therefore more vulnerable.





## THINK ABOUT THIS!

Anyone can be forced to have sex. This is rape. But some people are more vulnerable to start out with.

- Inmates who are gay\* or transgendered\* (for example, an inmate in a men's facility who identifies as a woman) may be especially vulnerable to being coerced into 'marriage' and to being raped. This is because other men wrongly interpret their sexual and/or gender identity as a signal of readiness to 'act' as a 'woman' and therefore to 'provide' them with sex. Rape can also be a form of gay bashing.
- Relatively young inmates and those of small build are more vulnerable.
- Mentally disabled inmates are vulnerable.
- Those convicted of sexual offences, especially those who have committed crimes against children are vulnerable.

### TAKE NOTE

Unfortunately in many communities in South Africa, women are seen as less important than men, are not respected by men and are expected to be passive and obedient to men.

So, to be labelled a 'woman' in a male correctional centre is considered a shameful position by inmates. Men who have been raped or coerced are referred to as 'women' by other inmates and sometimes even by correctional officers. This label reflects the unjust way women are viewed in society and is very humiliating for the person being labelled.

# WHAT IS YOUR RESPONSIBILITY AS CORRECTIONAL OFFICERS?

**As correctional officers** you need to be aware that some people are more vulnerable than others and you should keep a close eye on their safety. Watch out for signs of bullying and be alert to changes in an inmate's behaviour. If you see the signs, take action.

**As correctional officers** you should make sure that you understand the difference between sexual identity and gender identity; between consensual sex and forced sex; that you know what sodomy\* and homosexuality are; and that you know what constitutes sexual assault and rape.

**As correctional officers** you must take all complaints seriously, support the complainant and follow up the incident (even if you feel doubtful about the complaint or are tempted not to believe what the inmate is telling you).

**As correctional officers** you must protect the victims of physical and sexual violence, you must see to their immediate needs, and report the incident to your superior(s) or the head of the centre.

**As correctional officers** you must guard against the use of demeaning labels when talking to or about inmates. For example, NEVER refer to a male rape victim as a 'woman', or imply that he has lost his manhood.

**As correctional officers**, regardless of your personal or religious beliefs, you have a duty to prevent sexual abuse against all inmates including those whose gender identity or sexual orientation you may not agree with, and regardless of the nature of the crime that an inmate has committed.



## GLOSSARY

\* **gay** - a person who is sexually attracted to only people of the same sex.

\* **transgendered** - people who don't behave according to the gender norms of their culture (so they don't behave according to what is expected of them).

\* **sodomy** - is anal sex. The word describes the sexual act of anal penetration which can occur in heterosexual as well as homosexual situations. Sodomy is not a crime unless it is forced.



**As correctional officers** you must ensure that perpetrators are disciplined.

**As correctional officers** you are responsible for the safety of the inmates in your care.

## AND FINALLY...

In society in general there is a lot of confusion and misunderstanding about sexuality and gender. A lot of people, for example, are unsure of the meanings of words like 'transgendered' and 'bisexual'; and get muddled between different types of gender and different types of sexuality.

There is also a lot of discrimination and violence against people who don't follow the gender roles that unspoken rules in society set for us. The same confusions and discrimination are present in our correctional centres. Unfortunately, they can be even harsher in prison because of the unnatural environment and difficult conditions.

Your job as correctional officers is challenging. Firstly, you need to ensure that you understand the context of sex and sexual violence in your centres. Secondly, you have to challenge your own understandings and assumptions and work at accepting people and behaviours that may seem uncomfortable and strange to you. This is necessary so that you can respect the rights and dignity of others. And third, you have to help prevent sexual violence.

Think about the information in this section. Talk to other correctional officers and your friends. Become familiar with all aspects of sexuality and it will become easier for you.

## FACTS ABOUT SEXUAL VIOLENCE AGAINST MEN

**Fact:** Rape and sexual assault can happen to anyone, including males.

---

**Fact:** Both heterosexual and homosexual adult males are sexually assaulted and raped.

---

**Fact:** Men do have control over their sex drive. It is not an all-powerful force. If men have an erection they do not have to have sex.

---

**Fact:** Sexual assault of males by other males is a violent act done out of anger or a desire to control, dominate, degrade, or humiliate the victim.

---

**Fact:** Men are sexually assaulted in the community as well as in institutions like correctional centres. Many inmates have experienced sexual abuse in the community.

---

**Fact:** Men can be victims of gang rape and of ongoing rape. Many victims of rape in prison become targets of subsequent sexual violence.

---

**Fact:** Sexual assault of men may be accompanied by other physical trauma such as severe beating.

---

**Fact:** Men are reluctant to report sexual assault and to seek help because of societal myths, trauma and fear of insensitive assistance or that nothing will be done in response.

---

**Fact:** In correctional centres inmates fear further victimisation if they report rape.



4

# THE TRAUMA OF SEXUAL ASSAULT AND RAPE



## THINK ABOUT THIS!

Can you imagine what it must be like to be raped if you are in a correctional centre? You don't have your family or your community around to support you, and you may fear that the trauma\* will be repeated.

## THINK ABOUT THIS!

There is no one way that everyone responds to trauma. Be prepared to accept however people behave and help them to cope.

## WHAT YOU WILL FIND IN THIS SECTION...

In this section you will find a discussion about the trauma of sexual assault and rape for inmates, and the difficulty of reporting it.

## BEING TRAUMATISED

Have you ever been in a traumatic situation? Do you remember how you felt?

Being involved in a traumatic experience changes the way you feel in the world and the way you see the world. It collapses your faith in a 'safe world', and can make you lose trust in society.

### **Some of the traumatic experiences that take place in correctional centers are:**

- Physical and sexual assault.
- Rape.
- Witnessing the death, torture, rape or beating of another person .
- Being tortured.
- Finding out you have a life-threatening illness.

## TRY TO IMAGINE THE FEELINGS OF AN INMATE WHO IS TRAUMATISED

An inmate probably won't have a trustworthy\* person to turn to and to get support from. They may not trust that they will be given access to emotional, medical and legal support. They may fear further victimisation if they report the incident.

## REACTIONS TO RAPE

Survivors of rape will have physical, emotional and behavioural reactions to the shocking and terrible event.

- Immediately after the rape, men and women are likely to feel diminished awareness ('out of it'), numbness, confusion, an obsession with washing, and be extra sensitive to the reactions of others.
- They may not want to be near people (or may fear being alone), find it hard to focus, gain or lose their appetite.
- Not all victims show their feelings outwardly. Some may appear unaffected by the assault and seem calm, or they may become difficult and 'act out'.

As you can see there are many possible responses.

There is no one way that everyone responds. Be prepared to accept however people behave and help them to cope.



## GLOSSARY

\* **trauma** – a highly distressed emotional state.

\* **trustworthy** – a person that you feel you can trust with your secrets and that you feel comfortable talking to.





## THINK ABOUT THIS!

As a correctional officer you will be able to notice sudden changes in behaviour that can be symptoms of trauma.

## Watch out for these – they can be harmful ways of reacting!

- Suicidal thoughts / plans / actions.
- Pretending nothing happened / being in denial.
- Self harm – like cutting one's own body.
- Risky behaviour – particularly risky sexual behavior.
- Using excessive alcohol and other drugs to numb the feelings.
- Spacing out – living in a dream world, not connecting with other people.
- Intense fear and anxiety.

**The victim must see a psychologist, psychiatrist, or social worker immediately.**

## HOW DOES IT FEEL FOR PEOPLE IN CORRECTIONAL CENTRES WHO HAVE BEEN A VICTIM OF SEXUAL VIOLENCE DURING THEIR INCARCERATION?

People in correctional centres who have been sexually assaulted or raped are also likely to experience some feelings and fears that are specifically created by being in a correctional center. The daily trauma of being behind bars makes the stress of rape even more difficult:

- The victim may be unable to move about freely, may have no privacy and may have to live with – or regularly see - the perpetrator.

- The victim has little control over things like noise, light and crowds to which most victims are sensitive.
- The victim may have to be alone more than is good for him or her or (s)he may need to be alone and not be able to find any quiet place.
- The victim is expected to appear calm and follow directions when in fact they are in a crisis and feeling disoriented, irritable and anxious and may feel that it is impossible to go on as usual.
- Sharing or showing feelings may mark the victim as someone with a 'problem' and a possible target for other perpetrators.
- They may be worried that they will be further traumatised by staff or inmates and they may be fearful of retaliation\* from others.
- They may fear that someone will 'see' that they have been sexually assaulted simply by looking at them and that this will make them the target of further assault.
- Some people may believe that they were not in fact raped, or that they gave consent, because they became sexually aroused. This is a normal, involuntary physical reaction over which the victim does not have control. Sexual arousal is triggered by the sensitive nerves in the genitals or other body parts being stimulated. It does not mean that they enjoyed it. Sexual arousal does not mean there was consent.
- Secrets are quickly spread in correctional centers making the victim's shame worse. They may worry about who has found out about the rape and how this knowledge has changed the way that people see them.



## GLOSSARY

✱ **retaliation** – revenge.



## HOW DO MEN IN CORRECTIONAL CENTRES FEEL?

Men in correctional centres who have been sexually assaulted or raped may experience many of the same feelings that female victims of sexual violence do, as well as feelings and concerns that arise more specifically for men. These include:

- Because of society's belief that men should be able to protect themselves, a man may feel that it is somehow his fault that he was raped.
- Many men are raised to always be in control of everything, including emotions. The assault may cause him to feel completely out of control and many men do not know how to handle this.
- Men may fear talking about the assault to other men, fearing that they will be laughed at or be labelled as a 'sissy', or a 'woman'.
- A man may feel not only traumatised by the violence, but feel that he has lost his manhood.
- Gay men may think that the assault occurred because they are gay. In correctional centres this may be a correct assumption to make. Rape can be a form of victimising homosexuals. But gay people have the same right to be free of sexual violence as everyone else.
- Men often begin to question their sexual identity as a result of rape.

# REPORTING RAPE IN CORRECTIONAL CENTRES

At the moment, men and women in correctional centres are reluctant to report rape because they do not believe it will make any difference.

- In correctional centres rape is often taken for granted as part of the way things are done. It is not a complaint that many officials pay enough attention to.
- The victim may fear further victimisation from inmates or correctional officers if (s)he reports the rape.
- The victim may not believe that it will make any difference; that the case will not be followed up and that justice will not be done.
- Some people do not even realise that rape of men is a crime and just as serious as sexual violence against women.
- In a male dominated culture, men find it very hard to accept that they can be victims because messages from society tell them that only women and children can be victims.
- They fear ridicule if they report the crime.

## RAPE IN CORRECTIONAL CENTRES IS UNDERREPORTED

Sexual victimisation, exploitation and violence more often than not go unreported, say inmates.



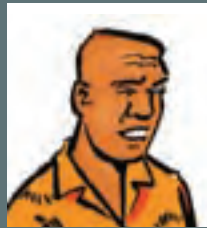
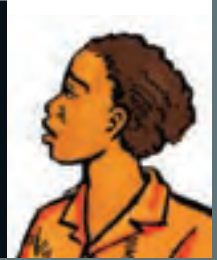


## Some inmates say:

*If you go and complain it will fall on deaf ears.'*

*'When the warder comes he won't want to know. You will be the guilty one.'*

*'You get threatened with, 'You tell someone, we gonna kill you'.*



*'Rape is not something that surprises or shocks us these days. We are used to it.'*

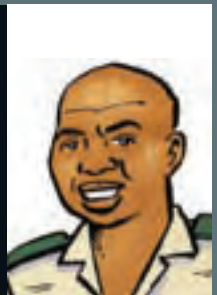
*'When I go to hospital, I don't talk. I must stand for my manhood.'*

## What some correctional officials say that also makes it hard to report rape:

*'You're a criminal. If you were a person you would not be here, so we are not going to take your complaint.'*

*'You are living together. Sort out your own problems.'*

*'What can I do?'*



## AND FINALLY...

What can YOU do to stop these sorts of comments and to encourage victims to report sexual assault and rape?

# 5 RESPONDING



## THINK ABOUT THIS!

Zander said about  
his rape ....

*I have been able to put  
this behind me to some  
extent, but this I know.  
There will always be a  
memory and always be  
pain in the back of my head  
in the undercurrent of my  
thoughts.*

## WHAT YOU WILL FIND IN THIS SECTION...

In this section you will find steps to take that acknowledge and support inmates who have been traumatised:

- Creating a safe space
- Acknowledging
- Listening
- Providing information
  - Information regarding feelings.
  - Information regarding health.
  - Information regarding justice.
  - Information regarding protection.

## THE INMATES NEED YOU!

As a correctional officer, the inmate who has been assaulted or raped may turn to you for help and support. You have a legal duty to respond and see to it that the inmate receives the needed assistance. You need to know what to do to offer the victim support and help.

# STEPS FOR ACKNOWLEDGING AND SUPPORTING INMATES:



- **Create a safe space**

First make sure the inmate is safe from immediate harm and that the alleged perpetrator has been removed from where (s)he can harm the victim or other inmates or tamper with evidence.

Empower the victim. Let them lead the intervention. For example, allow silence and time to think. Use their terminology: they may not feel comfortable to term it 'rape,' preferring to call it an 'attack,' or they may talk about having hemorrhoids or piles, stomach trouble or pain.

- **Acknowledge**

The traumatic experience of the victim needs to be acknowledged. Reassure them that whatever they are feeling is normal. Do not in any way trivialise what has happened or ridicule the victim.

- **Listen**

Take the victim seriously, respect him or her and listen. Stay calm, give him/her time, don't judge or force him/her to make hasty decisions. Don't jump in with advice or solutions.

Listen to what the victim is saying. Do not ask 'Why?'. Ask questions that begin with 'How', 'Where', 'When', and 'Who' to clarify the situation.

Provide information regarding feelings, health, protection and justice. Read on to find out more about the types of information victims need.





## THINK ABOUT THIS!

Make sure that you have a contact list of people that you can refer inmates to. If you don't have one, start today.

Ask your colleagues for names of support staff and professionals that they have used and that they trust. It is a good idea to do this in a group with fellow members.

## HOW TO LISTEN

DO	DON'T
Focus on the person and listen patiently. Be attentive: show you're listening to the person by using verbal and non-verbal communication such as eye contact, nodding.	Judge, blame or ridicule the victim, appear shocked or dismiss the experience.
Question in a gentle and supportive way that requests more information and that attempts to clarify* confusions.	Jump straight into problem-solving and giving resources or directions. Explore options and offer resources that the victim may not know about – let him/her make the decisions.
Accept that what the inmate says is true for him/her.	Impose your ideas, criticize or argue.
Support by showing warmth and caring in your own individual way .	Interrogate the person.
Check that your understanding of what the persons saying is accurate.	Assume that formal reporting or grievance procedures or the criminal justice process will be easy or the right answer for the survivor.
Be quiet: give the person time to think as well as to talk.	Talk too much.
Talk about feelings.	Be afraid of strong feelings.
Express your concern for his safety, and directly assess and address threats of or hints of suicide.	Make promises you can't keep.

DO	DON'T
Be clear with the survivor about your responsibilities around limits of confidentiality and mandated reporting.	Repeat the information that the victim has given you in confidence.
Share information about sexual violence to help him/her put his/her experiences in context.	Dominate the session.
Clarify issues.	Make assumptions about the victim based on sexual orientation, gender, race, ethnicity, class, religion, age, ability/disability or level of education.



## GLOSSARY

**\* clarify** – making the situation clearer for the victim. Helping him/her to understand the situation and to find solutions.

### • Provide information

The victim may be very confused about his/her feelings, what's happened to him/her, as well as what (s)he can do.

Here are key areas of information regarding feelings, health, protection and justice that you should be able to provide:

## INFORMATION REGARDING FEELINGS

- ✓ Help him/her understand that what has happened should not be happening to anyone, but that his/her feelings about it are normal reactions.
- ✓ Provide information regarding sexual assault and rape.



## THINK ABOUT THIS!

You need to make sure that all victims get medical attention.

## THINK ABOUT THIS!

An inmate must give informed consent to undergo a medical intervention.

- ✓ Reassure him/her that what has happened is not their fault.
- ✓ Provide the victim with information about where they can get help or talk to someone. This might involve referring him/her to a DCS social worker, or where available, to an external service provider, particularly a rape crisis center.

## TAKE NOTE

You also want to avoid having the victim telling what has happened multiple times. This can cause them to relive the traumatic event. See how you can find ways to reduce the number of times they need to tell the story, but still making sure they get ALL the different types of care and support that they need.

## INFORMATION REGARDING HEALTH

- All victims of rape and sexual assault require immediate medical attention. This is true even if there is no apparent tearing or bleeding, and is an obligation specified in the Correctional Services Act (section 12 & 21).
- All victims require treatment to help prevent sexually transmitted infections (STIs) and HIV.
- Female inmates who have been abused by men are at risk of pregnancy.
- Where the victim has rectal and/or vaginal tearing or grazing the need for medical attention is especially urgent to prevent the risk for bacterial infections, potential HIV exposure, and exposure to other sexually transmitted diseases.

- Victims will not always know when tearing or grazings have occurred. This should only be assessed by a medical professional. It is not appropriate for you to ask the victim whether they think they have tearing. Rather you need to make sure that ALL victims get medical attention. The medical professional will then determine the nature of the injury.
- Treatment for other injuries may also be needed.
- The victim will usually not have had a chance to negotiate safe sex and the use of condoms. This increases his/her risk of getting (re)infected with HIV and other sexually transmitted diseases. For women it also increases the risk of becoming pregnant.
- Antibiotics should be provided to prevent some of the sexually transmitted infections (STI's) caused by bacteria. The victim will need antiretroviral HIV medicines to help prevent getting HIV or being re-infected. The antiretroviral is called PEP or Post Exposure Prophylaxis. (S)he needs to start taking the medicine as soon as possible (within 24 - 72 hours).
- Women should take the morning- after pill (MAP) within 72 hours to stop them from becoming pregnant if they were raped by a male.





## THINK ABOUT THIS!

What options are available in your centre for keeping inmates safe and free from victimisation?

Draw up a safety plan now, if you do not already have one.

## TAKE NOTE

**If the victim wants to know the HIV status of the alleged perpetrator**, the Sexual Offences Act says that (s)he (or someone on behalf of the victim) may apply to a magistrate to have the alleged perpetrator tested for HIV and the results given to them. As a correctional officer you need to give them this option. If they decide to take it, then you need to help them to lodge the application within 90 days of the offence.

Immediate medical examination is also important to collect evidence that can be used in a legal case against the perpetrator. Even if the victim does not want to report the rape to the police, the medical evidence should still be collected because the victim may decide at a later stage that they do in fact want to press charges. However, no inmate can be compelled to undergo medical intervention or treatment without informed consent (CSO, section 12(4)).

## WHAT YOU MUST DO

- Outline the steps that the victim should follow to get speedy medical assistance (make sure you know what these steps are!).
- Help the victim to access medical help by phoning/visiting to arrange an appointment and accompanying the victim to the examination and to get the medicines.
- Make sure that you assist the inmate with ongoing medical support that they may need. It's not a once-off that can then be forgotten about.

# INFORMATION REGARDING PROTECTION

A primary concern is to ensure safety for the inmate – and it is your responsibility as a correctional officer to do this. You and the victim should discuss in what way you can provide protection.

Some important steps are:

- ✓ Enter a record of the incident on the appropriate form.
- ✓ Separate the victim from the alleged perpetrator. If the identity of the perpetrator is known, move him/her to where (s)he can't harm others. Give the victim a single cell or move him/her to another section depending on the victim's preference.
- ✓ Conduct an investigation into the alleged incident.
- ✓ It is very important to follow up on the alleged perpetrator by ensuring that disciplinary processes are implemented, that he is not presenting a risk to other inmates or the victim, and to make sure that relevant correctional and/or counseling processes are in place.
- ✓ Keep a close check on the alleged perpetrator's movement.
- ✓ Conduct regular patrols.
- ✓ Identify blind spots in the centre and visit regularly to prevent further incidents.
- ✓ Alert other correctional officers.







## THINK ABOUT THIS!

What options within the framework of the law are available in your centre for disciplining and punishing the perpetrator?

What are the victim's rights and responsibilities?

## INFORMATION REGARDING JUSTICE

Sexual assault and rape survivors have the right to report the crime to the police. This decision is one only they can make. It is important that you go with them to report the crime if they decide to press charges.

The police will require medical evidence collected in the medical examination (conducted by a doctor) immediately following the report of the incident. It is therefore important that victims do not wash beforehand. But if they have, for some reason, washed they can still have the medical examination and they can still press charges. (Remember that even if they don't want to press charges they should receive a medical examination.)

As rape and assault are criminal cases, the police must follow up.

- You need to make sure that they do this and that the perpetrator is charged by the police.
- You must also ensure that the perpetrator is disciplined.
- You need to advise the victim of his rights and responsibilities.
- Both the victim and the perpetrator may wish to consult a legal practitioner and they must be given the opportunity to do so.

# A CHECKLIST FOR RESPONDING

Acknowledging	
Have you ensured the survivor is safe from any immediate harm?	
Have you ensured that the perpetrator(s) (if you know who they are) have been removed from the situation so that they cannot harm the victim or other inmates?	
Have you reassured the victim that their feelings are normal?	
Listening	
Have you heard their story without judgment or interference?	
Information	
Have you informed them about their rights to health care, protection and justice?	
Have you gone with them to a doctor?	
Have you helped them to get hold of the medication they need?	
Have you thought about follow-up medical care and medicines?	
Have you helped them to lay a criminal charge?	
Have you helped them to lay a disciplinary charge?	
Have you recorded the incident?	
Have you drawn up a safety plan with them?	
Have you drawn up a safety plan with your colleagues?	
Have you set up psychological care for them with their permission?	
Next steps	
Are you keeping a careful watch on the survivor's behaviour?	
Have you followed up with the psychologist or social worker?	
Have you followed up with the police?	
Have you followed up with healthcare?	
Are you following up with the safety plan?	
Have you followed up with the disciplinary procedures?	



## AND FINALLY...

You have a duty as correctional officers and support staff to respond to victims of violence and to see that they receive assistance. The way in which you take on this role of acknowledging and supporting inmates will also make a huge difference to them on their path to recovery.

Your support of inmates who have been traumatised helps them to survive through the process. You can create an atmosphere in which the person can find the ways of coping that are best for them in the situation.

However, don't forget that you too will be affected by your involvement. Make sure that you have someone you trust to talk to. You need to share your feelings (while respecting the confidence of the victim) and get support for your role, so that you do not carry the load inside yourself.

# 6

## MAKING CORRECTIONAL CENTRES SAFER



## THINK ABOUT THIS!

A little boy walked up and down a beach, throwing starfish back into the ocean. A man walked past who noticed thousands of starfish washed up on the shore. He walked up to the boy and said, 'Why do you bother throwing them back. It won't make a difference- there's thousands of them'.

The boy looked at him, bent down, threw another one into the sea and said: 'It will make a difference to THAT one!'

## WHAT YOU WILL FIND IN THIS SECTION...

In this section you will find some concrete suggestions for creating a safe, supportive and healthy environment in your correctional centre.

*'I have walked that long road to freedom. I have tried not to falter; I have made missteps along the way. But I have discovered the secret that after climbing a great hill, one only finds that there are many more hills to climb. I have taken a moment here to rest, to steal a view of the glorious vista that surrounds me, to look back on the distance I have come. But I can rest only for a moment, for with freedom comes responsibilities, and I dare not linger, for my long walk is not yet ended.'*

**NELSON MANDELA (Long Walk to Freedom, 1995).**

## SWING INTO ACTION!

As correctional officers and staff members you can play a very valuable role in inmates' rehabilitation process.

You can start implementing these changes immediately to improve safety in your correctional centre:

- Work in teams.
- Build a culture of respect at home and at work.
- If you hear someone spreading a myth, challenge them!
- Display exemplary behavior.



- Adopt a positive attitude. Be friendly – smile more.
- Distinguish between problems and challenges.
- Implement things even when resources are scarce.
- Build relationships of trust and openness.
- Show genuine interest in the problems of others.
- Communicate with inmates – listen to their stories.
- Accept the choices of others.
- Become informed and inform others about sexual choices.
- Empathise: be compassionate and supportive.
- Be a good listener.
- Practice confidentiality.
- Don't ever feel you can't make a difference.

You can start implementing these changes immediately. They are within your control. The changes on the next page may require you to think and to consult with others, but.... **don't slow down!**

## AND FINALLY...

In this booklet we have looked at different aspects of sexual violence in correctional centres. It is hoped that reading the booklet has made it less uncomfortable for you to talk about sex and sexual violence. We also hope that you feel better equipped to prevent and respond to sexual violence by applying some of the suggestions for creating a safe, supportive and healthy environment in your correctional centre.



## SOME SUGGESTIONS FOR CREATING A SAFE, SUPPORTIVE AND HEALTHY ENVIRONMENT

<b>Become alert to the environment</b>	<p>Find out which inmates are vulnerable, and who is controlling access to resources.</p> <p>Be aware of warning signs that often accompany sexual violence.</p>
<b>Improve patrols</b>	<p>Have systems where inmates can raise the alarm.</p> <p>Conduct regular patrols and unannounced visits to cells.</p> <p>Have rapid access to cells in the event of incidents, especially during lock-up.</p>
<b>Deal fairly and quickly with complaints</b>	<p>Create confidential channels for the reporting of abuse.</p> <p>Respond to reports of sexual violence and ensure the victim is supported and the perpetrator is punished.</p>
<b>Ensure victim access to support</b>	<p>Ensure that if the DCS cannot provide adequate support then the victim is referred to an agency or person who can.</p> <p>Ask the victim if (s)he wants to move to a safe cell.</p>
<b>Facilitate sexual health</b>	<p>Ensure that inmates have access to rapid health treatment and to social and psychological services.</p> <p>Improve access to appropriate condoms as well as lubricants. Give these to peer educators if you have them.</p>
<b>Keep an eye on how food and supplies are distributed</b>	<p>Ensure all inmates get basic necessities and rations and that these are not intercepted by other inmates or staff.</p>
<b>Occupy and develop inmates</b>	<p>Encourage and provide opportunities for inmates to be busy during the day.</p> <p>Organise workshops, training and development programmes.</p>

# GLOSSARY

**ARVs** – antiretrovirals are drugs used to treat HIV and AIDS. They are not a cure but stop or slow the HI-virus from reproducing. When they are taken as a treatment for AIDS they must be taken every day for the rest of a person's life.

**child pornography** – refers to images or writings that show sexually explicit activities involving a child. Child pornography is child abuse.

**clarify** – making the situation clearer for the victim. Helping him/her to understand the situation and to find solutions.

**compelled rape** – is when someone forces another person to rape a third person. It is a crime.

**consensual sex** – sex where both parties have agreed to have sex freely and willingly.

**contraband** – illegal imports, trade in prohibited or banned goods.

**decent** – reasonable, polite respectable behaviour.

**degrading** – humiliating, shameful, mortifying treatment.

**demeaning** – humiliating or causing a loss of dignity.

**entitled** – allowed, permitted.

**exploitative** – an action that is unfair, unequal and abusive.

**gay** – a person sexually attracted to only people of the same sex.

**gender identity** – is your sense of yourself as a man or a woman.

**gender roles** – are what society tells us it means to be a man or a woman and how we should behave. These are not written rules but messages we get through our culture.

**humiliating** – shameful, embarrassing, degrading.

**indecent exposure** – this refers to the act of being nude in public or deliberately showing parts of the body that go against community standards of modesty.

**intersex** – people who are born with full or partial genitals of both sexes, or with unusual hormone combinations are intersexed.

**intimidation** – force, coercion, pressure, bullying.

**MSM** – men who have sex with men.

**physical sex** – is your reproductive and hormonal system – usually male or female.

**prophylaxis** – a drug taken to prevent diseases. For example, certain drugs can be taken to prevent HIV in cases of rape.

**rape** – is when penetration happens without consent. It is sexual penetration of any body part or object into the vagina or anus of another person without that person's consent and includes when a person puts his penis or the genitals of an animal into another person's mouth.

**retaliation** – revenge.

**rights** – A right is something all people are entitled to based on law and custom. The Constitution guarantees the fundamental rights of all people including arrested, detained and imprisoned people.

**sexual identity** – expresses who you are attracted to sexually.

**sexual orientation** – This is whether you are attracted to members of the same sex, opposite sex, or both.

**sexual violence** – is when someone is forced to have sexual contact that they don't want. Sexual violence can be rape or sexual assault.

**sodomy** – is anal sex. The word describes the sexual act of anal penetration which can occur in heterosexual as well as homosexual situations.

**The Sexual Offences Act** – is the abbreviated name given to the law that deals with sexual violence in South Africa. The full name of the law is the *Criminal Law [Sexual Offences and Related Matters] Amendment Act*. It was introduced in 2007, making important changes to the way that rape is seen and dealt with. Make sure that you understand the new definitions of rape.

**tolerate** – being able to accept something even if you disapprove of it. Not tolerating something means not accepting something you disapprove of.

**transmission** – the passing on of something (in this case sexually transmitted infections and HIV) from an infected person to a previously uninfected person.

**transsexual** – is when the sex organs that a person is born with do not match their gender identity.

**transgender** – is a term for people who do not act according to the gender assumptions of their society. It includes people who are transsexuals and transvestites.

**transvestites** – are men who like wearing woman's clothing and adopt feminine characteristics.

**trauma** – a highly distressed emotional state.

**trustworthy** – a person that you feel you can trust with your secrets and that you feel comfortable talking to.

**unobtrusively** – discreetly, without force or fuss.

**ushintsha ipondo** – This is a sexual interaction in men's prisons that is by agreement. Sex is exchanged for sex rather than for goods or protection. The inmates doing this kind of sexual activity may also be friends with each other. In this case consent has been given freely and willingly.

**victimise** – to make someone suffer harm.

**voyeurism** – gaining sexual pleasure from watching others when they are naked or engaged in sexual activity. Enjoying seeing the pain or distress of others.

**vulnerable** – to be at risk or in danger; to be in a weak position through no action of your own.

**WSW** – women who have sex with women.

**wyfie** – In men's correctional centers the most common form of sexual partnerships are known as 'marriages' which are usually forced. Within these forced 'marriages' one partner has power over the other one. The one with the power is identified as a 'husband'/'man'/'boss'. The one he forces is often referred to as a 'wife' (a 'wyfie')/'girl friend'/'small boy'/'ntwana' and is seen as a woman.

# USEFUL NUMBERS



**Life Line** **0861 322 322**  
Offers free 24 hour telephonic counselling.

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**Stop Gender Violence Helpline** **0800 150 150**  
Provides free, confidential and multilingual telephone counselling and refers you to services near you. Operating hours are 7am – 9pm everyday.

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**National Aids Helpline** **0800 012 322**  
Offers multi-lingual 24-hour toll free assistance by trained counsellors.

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**Judicial Inspectorate for Correctional Services**  
Conducts independent inspections of correctional centres and through its Independent Visitors located across the country, takes and investigates inmates’ complaints to promote the human rights and dignity of prisoners.

Cape Town Head Office **021 421 1012 / 3 / 4**  
Pretoria **012 663 7521**

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**Aids Law Project (ALP) of Section 27** **011 356 4100**  
Provides free legal advice on issues of AIDS discrimination.

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**Legal Resource Centre**  
Cape Town **021 423 8285**  
Durban **031 301 7572**  
Grahamstown **046 622 9230**  
Johannesburg **011 836 9831**

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**OUT LGBT Wellbeing**  
Office **012 430 3272**  
Helpline **0860 688 688**  
Direct counselling line **012 344 5600**

Provides sexual and mental health services to promote the health and rights of lesbian, gay, bisexual and transgender people.

[illegible]

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Alastair Findlay created the cover artwork, comic strips and illustrations.

Cynthia Totten of Just Detention International and Lukas Muntingh of the Civil Society Reform Initiative (CSPRI) provided detailed comments on draft content and Chenette Swanepoel gave creative input.

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Lesego Tshabalala, Sipho Mboweni and Reggie Botha of Khulisa assisted with authenticating the scenarios and slang for comics.

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## CENTRE FOR THE STUDY OF VIOLENCE AND RECONCILIATION (CSV)

Sexual violence in prisons is a reality but is not often spoken about or given much attention. This booklet aims to provide information, guidelines and support for staff in correctional centres to assist them in preventing and responding to sexual violence behind bars.

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The CSVR adopts a multi-disciplinary approach to understand and prevent violence, heal its effects and build sustainable peace locally, continentally and globally.

