

**SEXUAL VICTIMISATION OF MALE OFFENDERS AND AWAITING-TRIAL
DETAINEES IN A SOUTH AFRICAN CORRECTIONAL CENTRE**

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ABSTRACT

The research for this article was undertaken in one South African correctional centre and indicates that men are subjected to sexual victimisation on a regular basis. Interviews were conducted with 100 male awaiting-trial child, juvenile and adult detainees (ATDs) as well as with male juvenile and adult offenders. The researcher aimed to determine the participant's knowledge of sexual practices in the correctional centre. The majority of the participants (78%) reported that anal penetration is practiced in this correctional centre, and includes both rape (one-on-one and gang rape) as well as consensual sex between two inmates. An interesting finding is that this type of sex is mentioned across the research sample (children, juveniles and adult males). Sixty-four percent (64%) of the participants reported that inmates practice interfemoral sex. The third type of sex that is practiced in the correctional centre is oral sex (23%), followed by masturbation (21%). Many of the participants replied that the type of sex (anal, interfemoral, oral or masturbation) is often agreed upon by both parties. The reasons why men participate in sex while awaiting-trial include a need for emotional sex, survival sex, compliance sex and forced sex. Regarding the sexual victimisation that takes place in this particular correctional centre, more than half of the participants (57%) revealed that they had sexual insults directed at them, some every day. However, they do not recognise this as a form of sexual victimisation, rather as a part of life in a correctional centre. Other sexual acts that the victims have been subjected to include forced oral sex, interfemoral sex and masturbation. With specific reference to rape, the majority (84%) of the research participants affirmed that they have heard of rape, and offered the following reasons for this act: two inmates not reaching an agreement, corruption by correctional officials, gang involvement and deception. The researcher interviewed six victims of rape and four perpetrators. In the presentation the characteristics of both the victims and the perpetrators will be discussed. The protocol developed for this correctional centre to make it easier for victims of sexual victimisation to report the crime to correctional officials will also be discussed.

INTRODUCTION

According to Cotton and Groth (1982:47) correctional facilities (jails, detention centres and correctional centres) are high risk settings for the sexual victimisation and rape of offenders. This assumption is supported by Messerschmidt (Sabo, Kupers & London, 2001:67) who notes that rape is a widespread practice in male correctional centres. Despite these statements, male-on-male sexual victimisation, including rape in men's correctional facilities remains an ignored crime problem within the larger society (Lehrer, 2001:24). This may be ascribed to the feature that correctional authorities rarely mention the sexual victimisation that takes place in their centres, and if they are confronted with this issue, they refer to it as the "homosexual problem" (Rideau & Sinclair, 1982:4). It is

therefore no surprise that the general public knows little, if not nothing about the plight of many male offenders who are the victims of sexual victimisation in a correctional centre.

Coerced sex in corrections is not referred to as rape but known as “turning out” a person. This is a non-sexual description of an act of conquest and emasculation of the victim (Rideau & Sinclair, 1982:5). Relating to this is the mores in corrections that inmates who have been raped are not “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 sexually victimised, including raped, and 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).

This paper is based on a current post-graduate study on the sexual victimisation of men in a correctional centre, and emphasis is placed on the nature of sexual practices between inmates and the extent of male rape. The following will be addressed in this paper: definition of concepts, methodology and findings of the study.

DEFINITION OF KEY CONCEPTS

To better understand sexual victimisation in a correctional centre it is important to define concepts relating to this topic. The following concepts will be defined: indecent assault, sodomy and rape.

Indecent assault

Snyman (2002:436) defines indecent assault as “unlawfully and intentionally assaulting, touching or handling another in circumstances in which either the act itself or the intention with which it is committed is indecent”. This definition of Snyman is a generic term that is used to describe unlawful sexual acts other than rape.

The crime indecent assault is defined by Burchell (2005:691) as “an assault that by its nature or design is of an indecent character”.

Thus, indecent assault is a gender-neutral crime and both male and female victims of penetrative sexual assault either *per vaginam* or *per anum* who are not covered under the existing definition of rape, can report a crime of indecent assault (Van der Bijl, 2002:149).

In the Criminal Law (Sexual Offences) Amendment Bill (Bill 50 of 2003) an indecent act is defined as any act which causes –

- (a) direct or indirect contact between the anus or genital organs of one person or, in the case of a female, her breasts and any part of the body of another person or any object, including any part of the body of an animal;
- (b) exposure or display of the genital organs of one person to another person; or
- (c) exposure or display of any pornographic material to any person against his or her will or to a child.

If this Bill is approved by Parliament an indecent act does not include an act which causes penetration, as the person will be guilty of rape.

Sodomy

Snyman (2002:438) notes that non-consensual sexual intercourse *per anum* between males, before 1994 known as sodomy, is no longer considered a crime. Although the researcher acknowledges this legal standing, it is still imperative to discuss sodomy since some inmates and correctional officials still refer to non-consensual anal penetration as sodomy.

Before 1994 sodomy was the unlawful, intentional relation between males *per anum*. If one person did not consent to the act, the perpetrator could be punished under the lesser offence of indecent assault. However, if both parties agreed to the act, both were equally guilty of committing sodomy (Van der Bijl, 2002:142). After the introduction of the Constitution (Act 108 of 1996) this viewpoint was questioned in *S v Kampher*. The accused was convicted of sodomy in the Knysna magistrate's court. Although the accused did plead guilty, he indicated that the other party consented to the sexual intercourse. Based on Section 9(3) of the Bill of Rights, contained in the Constitution (Act 108 of 1996) the State may not unfairly discriminate against a person on the grounds of amongst others "sexual orientation", and as a result homosexual activity between two consenting adults was no longer proscribed (Jazbhay, 1998:54; Louw, 1998:113).

This ruling was again confirmed in the *National Coalition for Gay and Lesbian Equality v Minister of Justice*. The Constitutional Court ruled that the former crime of sodomy is unconstitutional, since its existence is incompatible with the right not to be discriminated on the basis of sexual orientation, the right to dignity and the right to privacy. The court further upheld that not even non-consensual sexual intercourse *per anum*, the so-called anal rape or male rape, may not be punished, since the core of the crime was declared unconstitutional. Such intercourse may be punished as indecent assault or assault with intent to do grievous bodily harm (Snyman, 2002:439).

Prior to the introduction of the Constitution (Act 108 of 1996) Judge Ackerman, in foreseeing future constitutional attacks on the offence of sodomy, stated that the offence might survive in certain circumstances (Louw, 1998:115):

One possible qualification needs to be mentioned. This judgement deals only with the position in society as it normally functions. There may be special circumstances where a legitimate social interest might justify a different view being taken of private sodomy, even between consenting adults. The position of prison inmates comes to mind. There may well be others. The proscription of sodomy between consenting adult undergoing imprisonment could well serve a legitimate social interest. Such proscription would, however, not be on the basis of discrimination against male homosexual acts, but because the situation in prison might necessitate the proscription of all sexual relationships of contact involving prisoners, whether homosexual or heterosexual. The proscription

would be directed against sexual activity; not against the gender or sexual preference of the parties indulging in the activity.

Within the South African context a male victim of non-consensual anal penetration have to rely on the lesser offence of indecent assault, which also includes acts of non-penetrative acts. This can be seen as discriminatory since everyone is entitled to equal protection of the law (Van der Bijl, 2002:147). In the researcher's opinion it is imperative that the act of sodomy be incorporated in the proposed new definition of rape. Since the Criminal Law (Sexual Offences and Related Matters) Amendment Bill (Bill 50B of 2003) does make provision for this, the researcher will refer to non-consensual anal penetration as rape and not indecent assault or sodomy.

Rape

According to South African law rape constitutes a male having unlawful and intentional sexual intercourse with a female without her consent (Burchell, 2005:699; Snyman, 2002:445). As already discussed all cases of non-consensual anal penetration between males are recorded as indecent assault (Snyman, 2002:439).

As a result of the void in the current legislation together with the acknowledgement that male rape is more prevalent than previously thought and the Constitutional obligation of equality, the Criminal Law (Sexual Offences and Related Matters) Amendment Bill (Bill 50B of 2003) makes provision for rape to be defined as "any person who intentionally and unlawfully commits an act of sexual penetration with another person without such person's consent."

Thus, what the Criminal Law (Sexual Offences and Related Matters) Amendment Bill (Bill 50B of 2003) has done is to replace the words "male" and "female" with the gender neutral concept "person", and subsequently a man can be the victim of a rape.

METHODOLOGY

For the purpose of this study the researcher combined the quantitative and qualitative research methodologies, a process known as triangulation (De Vos, 2005:361). Triangulation involves the use of different research methods to study the same phenomenon (Martin, 2000:225). The rationale for combining the two research methodologies is that both can be used to explore, describe and explain male-on-male sexual victimisation in a correctional centre.

Measuring instrument: interview schedule

The data was collected by means of an interview schedule, meaning that a questionnaire is compiled to guide the interview with the respondents. An interview schedule usually contains specific instructions for the interviewer and consists of specific questions in a fixed format (Greeff, 2002:302; Monette, Sullivan & DeJong, 2002:176). Structured interviews were conducted with sentenced offenders and detainees willing to participate in the study.

According to Greeff (2002:302) the researcher must identify a broad range of themes or question areas, which must be arranged into an appropriate sequence. For the current study the interview schedule was divided into six question areas:

- A. Biographical information:** To collect biographical information concerning the age, marital status, sexual orientation, language, ethnical background and highest qualification of the respondent.
- B. Offence and sentence:** This pertains to the type of offence the respondent is sentenced or awaiting-trial for, how long the respondent has been in the correctional centre and in which section of the correctional centre the offender or detainee is incarcerated.
- C. Prison sex:** This is a general section where the respondents were asked about their views regarding the nature of sex in the correctional centre. Respondents' views of the occurrence of rape and the causes thereof as well as the causes of Sexually Transmitted Infections (STIs) and HIV/Aids are also covered in this section.
- D. Experience of assault in the correctional centre:** Respondents were asked about their victimisation in the correctional centre. The questions vary from their experiences of verbal sexual assault to rape. If a respondent experienced physical sexual assault (**forced** masturbation, oral sex, interfemoral sex or sodomy) he is asked to answer specific questions pertaining to the nature of the victimisation.
- E. Gang involvement:** Respondents were asked about their involvement in a prison gang.
- F. General comments:** The last area pertains to any issues that are not covered in the questionnaire and which the respondents feel could make a contribution to the study.

Individual interviews were conducted with 100 respondents and many of the interviews lasted 40 minutes to an hour. The interview consisted of structured questions, which enables the researcher to present the same stimuli and therefore collecting the same kind of data from a large number of respondents. Such questions facilitates the "comparability of responses", which allows "categories of subjects to be compared on the same items" (Jupp, Davies & Francis, 2000:56). The latter statement is relevant to this study since it is the aim of the researcher to compare the responses of the sentenced offenders with the awaiting-trial detainees.

Sampling technique: Non-probability sampling

The researcher made use of the non-probability sampling technique and according to Kumar (2005:177-178), Maxfield and Babbie (2001:238) and Whitley (2002:391) this type of sampling is effective when the number of respondents in a population is either unknown or cannot be individually identified. Due to the nature of this study victims and/or perpetrators of male-on-male sexual assault cannot be individually identified. Furthermore respondents cannot be coerced into taking part in this study and therefore a list (probability sampling) of the population would not have been helpful. According to Kemper, Stringfield and Teddlie (2003:280) non-probability sampling can be used in either quantitative studies or qualitative studies and is common in mixed methodology

studies. A formal application to conduct research and gain access to offenders and detainees was submitted to the Department of Correctional Services and the permission was granted. On the days of the interviews a correctional official escorted the researcher to a particular section, and the empirical research was conducted in ten sections of the centre, including communal cells, single cells, the reception and the hospital section where offenders and detainees were approached to participate in the study. In the end twenty (20) adult sentenced offenders, twenty (20) sentenced juvenile offenders, twenty (20) adult detainees, twenty (20) juvenile detainees and twenty (20) child detainees were interviewed.

Unit of analysis

The unit of analysis can be defined as “the person or object from whom the social researcher collects data” (Fouché, 2002:107). The unit of analysis in this study is sentenced offenders and awaiting-trial detainees willing to participate. One Hundred (100) male respondents were interviewed and the unit of analysis can be set out as follows:

Table 1: Unit of analysis

Section of the cc	Sentenced adult	Sentenced juvenile	Adult detainee	Juvenile detainee	Child detainee
A section (Hospital)			1	1	
B section (Single cells)		11			
D section (adults)			7		
E & F section (adults)	11				
E & F section (juveniles)		9			
G section (adults)			12		
G section (juveniles)				8	
G section (children)					20
H section				11	
Reception	9				
TOTAL	20	20	20	20	20

Description of the sample

For the purpose of this paper the researcher will only set out the ages and sexual orientation of the research participants.

Age

Table 2: Age of the respondents

Age	Offender category					%
	Sentenced adult	Sentenced juvenile	Adult detainee	Juvenile detainee	Child detainee	
< 20 Yrs		4		11	14	29
20-24	2	14	4	8	5	33
25-29	6	2	6	1	1	16
30-34	6		2			8
35-39	3		2			5
40-44			2			2
45-49	2					2
50-54			3			3
55-59	1					1
60 yrs >			1			1
TOTAL	20	20	20	20	20	100

From Table 2 it can be deduced that the majority of the respondents, namely 33% are from the age group 20-24 years, followed by 29% younger than 20 years and 16% between the ages of 25-29 years of age. This is in accordance with Jupp et al. (2000:217) notion that the majority of prisoners are young men.

Sexual orientation

Table 3: Sexual orientation of the respondents

Sexual orientation	Offender category					%
	Sentenced adult	Sentenced juvenile	Adult detainee	Juvenile detainee	Child detainee	
Heterosexual	18	19	16	15	17	85
Bisexual	2	1	1	3	3	10
Homosexual			3	2		5
TOTAL	20	20	20	20	20	100

Most (85%) of the respondents interviewed are heterosexual. Of the 100 respondents interviewed 10% acknowledged that they are bisexual and 5% are homosexual. One homosexual respondent indicated that the researcher is the first person he admitted to being homosexual, this could be due to the fact that rapport has been established between the respondent and the researcher and also that no other person, such as a correctional official, was present during the interview, thus increasing confidentiality.

FINDINGS

Although the current study focus on various topics related to sexual practices and sexual victimization, only the findings relevant to this paper are discussed.

Sex in the correctional centre

The researcher wanted to establish whether adults knew more about the practice of sex in the correctional centre than the children or juveniles. Further the researcher wanted to gain information on how inmates practice sex in the correctional centre (i.e. types of sex).

Table 4: Ways in which sex is practiced in the correctional centre

Types of sex	Sentenced adult	Sentenced juvenile	Adult detainee	Juvenile detainee	Child detainee	%
Masturbation	3	7	5	3	3	21
Interfemoral sex	13	11	8	18	14	64
Oral sex	6	4	3	6	4	23
Anal sex	15	14	14	19	16	78
Don't know	1	3	4	0	1	9
TOTAL	38	39	34	46	38	195

*Note: Some of the detainees and offenders mentioned more than one way in which sex can be practiced in the correctional centre.

The majority of the research participants (78%) reported that anal penetration is commonly practiced in the correctional centre. This includes both rape (one-on-one and gang rape) as well as consensual sex between two inmates. Sixty-four percent (64%) of the participants reported that inmates practice interfemoral sex, in correctional language the inmates refer to this as “between the legs”/”thigh sex”. This entails one man placing his penis between the thighs of another man, often with lubrication, and thrusts to create friction. Participants mentioned that saliva, butter of the bread, Vaseline, lotion or yogurt can be used as lubrication.

The third type of sex that is practiced in the correctional centre is oral sex (23%), followed by masturbation (21%). Many of the participants replied that the type of sex (anal, interfemoral, oral or masturbation) is often agreed upon by both parties.

Only nine percent of the participants replied that they do not know how sex is practiced in prison. These nine participants were in this correctional centre for less than two years,

with one participant only being in the centre for three days when the researcher conducted the interviews.

The following are descriptions of why inmates participate in sexual acts while awaiting-trial in this correctional centre. The researcher identified four categories namely the need for emotional sex, participating in survival sex, compliance sex and forced sex (i.e. rape).

- **Emotional sex:** Men who have emotional sex tend to be awaiting-trial in the centre for a long period of time (more than a year). From the participants view it seems as if relationships develop with younger detainees and a “domestic” life is created inside the correctional centre. Furthermore it appears as if a courtship takes place where the one partner will give the other one food, cigarettes or dagga where after they will start kissing (foreplay) and then have sex. With the emotional sex it seems as if the sensory element of touch is yearned for.
- **Survival sex:** Inmates who engage in survival sex can be compared to prostitutes, because they sell their bodies in exchange for commodities. Many of the participants are in agreement that it is the detainees that do not get visits, and are thus not provided with cigarettes, extra clothes or food, who will engage in survival sex.
- **Compliance (agreement) sex:** Sex for this reason occurs after an agreement is reached by both parties, and one can argue that this is the same as survival sex. However, it differs from survival sex in that both parties can be viewed as equal since they agree to the sex, whereas in survival sex one party is being exploited.
- **Forced sex:** From the responses given by the research participants it appears as if the gangs in the correctional centre are responsible for forced sex. This type of sex goes together with deceit since a young person or a new detainee is given the tattoo of a gang, often with the promise that the gang will protect him. Only after a couple of days it is explained to the new member that he must have sex with a senior member of the gang, or be raped.

Table 5: Occurrence of rape in the correctional centre

Have you ever heard of rape in prison?	Sentenced adult	Sentenced juvenile	Adult detainee	Juvenile detainee	Child detainee	%
Yes	20	17	16	17	14	84
No	0	3	4	3	6	16
TOTAL	20	20	20	20	20	100

The majority (84%) of the research participants affirmed that they have heard of rape occurring in the correctional centre. Only sixteen percent stated that they have never heard of rape in this correctional centre.

Those who have indicated that they are aware of rape describe the time and place of the rape and the modus operandi used by the perpetrator(s) as follows:

- **Time of the rape:** According too many of the research participants most of the rapes occurred at night. Possible reasons why perpetrators would target victims at night are as follows: the centre will be under-staffed (with only half of the officials working the night shift), correctional officials are not allowed to enter the cell without the permission of the Director of the Centre and only after additional officials from other sections arrive at the cell where the sexual assault is taking place. Thus at night there is an absence of capable guardianship.
- **Place where the rape occurred:** Research participants reported that some of the rapes occurred in the shower, which is adjacent to the cell. It is suggested by the researcher that a reason for this could be that the shower area offer some privacy for the perpetrator(s) and also there are no witnesses to the sexual act. Other participants heard of cases where the victim was raped in his own bed.
- **Modus operandi of the perpetrator:** From the responses of the participants the researcher identified three methods a perpetrator(s) will use to rape another inmate. Firstly the involvement of gangs, where a young man or new inmate will be approached by a gang, given the tattoo of the gang and only after the person agree to be a member of the gang will it be explained to him that he must have sex with senior members of the gang. Secondly the perpetrator(s) will make use of deception where food, dagga or cigarettes will be offered to a new inmate. There will be no mention of the fact that these commodities will be expected back. After a couple of days the perpetrator(s) expect the potential victim to give back the commodities, knowing that the person is not able to, and in return sex will be demanded from the person. Thirdly the victim is taken by force by the perpetrator(s) and in some cases tied to the bed and threatened with a weapon.

The research participants offered the following reasons for the occurrence of rape in this correctional centre: not reaching and agreement, corruption by correctional officials, gang involvement and deception.

- **Not reaching an agreement:** This reason entails an inmate approaching a potential victim and attempting to get the man to agree to have sex with him. If the potential victim does not agree to this, the perpetrator will rape him.
- **Corruption by correctional officials:** Participants revealed cases where juveniles were sold to adult detainees by correctional officials. In the general section of the questionnaire this was also a concern raised by many participants, and some proposed that if corruption can be curbed sexual assault will decrease.
- **Gang involvement:** Reference was made to especially the 26's gang and the 28's gang as perpetrators of sexual assault. According to the respondents many young first time offenders first get the tattoo of the gang and only afterwards is it explained to

them that they must engage in sexual acts. Some participants also mentioned that men who try to fight off the gangs may become victims of gang rape.

- **Deception:** With deception the potential victim is offered commodities and the perpetrator act as a friend to the new inmate. However after a couple of weeks or even months the perpetrator will approach the potential victim and ask him to give back the commodities. However when the perpetrator handed the commodities over to the victim for the first time, he knew that this person would not be able to give him back the food, clothes, cigarettes or dagga and sex will be demanded in return. The victim was never informed that he will have to engage in sexual acts if he has nothing to give back to the perpetrator, which he at first regarded as a friend.

Experience of assault

The researcher wanted to determine the nature and extent of victimisation in the correctional centre. Unexpectedly many research participants revealed that they sexually victimised others. As a result of this the researcher deemed it important to also describe cases where participants were perpetrators of sexual assault in the correctional centre.

The table below is an exposition of the nature an extent of sexual victimisation, followed by information gathered from victims and perpetrators of specifically rape.

Table 6: The nature and extent of sexual victimisation in the correctional centre

Participant category	Sentenced adult			Sentenced juvenile			Adult detainee			Juvenile detainee			Child detainee		
	Frequency of assault														
Type of assault	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
A	10	0	10	9	1	10	10	0	10	5	1	14	8	0	12
B	19	0	1	20	0	0	19	0	1	20	0	0	20	0	0
C	13	4	3	13	5	2	14	1	5	11	7	2	14	3	3
D	20	0	0	20	0	0	20	0	0	19	1	0	19	1	0
E	19	0	1	19	1	0	19	0	1	19	1	0	20	0	0
F	18	0	2	20	0	0	19	0	1	17	1	2	18	0	2
G	20	0	0	20	0	0	20	0	0	20	0	0	20	0	0
H	17	1	2	19	1	0	19	0	1	19	1	0	20	0	0
I	20	0	0	19	1	0	17	1	2	19	1	0	18	1	1
J	20	0	0	20	0	0	20	0	0	20	0	0	20	0	0

Keys to the table

Frequency of assault:

1 = Never 2 = Once 3 = Twice/more

Type of assault

A = Verbal sexual assault **B** = Physical abuse during sex
C = Assaulted with a weapon **D** = Forced to masturbate others

E = Others masturbate the participant against his will **F** = Interfemoral sex
G = Forced to perform oral sex **H** = Participant forced to receive oral sex
I = Sodomised **J** = Sodomised with an object

More than half of the participants (57%) revealed that they had sexual insults directed at them, some every day. However they do not recognise this as a form of sexual victimisation, rather as a part of prison life. Only two participants were forced to masturbate others, while four were masturbated against their will. Eight of the participants were forced to participate in interfemoral sex. None of the participants reported that they were forced to perform oral sex on another inmate, but seven of the research participants were forced to receive oral sex from another inmate. None of the participants were ever sodomised with an object. Two research participants reported suffering physical abuse during their sexual victimisation.

Six of the participants revealed that they were victims of rape. Next follows a description of each of the victim's experience.

Victim 1

A black 21 year old single heterosexual juvenile, sentenced for housebreaking. The participant was attacked by a white inmate who did not use a weapon. He was sexually assaulted two months after his arrival at the centre. The attack took place in the cell because he did not honour the transaction, where he was given cigarettes and food, but could not give it back. The incident was not reported to anyone, he did not receive any medical treatment and he did not receive any counseling or therapy after the incident.

Victim 2

A black 14 year old single heterosexual awaiting-trial child detainee, incarcerated for an aggressive offence (murder and armed robbery). He was attacked three days after arriving at the centre by a black fellow inmate who did not use a weapon. The victim was asleep when his attacker climbed on top of him and anally penetrated him while the other detainees were asleep. The victim told the sodomy committee (a committee established only in this section of the correctional centre by the detainees) who were sensitive and helpful and did not regard this incident as a normal occurrence of prison life. No medical attention was required after the incident and the victim did not go for counseling or therapy.

Victim 3

A black 33 year old single heterosexual adult awaiting-trial for an economic offence (fraud). The participant reported being attacked by a fellow black inmate who did not make use of a weapon. The incident occurred two to three weeks after his arrival at the centre while he was asleep in his bed. He reported the incident to a correctional official who was sensitive, professional and helpful towards him. The official did not see this as a normal occurrence of prison life. After the reporting and opening of a SAPS docket, the perpetrator was taken to another section of the correctional centre. According to the participant he was not the first victim of this particular perpetrator. The participant did not receive medical attention, counseling or therapy after the incident.

Victim 4

A white 29 year old single homosexual adult awaiting-trial for an economic offence (fraud). This detainee has been raped twice in the same section while awaiting-trial in this centre. He briefly mentioned the first incident when he was raped in his bed at night in a communal cell by six perpetrators. Prior to this he has never had sex with anybody and was still a virgin and he states that the perpetrators “het iets kosbaars van my gevat” [took something precious from me]. The researcher collected information about the second most recent incident. He was raped by a coloured fellow inmate who did not make use of a weapon. Again the incident happened at night in his bed while he was asleep. The participant reported the incident to the Head of the Section who were sensitive, professional and helpful. Although the participant did need medical attention after the incident he requested not to discuss the detail of the treatment. He also requested to see a social worker, but at the time of the interview has not yet seen a professional.

Victim 5

A white 35 year old single heterosexual adult awaiting-trial for a sexual offence (indecent assault). This participant was raped by a group (6-10) of black and white fellow inmates who made use of ropes and sharpened spoons to overpower him. The incident took place two months after his incarceration. Again the incident took place in his bed where he was tied down and threatened with sharpened spoons. According to the participant his attackers did not show any emotion during the sexual attack. The incident was reported to the Head of the Section and the victim was removed from the communal cell and taken to a single cell. The person he reported the incident too was sensitive, professional and helpful. The participant did not go for medical treatment and also did not receive any counseling or therapy since the time of the interview, although he requested to see a social worker.

Victim 6

A white 17 year old single heterosexual child detainee, awaiting-trial for a sexual offence (indecent assault). This particular participant was repeatedly sexually abused in the correctional centre. According to him he would always first negotiate to rather have interfemoral sex, but on many occasions he was anally penetrated. His first sexual encounter occurred on his first day in the centre.

Next follows an account of his most recent sexual victimisation. He was anally penetrated by two coloured inmates who did not use a weapon. It happened in his bed in the communal cell at night while the other detainees were asleep. He did not report the incident to anyone, he did not receive any medical attention, although he stated that it was very painful and felt as if his anus was tearing (“voel of dit wil skeur”), and he also did not receive any counseling or therapy after any of the incidents.

INTERPRETATION OF THE DATA

The following can be deduced from the information provided by the six victims of rape. Five of the victims were heterosexual males, and one was a homosexual male, thus in

contrast to the myth that real men do not get raped and that you have to be homosexual to be targeted. A finding that does correlate with research is the offence type (indecent assault and economic offences) and the likelihood of becoming a victim. Because only six victims came forward the information cannot be generalised, however one should note that three of the victims committed an economic offence (a non-violent crime), two committed sexual offences (crimes against minors) and one committed an aggressive offence. All the participants were victimised within days or weeks after their arrival at the centre.

In one of the cases the perpetrators used ropes and sharpened spoons as weapons whereas in the other five cases the perpetrators used the element of surprise and overpowered the victims in their beds. All the incidents took place at night in the victim's bed inside a communal cell.

Two of the victims did not report the incident, while two reported the rape to the Head of the Section, one reported the incident to a correctional official on duty and one reported the incident to the sodomy committee. A positive finding is that the correctional officials who received the complaint from the victims were sensitive and helpful and did not regard this as a part of prison life. Five of the victims did not seek medical attention and only one went to the correctional hospital where he stayed while receiving anti-retrovirals (ARV). None of the victims received counseling or therapy after the rape. Three of the victims were previously raped in this particular correctional centre.

As mentioned previously the researcher unintentionally also interviewed perpetrators of sexual abuse. Next follow the descriptions of five participants who stated that they have forced inmates to engage in sexual acts.

Perpetrator 1

A black eighteen year old single heterosexual awaiting-trial child detainee, incarcerated for an aggressive offence (armed robbery). During the interview he was awaiting-trial for between 6-12 months in this correctional centre. He forced other detainees to perform oral sex on him and in his words "New ones give me the blow job". He is currently a member of the 26's gang.

Perpetrator 2

A black eighteen year old single heterosexual juvenile awaiting-trial for an aggressive offence (robbery). During the interview he was in the correctional centre for less than six months. This perpetrator has forced another juvenile inmate to participate in interfemoral sex where the perpetrator put his penis between the legs of the young inmate. He also sodomised a new inmate during the night because "I don't want others to see. I gave him 20 cigarettes". Thus according to this participant an agreement took place before the sexual act where the other partner received cigarettes in exchange to be anally penetrated.

Perpetrator 3

A black nineteen year old single bisexual awaiting-trial juvenile, detained for an aggressive offence (robbery). This participant sodomised another inmate and his

reasoning is as follows: "... main thing is the visit if they don't get it I will give them the food or cigarette but for the sex". He also remarked that other inmates masturbate him and perform oral sex on him. No reference was made to whether these acts also took place after an agreement was made or whether it was forced on the men.

Perpetrator 4

A black nineteen year old single heterosexual juvenile awaiting trial for a sexual offence (rape). This particular participant has both performed a sexual act (masturbation) on another inmate, which occurred with his consent in exchange for a cigarette, but also forced interfemoral sex on a detainee.

Perpetrator 5

A black 23 year old single, homosexual awaiting-trial juvenile detainee, incarcerated for an aggressive offence (armed robbery). He has been participating in interfemoral sex with different "boys". The modus operandi of this participant is as follows: "Make agreement with them, I give him cigarette, talk to him nice and tell him not to go to chief (correctional official). I choose the new ones because they don't know about jail". This participant is a member of the 26's gang.

COLLATION OF AND DEDUCTIONS FROM THE DATA

The following can be deducted from the information provided by the five perpetrators of sexual abuse. All five of the perpetrators were black, but this must be viewed with caution and should not be generalised. Since the participants' voluntarily took part in this research, it could be that perpetrators from other races did not wish to participate in the study, and therefore there is no information on them. Three of the five perpetrators were heterosexual, one was homosexual and one was bisexual. Although this is a small sample it does correlate with the research which states that it is mostly heterosexual men who engage in homosexual acts. This finding also enforces the notion that sexual abuse in a correctional centre is not about sex, but about power and control. Four of the participants were awaiting-trial for aggressive offences and only one for a sexual offence. The participants forced their victims to engage in oral sex, interfemoral sex and anal sex.

Table 7: Witnessing another detainee/offender being sexually assaulted

Have you ever seen another inmate being sexually assaulted?	Sentenced adult	Sentenced juvenile	Adult detainee	Juvenile detainee	Child detainee	%
Yes	12	12	5	13	11	53
No	8	8	15	7	9	47
TOTAL	20	20	20	20	20	100

Fifty three percent of the participants witnessed another inmate being sexually assaulted, while forty percent have never witnessed someone being sexually assaulted. Some responses of those who have witnessed a sexual assault are the following:

- *“Al twee keer gesien, maak tent in die aande”* [Saw it twice make tents at night] (When probed the participant remarked that a “tent” is when sheets are draped around the beds to give the inmates privacy while engaging in sexual acts. It is an unwritten rule in the correctional centre that no one will interfere while the people are inside the ‘tent’)

- *“In die aand nuwe een word geroep om agter in die sel te slaap. Gee hom dagga of geld of sigarette. Maak tent en vra die nuwe een vir seks. As hy nie seks wil hê sal hulle hom force”* [At night new one is called to sleep at the back of the cell. Give him dagga or money or cigarettes. Make tent and ask new one for sex. If he doesn’t want sex they force him]

Table 8: Hearing another detainee/offender being sexually assaulted

Have you ever heard another inmate being sexually assaulted?	Sentenced adult	Sentenced juvenile	Adult detainee	Juvenile detainee	Child detainee	%
Yes	18	13	13	15	11	70
No	2	7	7	5	9	30
TOTAL	20	20	20	20	20	100

Seventy percent of the participants have heard an inmate being sexually assaulted, while thirty percent have never heard an inmate being assaulted. Some responses of those who heard an inmate being raped are set out below:

- “Scream for help but we can’t help, don’t follow your numbers”
- “Some scream others can’t because they (attackers) have dangerous weapons”
- “Hear men scream, don’t do it between the legs, do it in the ass and it is very painful”

Gang involvement

The researcher wanted to establish whether any of the respondents belonged to a prison gang and if sex was allowed between gang members or with members of another gang.

The majority (83%) of the participants did not belong to a correctional gang. They are referred to as “Franse” or “one-one”, and as one participant put it “you are nothing and you don’t have a say”. Only seventeen percent of the research participants reported that they do belong to a correctional gang. The participants that do belong to a gang had to answer a follow-up question, namely the type of gang they belong to. This information is set out in the table below.

Table 9: Membership to a correctional gang

Do you belong to a gang?	Sentenced adult	Sentenced juvenile	Adult detainee	Juvenile detainee	Child detainee	%
Yes	3	4	3	4	3	17
No	17	16	17	16	17	83
TOTAL	20	20	20	20	20	100

Table 10: Gang to which the participant belong to

Gang	Sentenced adult	Sentenced juvenile	Adult detainee	Juvenile detainee	Child detainee	%
26	1	2	1	3	1	8
27	0	0	0	0	0	0
28	0	1	0	0	2	3
Big 5	1	0	1	0	0	2
Airforce 23	0	0	1	0	0	1
Airforce 24	1	1	0	1	0	3
TOTAL	3	4	3	4	4	17

The majority of the participants, namely forty-seven percent, belong to the 26s gang. None of the participants belonged to the 27s gang. Respectively eighteen percent of the research participants belong to the 28s and Airforce 24 gangs. This is followed by eleven percent who are members of the Big 5 and six percent belong to the Airforce 23 gang. Follow-up questions pertain to whether gang members are allowed to have sex with members of their own gang and/or if they are permitted to have sex with members of another gang. Next follows descriptions from research participants regarding the two topics:

The 26s gang

The members of this gang are adamant that they are not allowed to have sex with fellow members of this gang.

- “If they do sex they take the work of the 28s and the 28s will fight”
- “They don’t do sex they like the money and to smoke dagga”
- “Not allowed to have sex in 26s gang, rob other people in prison or smoke dagga”

However a member of the 26s gang is allowed to have sex with someone who is a non-gang member.

- “Sex with someone who doesn’t have a number”

The 28s gang

Regarding the question if sexual acts are allowed between gang members the three participants from this gang had the following responses:

- “28s do all things” (This means that the 28s members have thigh sex, sodomy, gang rape, masturbation, oral sex and consensual sex)
- “I have the girls that eat the legs at the jail”
- “28 use bums only”

On the question whether they are allowed to have sex with non-gang members or members from other gangs one of the respondents describes a transaction that takes place when you want to have sex with a member from another gang.

- “Give 26 blades (rolls of dagga) and then after slaan die plek (between the legs). With RAF 4 I give 24 blades of dagga and Big 5 gee my rantsoen (food) vir hom en dan hy kom hier om bene te gee”

Airforce 24 (also known as RAF 4)

The three members of this gang all contested that sex between gang members or with non-gang members is not allowed, and the reason is that it is against the rules of this gang. Some of the punishments meted out to those who do engage in sexual acts include the following:

- “Hit four times on the chest”
- “Forced to drink 24 litres of water”
- “Give you four days to escape, don’t want to see you in prison”

The Big 5

The two members of this gang agreed that sex between gang members or with non-gang members are not allowed, since it is against the rules of this gang. As one of the participants put it “don’t have the law that you can sodomise each other”. However the same participant did acknowledge that sex is allowed with a non-gang member but only after an agreement was reached, and the other members of this gang “must see what you are doing when you have sex”.

Thus what the researcher concludes from this is that forced sex (rape) is not allowed, but a member of the Big 5 is allowed to take part in a transaction where he is given for example food in exchange for sex.

Airforce 23 (also known as RAF 3)

This member of the Airforce 23 gang acknowledged that sex between gang members or non-gang members is not allowed. The reason he gives for this is “*ons het niks in die tronk, alles is buite*” [we have nothing in prison, everything is outside]. Meaning that

they do not have any relationships in the correctional centre or engage in sexual activities since their wives, girlfriends and families are waiting for them on the outside.

CONCLUSION

Although the information provided by the research participants cannot be generalised, important issues were raised. It is clear from the above that sexual assault does occur in this correctional centre and that many of the participants know a victim of rape or have heard of someone being raped. A cause of great concern for the researcher is that the majority of the participant's listed anal penetration as one of the main ways in which people has sex in this correctional centre. The fact that one may be infected with STIs or contract HIV/Aids through anal sex should be addressed by means of awareness campaigns directed at all the sections of this centre. The researcher identified four reasons why inmates engage in sex, namely the need for emotional sex, survival sex, compliance sex and forced sex. Those who engage in emotional sex are the long-term inmates who long to be touched by someone, those who engage in survival sex, sell themselves, similar to a prostitute, because they want something that others have. Compliance sex takes place after an agreement has been reached between both parties. Those who force others to have sex are mainly done by the gangs present in the correctional centre. From the data gathered the victims experience of the assault differed, but how they were treated by the system were similar. A positive finding was that the correctional officials who were the first to deal with the victims all showed compassion and respect. However the researcher does feel that Department of Correctional Services should look into developing a protocol for the treatment of the victims, including medical as well as psychological treatment.

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