Towards Prison Transformation in South Africa

This edition of Track Two is published to raise awareness about the urgent need for effective prison transformation in South Africa and offers some ideas and means to achieve it. While the authors discuss some of the causes and possible solutions in this regard, this publication deals with perhaps only a small portion of the plethora of problems that need tackling by the Department of Correctional Services and other role-players. With this in mind, though, it is important that the issue of prison transformation is raised within the context of conflict resolution. As the editor argues (pp. 4–7), the link between failure to effectively transform our prisons and high recidivism and crime rates could benefit enormously from being viewed as on-going social conflict in South Africa that needs to be managed effectively. Buy-in to transform prisons involves all of society — not just Correctional Services.

Amanda Dissel (pp. 8–15) observes that poor structural conditions and failure to fully implement the progressive Correctional Services Act No. 111, through lack of adequate financial and human resources, contribute mainly to the failure of our prisons in addressing high crime rates. Lack of rehabilitation of prisoners is one of the biggest failures in this regard. As Sarah Henkeman (pp. 30–33) ironically notes, Correctional Services is not doing much correcting of prisoners where criminal behaviour for crime deterrence is concerned. In her view, a dual logic of justice and peace is needed to break the vicious cycle of crime and recidivism afflicting South African society.

Authors in this publication emphasise that installing a culture of respect for human rights and dignity is the only long-term solution to our prison and recidivism problems. Our prisons must be transformed from militaristic institutions that foster violent and recurring criminal behaviour to peaceful ones where rehabilitation and development of offenders occur to assist their reintegration into society when they are released. At a most basic, practical level, Judge Hannes Fagan, the current Inspecting Judge of Prisons, (pp. 16–19) recommends the immediate reduction of prisoner numbers, especially in the awaiting-trial category to improve existing conditions in prisons. This improvement will at the most mean that prisoners have their basic needs met more adequately, such as beds to sleep on and access to toilets that work, an indication of the shocking conditions that many prisoners currently endure.

Contributors propose various progressive frameworks for long-term changes to imprisonment. Lukas Muntingh (pp. 20–24) discusses the benefits of an imprisonment model that links reintegrative theory with a human rights-based approach. This will bolster the aim of using the prison sentence to enable offenders to take up lives as responsible, law-abiding citizens when they are released back into “good” society. Only if imprisonment is approached at all levels with this aim in mind, will prison be a means of reducing recidivism and overall crime rates. His approach adds flesh to Sarah Henkeman’s idea of using prison as constructive “time-out” for the same reasons. Jens Tolstrup, Director of the Nyborg State Prison in Denmark, discusses the Danish prison model (pp. 39–43), which is an interesting example of a prison regime based on civil rather than militaristic norms. While crude importation of prison models from other countries is not recommended given our very specific conditions as a developing country, it helps to consider the benefits and successes of other frameworks in mapping out what we need for prison transformation in our country. At the very least, we might be able to learn why certain ideas may (or may not) work and what conditions are necessary to implement them.
Chris Giffard (pp. 34–38) develops the theme of constructive imprisonment from the angle of restorative justice in prison. Interestingly, restorative justice in prison could provide a way of successfully fostering one of the most elusive and difficult aspects of prison transformation — the participation of victims and the community in “restoring the balance after offences have been committed”. A restorative justice approach inserts victims (often relegated to a marginal role as witnesses only) more prominently into the justice system by making it possible for the offender to be accountable to them. It offers much scope in restoring the damaged relationship between victim and offender by reducing mutual animosity and alienation created by the crime. This is not about glib ideas of creating friendship between the two and so forth; rather it is about significantly making each one visible and human to the other. Whereas the more repressive and retributive approaches to imprisonment lock away the prisoner from the sight of the offender and vice-versa, a restorative justice approach to imprisonment surfaces the mutual impact of the crime on each — the harm caused to the victim and the consequence of the punishment of imprisonment for the offender. Under these conditions, it is more likely that re-offending will become more difficult for the prisoner and reintegration more possible. But as Giffard cautions, this approach can only work if it is conducted properly with well-trained prison staff and without making participation compulsory.

Many contributors to this publication see prison staff members’ involvement in transformation of the institution as crucial. Not only are prison staff central to advancing a human rights culture in prisons, but any success in facilitating prisoner rehabilitation is dependent on them, which makes them key elements in any long-term national attempt to reduce recidivism and crime rates. All too often, criticism of prison staff’s continued adherence to apartheid-military prison norms ignores the very real constraints they face. Resistance to change by staff members who favour the militaristic approach causes conflict with those who see prison services in new civil and democratic terms. This stand-off is exacerbated by the very real problem that most prison staff (even those who desire transformation) do not possess the necessary knowledge and skills to effect the changes now expected of them. Clearly, they need to be re-trained and empowered to re-orient themselves to become effective change agents in prisons under a democratic regime. Christopher Malgas (pp. 60–64) personal reflection of the challenges to him as a warder during the apartheid era and in the current post-apartheid period makes for informative and inspiring reading in this regard.

An account of the Prisons Transformation Project by former and current staff of the Centre for Conflict Resolution (CCR) on pp. 25–29 indicates how and why civil society involvement in prison transformation is important. Conflict resolution skills to manage conflict are among the variety of important skills required for the empowerment of prison staff, as conflict is inevitable in any institution but more so perhaps in those of restraint. It is therefore essential that prison staff be capacitated to build self-reliance and long-term sustainability to manage conflict effectively and constructively (without use of violence) in prisons. CCR’s work with prisoners particularly targets awaiting-trial prisoners, as intervention with this category of prisoners is more likely to make the strongest impact on recidivism rates. This is because a majority of awaiting-trial prisoners are held for minor offences but their time in prison puts them at risk of being “hardened” by the violence they experience or become involved in there. In addition, a significant portion of them return to communities after serving short sentences, but the brief spell in prison often leads to regression rather than deterrence, if the high recidivism rates are anything to go by. Stan Henkeman (pp. 65–68) offers a skills slot for trainers showing the value of using interactive training methods in prisons. These methods reflect the kind of interaction and co-operation needed to build peaceful prison communities in the long-term. Paul (pp. 56–59), a prisoner, discusses with much insight the prisoner’s responsibility and necessary contribution for successful prison transformation to occur, and the various challenges in this respect. His account of how violence traps people in prison impresses the absolute need to foster a prison culture of respect for human rights. A prison environment that despises prisoners and alienates any sense of humanity in them only succeeds in promoting a life of further violence and crime.

The effects of trauma, resulting from violence experienced in prison, often fuels further violence. Emma Harvey (pp. 44–51) discusses the vicious cycle of sexual violence stemming from rape in prison, which (again) spills over into society. In the introduction to this edition (pp. 4–7), women and children are identified as vulnerable groups in South African society because, among other things, they are common targets of sexual violence. We can no longer afford to deny that a significant number of rapes and other sex crimes may be the direct result of rampant sexual violence in prison. Some men raped in prison are likely to take out their unprocessed rage and trauma on these easy targets when they are released. Social myths that child molesters and rapists will “get what they deserve in prison” (presumably it is meant by themselves being sexually violated) is cold comfort to those who believe in retributive imprisonment. As Harvey points out, the culture of rape in prison is more complex than we realise in terms of its scope, nature and social effects. The aggressive masculinity that serves as the benchmark for manliness in prison produces a hierarchy of “strong and “weak” (feminised) men and supports an abusive culture where rape, conducted along gender lines, is a means of acquiring power. The spill-over effect on society outside prison hence makes it doubly necessary to intervene in prisons to break this culture of sexual violence. Not only is it important to provide adequate support for rape survivors in prison for humane reasons, but it is also imperative to provide education for rape deterrence that looks at constructions of masculinities. This will have the effect of building acceptance of non-aggressive masculine identities and more equal
gender relationships, which will have obvious benefits for women outside prison as well. The trauma associated with rape is the same for anyone inside or outside prison, and the fact that support for recovery in the form of basic physical and mental health care is virtually non-existent is a terrible indictment on Correctional Services. Furthermore, in the context of increasing HIV infection in South Africa, sexual violence in prison now brings the additional trauma of higher risk of infection for rape victims in prison. People on the outside are also ultimately implicated in this regard through the vicious cycle of sexual abuse (the soft targets of women and children) and likely unsafe sexual practices (involving spouses and partners) when infected prisoners are released.

Indeed, our current repressive prisons are institutions where a variety of negative impacts for both prisoners and staff create high levels of trauma. Stephen van Houten's article on trauma in the prison context (pp. 52–55) emphasises the need for specialised trauma counselling if interventions to address trauma do take place in prison. Apart from obvious humane reasons, it is important for a prisoner to deal with his trauma as part of the rehabilitation process, as there may be links with continuing patterns of aggression and criminal behaviour in some individuals. That this will happen in our prisons cannot be guaranteed; implementation of trauma counselling programmes in prison depends on huge resources being made available. All too often, the “inner life” and psychological needs of individuals are deemed a luxury in the face of “more pressing” needs such as adequate bedding, toilets and basic health care. Nevertheless, professional trauma counselling is important and should be seen as a necessary parallel intervention to changing structural conditions for transformation in prisons. Effective prisoner rehabilitation may depend on effective treatment of trauma more than we know. Additionally, professional counselling for prison staff to reduce stress and trauma levels is urgently needed, given the evidence of high suicide rates and alcohol misuse among them. It is also likely that aggressive and violent behaviour of some prison staff towards prisoners may not just be a preference for the use of force and excessive authority (associated with the apartheid-military style of imprisonment). Rather it could be an indication of the “fight” response to the traumatic prison environment they work in, as they themselves are often subjected to violence from prisoners, from prison gang members, for example. Earlier on, prison staff were identified as key agents in implementing successful prison transformation and prisoner rehabilitation to impact on recidivism and crime rates. It is then obvious that proper counselling to deal with their stress and trauma must also be a necessary part of transformation processes in prisons.

Needless to say, the above issues and solving them will take a great deal of dedication, resources and time. (Other issues not dealt with in this publication — for example, the health care needs of prisoners, drug abuse in prison, corruption involving prison staff, issues relating to women prisoners, juveniles in prison and so forth are also challenges facing the Department of Correctional Services.) What is important though, is that any plan must be aimed at long-term, sustainable prison transformation to bring down recidivism and crime rates, which will contribute in a major way to a more effective criminal justice system with effective rule of law in the future. It is hoped that this edition of Track Two will further encourage the rationale for prison transformation efforts to foster enduring justice and peace that will ultimately lead to more humane conditions for prisoners, as one important way of creating safety and stability for all in our country.

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