



**UNIVERSITY OF
KWAZULU-NATAL**

**UNDERSTANDING THE CAUSES OF MALE SEXUAL ASSAULT: A CASE STUDY
OF THE KOKSTAD MEDIUM CORRECTIONAL CENTRE**

by

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DECLARATION

This is to confirm that this
research is my own work which
I have never previously submitted to any other university for
any purpose. The references used
and cited have been acknowledged.

Signature of candidate.....

On theday of 2018

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The grace of God for seeing me through these two years and finding favour in His eyes.

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Uyabonga uMakhondlo!

ABSTRACT

Correctional centres are regarded as places of rehabilitation; however, this is not always the case. Correctional centres of the 21st century in South Africa seem to be a breeding place for the victimisation of offenders. One of the main purposes of environmental criminology is to successfully prevent the occurrence of crime through crime prevention strategies. Environmental Criminology considers the way in which the environment can contribute to the occurrence of crime and thus developing strategies that will alter the environment into preventing the crime from occurring. Aspects such as lighting, structure, and visibility are all taken into consideration when developing crime combating strategies. Using environmental designs to prevent sexual assault from occurring in South African correctional centres would require of the correctional officials to consider dealing with environmental issues such as overcrowding, how offenders are treated, as well as dealing with the issue of food, blankets and beds that are used as currency at the Kokstad correctional centre.

This study aims to report on the causes of male sexual assault in South African correctional centres, with much focus on the Kokstad medium correctional centre. This study investigated the prevalence, nature and extent of sexual assault, as well as the rehabilitation programmes that are aimed at assisting victims of sexual assault. This was an exploratory and descriptive study that made use of in-depth interviews. Qualitative research method was used. Through thematic analysis the findings indicated that the presence of gangs in correctional centres is the major cause of sexual assault. Offenders can willingly become victims of sexual assault when they do not have support from their families as well as not having toiletries and well call items (well call items are food, snacks and cigarettes). As it had been mentioned above that the aim of the study was to report on the causes of male sexual assault, it became evident that overcrowding, staff shortages, lack of training for correctional officials on sexual assault related matters were some of the causes of male sexual assault at the Kokstad medium correctional centre.

ACRONYMS

AIDS- Acquired Immune Deficiency Syndrome

CCTV- Close Circuit Television

CSVR- Centre for the Study of Violence

CPTED- Crime Prevention Through Environmental Design

DCS- Department of Correctional Services

HIV- Human Immune Virus

HRSC- Human Sciences Research Council

HSSREC- Human and Social Sciences Research Ethics Committee

NENT- National Committee for Research Ethics in Science and Technology

PI- Person Investigating

RAT- Routine Activities Theory

SAHRC- South African Human Rights Commission

UKZN- University of KwaZulu Natal

UNESCO- United Nations Educational Scientific and Cultural Organisation

VIVA- Value, Inertia, Visibility and Accessibility

VPT- Victim Precipitation Theory

WHO- World Health Organisation

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CHAPTER ONE: GENERAL ORIENTATION AND PROBLEM FORMULATION

1. INTRODUCTION

It is no secret that living conditions in most South African correctional centres are appalling. Often, the public is told of how overcrowded some of these correctional centres are. Overcrowding of correctional centres cells is not the only issue facing the Department of Correctional Services, issues such as illegal drug use, the use of phones by offenders, and the way gangs operate within correctional centres gives rise to “illegal” acts such as sexual assault against other offenders. There is a lack of research in South Africa regarding sexual assault amongst males in correctional facilities. Sexual assault according to the (World Health Organisation, 2002:149) is defined as: “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.”

This research project seeks to address the prevalence of male sexual assault in South African correctional centres. It also aims at exploring rehabilitation programmes that exist for victims of sexual assault within the correctional centres. In addressing the prevalence of male sexual assault, consideration must be taken to the causes of sexual assault within a correctional centre. This research will explore causal factors such as the overall correctional centres environment which includes the issue of overcrowding, how sex is treated as currency in correctional centres, sexual victimisation, which can be closely associated with rape, as well as how race can be a contributing factor to sexual assault. Since most males who fall victim to such incidents will hardly report it to the authorities, this dissertation will look at the roles that are assigned to offenders by other offenders. In order to understand sexual assault in Kokstad medium correctional centre, the research will look at how sexual assault is associated with male masculinity, including one’s sexuality, within the correctional centre. What will also be considered is whether offenders receive an extra sentence when they are found guilty of committing sexual assault against their fellow offenders? One may view rape and sexual assault as one of the same things. However, according to the Criminal Law (Sexual offences and related matters) Amendment Act 32 of 2007, rape is “any person ('a') who unlawfully and intentionally commits an act of sexual penetration with a complainant ('b'), without the consent of B, is guilty of the offence of rape.” Whereas, the same Act

defines sexual assault as “a person ('a') who unlawfully and intentionally sexually violates a complainant ('b'), without the consent of B, is guilty of the offence of sexual assault. (2) A person ('a') who unlawfully and intentionally inspires the belief in a complainant ('b') that B will be sexually violated, is guilty of the offence of sexual assault.” Rape in this context would refer to having sexual relations with an offender against the will of the offender, whereas sexual assault includes the act of engaging in sexual behaviour with or without the consent of an offender. When one talks about the consent of an offender, this is regarding the issue that in South African correctional centres, there is the issue of some offenders being “*wyfi*es” Wives. According to (Sikweyiwa and Jewkes, 2009) “a chosen man is identified as a future ‘wife’ (*wyfie*), a position of being the sexual property and servant of the older man, who in return ‘provides’.”

The purpose of discussing rape and sexual assault in this study is to ascertain as to how correctional centres distinguish the difference between cases of rape and sexual assault. Rape in South African correctional centres are often associated with the presence of gangs. The above-mentioned statements fall within the key questions of the proposed study. This topic was chosen due to the interest that the researcher has, in wanting to understand the lifestyle of offenders within the South African context. In understanding this lifestyle, the researcher might bring the emergence of a new African perspective theory, while contributing to the existing knowledge about Eurocentric theories.

According to the correctional centres Act, section 2 of the Act, stipulates that “the purpose of the correctional system is to contribute to maintaining and protecting a just, peaceful and safe society by- (a) enforcing sentences of the courts in the manner prescribed by this Act; (b) detaining all offenders in safe custody whilst ensuring their human dignity; and (c) promoting the social responsibility and human development of all offenders and persons subject to community corrections.” With the reports on the unrest of offenders at the St Albans Medium correctional centres in South Africa, this brought to light some of the challenges that are faced by the Department of Correctional Services. One challenge though that many researchers seem to shy away from is that of sexual assault amongst offenders. Perpetrators of sexual assault within the correctional centre walls, not only includes wardens, as per popular belief. Perpetrators also include the male offenders as well as female offenders. For this study, the perpetrators include male on male perpetrators, be it wardens or offenders. Focusing on issues such as correctional centres overcrowding, presence of gangs in correctional centres, and offenders’ access to drugs seem to be the core focus of much

correctional centres related research. In addressing the issue of sexual assault within correctional centres, will make use of how all these above-mentioned issues promote sexual assault amongst offenders.

Findings of this study will be used to make recommendations on how to deal with sexual assault at the Kokstad medium correctional centre. The primary data will be sourced through interviews with offenders from the Kokstad correctional centre. Sexual assault in South African correctional centres is not well documented or researched. Gear (2007) furthermore states that, “historically, both sex and rape in South African men’s correctional centres have largely gone unacknowledged.” One researcher who has been unearthing the topic of sexual assault and sexual coercion is Sasha Gear. Her report on sexual behaviour, including sexual assault amongst males in South African correctional centres was based on “preliminary work done towards a study being conducted by the CSVR into sex amongst male South African offenders.” However, the challenge then arises in the fact that this study was conducted in 2001. One can therefore argue the relevancy and generalisation of the findings 17 years later. The Jali Commission of inquiry, set up in 2001, is another example that can be used to bring across the notion that, the issue of sexual assault in South African correctional centres is still unacknowledged. However, in chapter 8 of the Jali Commission Inquiry report, the chapter “highlights the horrific scourge of sexual violence that plagues our correctional centres where appalling abuses and acts of sexual perversion are perpetrated on helpless and unprotected offenders” (Jali Commission Inquiry, 2006).

1.1.1 The relationship between women assault and *wyfies*.

When one speaks of sexual assault in South Africa, it is often associated with women, in the sense that women are victims of sexual assault. However, in most cases, women are victims of rape and other crimes as stated by Kalichmani and Simbayi (2004) that “South Africa reportedly has one of the highest rates of violence against women in the world, with 53,008 rapes reported to police in 2000- and 123-women reporting rape per 100,000 population.” With such statistics, this suggests that there is an existing relationship between the prevalence of HIV/AIDS amongst women in South Africa. According to Kalichmani et al. (2007) “the HIV/AIDS epidemic in South Africa is among the world’s fastest growing, with 13% of South African women and 9% of South African men infected with HIV.” However, the purpose of this study is to understand the causes of sexual assault amongst males that are. Therefore, the research will also look at how the perpetrators of sexual assault within the Kokstad medium correctional centre use the power they have over their victims to not only engage in coercive sexual relations but also how such relationships can lead to rape. This will entail understanding in depth the role of the *wyfie*, including what is and what is not expected behaviour from the *wyfie*. Furthermore, this study will attempt to understand if there is a possibility that some of the challenges that are faced by *wyfies*, are like those that women, outside of the correctional centre context deal with.

1.1.2 The role of alcohol in sexual assault

Sexual assault is not only limited to women being the victim. Victims of sexual assault also include college students. The prevalence of sexual assault amongst students can be associated with alcohol abuse. “On average, at least 50% of college students’ sexual assaults are associated with alcohol use” (Abbey, 2002). Sexual assault and the consumption of alcohol do not always have a co-occurring relationship. This is because some males may consciously or unconsciously decide to sexually assault a female while intoxicated and thus use their alcohol consumption as an excuse. Patriarchal beliefs such as “men are expected to always be interested in sex, whereas women learn that they should not appear too interested in engaging in sexual activities or that they will be labelled “fast” or “promiscuous” (Abbey, 2002) can be argued that they cloud the mind of an intoxicated perpetrator. Furthermore, stated by (Abbey, 2002) is that “if a man feels powerful and sexual after drinking alcohol, then he is more likely to interpret his female companion’s friendly behaviour as being a sign of sexual interest, and he is more likely to feel comfortable using force to obtain sex.” One other factor to take into consideration is that, there are females who have been wired by society to think and believe

that a man is entitled to have sexual relations whether the woman “is in the mood or not.” Such beliefs amongst females have an impact as to why some cases of sexual assault are not reported. The illegal access that offenders have to alcohol and drugs will be looked at. The consumption of alcohol by offenders leads to impaired concentration thus affecting the reasoning of an individual. Establishing whether there is a causal relationship between alcohol consumption and sexual assault will be of assistance in understanding the causes of sexual assault within the Kokstad medium correctional centre.

1.1.3 Homosexuality in Correctional Centres

One of the reasons that the researcher decided to conduct this research was due to the interest in understanding how correctional centres and offenders handle the issue of homosexuality. Outside of the correctional centres’ context, there have been numerous cases reported of corrective rape. One could argue that this is caused by how some members of society, mostly the perpetrators, are homophobic. Corrective rape is a crime in South Africa, specifically a hate crime. According to Nel and Judge (2008) “a hate crime is any incident that constitutes a criminal offence, perceived as being motivated, in whole or in part, by prejudice or hate. Hate crimes constitute criminal acts of prejudice that are committed against people, property, organisation or society because of the group to which they belong or identify with.” Corrective rape is defined as “men forcing themselves on gay women to cure them of their homosexuality” (Hunter-Gault, 2015). Di Silvio (2010) further states that “corrective rape is an act of violence against women committed by men ostensibly to ‘cure’ lesbians of their nonconforming sexual orientation or ‘correct’ it – the belief being that homosexuality is an imported white disease.” A common shortcoming of both these definitions is that they both fail to include gay men from being victims of corrective rape.

The issue of corrective rape within the correctional centre context raises many questions. The purpose of this research is to understand how offenders treat homosexual male offenders. If then a male offender is homosexual, does it make things easier for the male perpetrator when they are targeting their victims? In the sense that they will justify their behaviour by arguing that the victim is already used to male on male sexual relations. One other question that the research will seek to unlock is whether the perpetrators of sexual assault consider themselves to be heterosexual or bisexual, as well as how they are able to classify their sexuality.

1.1.4 Environmental Criminology

Environmental criminology may be used in understanding how the correctional centres environment can contribute to the occurrence of sexual assault, as well as how to implement strategies that will aim to minimise the occurrence of sexual assault. Environmental criminology is the study of crime, criminal behaviour and victimisation by examining the space, time, places and objects that either promote or inhibit a crime from occurring. Environmental designs are crime prevention methods that are implemented in order to prevent crime from occurring. In the context of sexual assault in South African correctional centres, such crimes occur within the correctional centre walls; therefore, it would be important to implement environmental designs that will work within the correctional centre walls. For environmental designs to be useful, one must understand the correctional centre environment. One needs to consider factors such as how sexual assault occurs, why it occurs, and when it occurs. Understanding these factors will make the development of environmental designs more effective when it comes to implementing the crime prevention methods.

1.2 PROBLEM STATEMENT

This study seeks to understand in detail the causes of male sexual assault in South African correctional centres. Sexual assault in correctional centres, especially in the South African context seems to be a neglected issue when left ignored could cause some major delays on the rehabilitation of offenders in correctional centres. Sexual assault is not something that plagues communities outside of correctional centres. South African correctional centres now must deal with sexual amongst the many other illegal crimes that occur in correctional centres. Cases of sexual assault cannot be taken lightly as they are pervasive in nature and affect the victims' self-image. Sexual assault in South African correctional centres has been investigated by authors such as Gear and Niehaus from as early as 2001.

The occurrence of sexual assault within correctional centres has dire effects on the victims. Victim of sexual assault are bound to be affected emotionally, socially and psychologically. The lack of documented rehabilitation programmes for victims of sexual assault does not assist the department of correctional services in ensuring that when offenders are released, they are rehabilitated. With the occurrence of sexual assault in correctional centres, first time offenders might be lured into a false thinking that it is normal for criminal activities to take place inside correctional centres. This study seeks to highlight the importance of having rehabilitation programmes for victims of sexual assault, as well as how the correctional centre environment can directly influence the occurrence of sexual assault.

1.3 RESEACRH OBJECTIVES

- To explore the nature and extent of sexual assault in Kokstad medium correctional centre.
- To explore whether correctional environment facilitate the occurrence of sexual assault in Kokstad medium correctional centre.
- To determine the rehabilitation programmes for sexual assault victims in Kokstad medium correctional centre.

1.4 RESEARCH QUESTIONS

- How often are cases of male sexual assault reported to correctional centre officials?
- What coping mechanisms and rehabilitation programmes are there for victims of male sexual assault in Kokstad Medium correctional centre?
- What is the nature and extent to which the correctional centres environment affects the occurrence of sexual assault amongst males in Kokstad Medium correctional centre?

1.5 OPERATIONALISATION OF RELEVANT CONCEPTS

- Overcrowding:* According to (Gear, 2001) “situations of overcrowding, for example, are often considered to contribute to higher levels of sexual activity in general, including rape amongst offenders.” Overcrowding refers to the large number of offenders (including offenders awaiting trial and those that are sentenced) that are incarcerated in correctional centres that are built for a smaller intake of offenders. This is due to the backlog in the administration department.
- Masculinity:* Refers to offenders that categorise themselves stronger and more dominant than other offenders. These are offenders who target the young offenders and first-time offenders by threatening them in order to have sexual relations with the victims. The term catcher, as stated by (Gear, 2001), “refers to a ‘man’s’ sexual receptive. Punks are situated at the bottom of the hierarchy, are forced into sexually receptive roles and are there to service the ‘men’.” Perpetrators would have used their

male dominance in order to convince other offenders of the roles they should adhere to.

- iii. Race: This is the physical skin colour of offender and how it affects the way in which they are treated because of the colour of their skin. According to (Man and Cronan, 2001) “in the vast majority of cases, mutual attraction or affection does not drive correctional centre sexual relationships; rather, most sexual acts in correctional centre are the coerced products of dominance, intimidation and terror.”
- iv. Power struggles: This refers to the social hierarchy used by offenders to rank each other, and the conflict that ensues due to this hierarchy. As stated by (Hensley et al., 2005), “it is the responsibility of all correctional services officials to provide a safe and humane environment in which all offenders are housed in environments where they are free from criminal and violent victimisations”. This would mean that if correctional officials are able to create and promote an environment as the above mentioned, there would be no power struggles amongst offenders.
- v. Sexual victimisation: (Wolff et al., 2006) states that “sexual victimisation includes a range of behaviours from sexually abusive conduct to non-consensual sexual assaults and has a variety of severe public health consequences.” Sexual victimisation in the context of this study also refers to the effects that sexual assault has on its victims, including psychological, emotional and physical effects.
- vi. Correctional centre environment: This is the general overall environment of the centre, such as lack of resources, the activities and the structure of the correctional centres and its influence on the occurrence of male sexual assault. “It was alleged that offenders working in the kitchen sell meat and other food stuff to offenders, thereby improving their financial situation” (South African Human Rights Commission, 1998). These are just some of the ways in which the correctional centre environment influences the occurrence of sexual assault.
- vii. Sexual assault: Sexual assault according to the (World Health Organisation, 2002, p. 149) “is defined as: any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.” Sexual assault in this context strictly focuses on how male offenders in correctional centres are able to have sexual relations with other male offenders through intimidation or mutual agreement.

- viii. Victim(s): Victims in the context of this dissertation are the male offenders that have been sexually assaulted by other male offenders.
- ix. Offender: According to the department of Correctional Services Act 111 Of 1998 an inmate (now referred to as offenders) “means any person, whether convicted or not, who is detained in custody in any correctional centre or remand detention facility or who is being transferred in custody or is en route from one correctional centre or remand detention facility to another correctional centre or remand detention facility;”
- x. Rehabilitation programme: These are programmes that are aimed at assisting offenders in re-entering society after they have been incarcerated. Programmes that prepare them for life after they have been incarcerated as well as how to adapt to life within the correctional centre.
- xi. Correctional official: “means an employee of the Department appointed under section 3 (4);” of the Correctional Services Act 111 of 1998.

1.6 DISSERTATION OUTLINE

Chapter one of the dissertation discusses the general orientation of the study such as the aims and objectives of the study. Chapter two is the literature review discussing the relevant topics that are related to male sexual assault in South African correctional centres. Chapter three discusses the theoretical framework used in understanding male sexual assault. Chapter four is the type of research methodology used in gathering data for this paper, as well as the limitations faced during data gathering. Chapter five is the analysis of the data gathered. Chapter six are the recommendations as well as the conclusion of the entire study.

CHAPTER 2: LITERATURE REVIEW

2. INTRODUCTION

Sexual assault, often people associate it with rape or assume that it is rape. There is a distinction between rape and sexual assault. According to the Criminal Law (Sexual offences and related matters) Amendment Act 32 of 2007, rape is “any person ('a') who unlawfully and intentionally commits an act of sexual penetration with a complainant ('b'), without the consent of B, is guilty of the offence of rape.” Whereas, the same Act defines sexual assault as “a person ('a') who unlawfully and intentionally sexually violates a complainant ('b'), without the consent of B, is guilty of the offence of sexual assault. (2) A person ('a') who unlawfully and intentionally inspires the belief in a complainant ('b') that B will be sexually violated, is guilty of the offence of sexual assault.” With respect to sexual violence in South African correctional centres, sexual assault may include those offenders who have willingly agreed to be *wyflies* of other offenders. The purpose of this paper is to understand male sexual assault in Kokstad medium correctional centre. This research study seeks to understand the process of choosing or rather “picking” someone to become a victim of sexual assault, as well as how the environment can increase or decrease the risk of being a victim of sexual assault in South African correctional centres.

According to the Rawoot, (2012), “about 17% of assaults in correctional centres are committed by wardens on offenders. Furthermore, Emily Keehn of the Sonke Gender Justice Network argues that there is no policy on the prevention of sexual assault in correctional centres.” One can argue as to the accuracy of these statistics with regard to sexual assault, in that not all males or victims of sexual assault are willing to report such incidents. According to the (Department of Correctional Services, 2009:33), “as of 30 June 2009, a total of 4936 offenders of sexual crimes were sentenced 10-15 years as compared to 2008.” According to Africacheck, (2017) “In 2016/17, a total of 49,660 sexual offences were recorded by the police, down from 51,895 in 2015/16.”

2.1. INTERNATIONAL DEVELOPMENTS ON THE CAUSES OF SEXUAL ASSAULT

An argument that arises frequently in this study is that of the lack of literature on the topic in South Africa, as compared to international literature. Not many studies have been conducted on the prevalence of male on male sexual assault in South African correctional centres. According to the United States Department of Justice (2017) sexual assault is “any type of sexual contact or behaviour that occurs without the explicit consent of the recipient. Falling

under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.” This definition of sexual assault according to the United States government is almost like that in Criminal Law Act of South Africa, as stated above. Both definitions of sexual assault however do not mention the way some acts of sexual behaviour occur within the correctional centre context, such as an offender who agree to become sexual slaves of other offenders.

According to the National Sexual Violence Resource Centre in the United States (2015) “46.4% lesbians, 74.9 % bisexual women and 43.3% heterosexual women reported sexual violence other than rape during their lifetimes, while 40.2% gay men, 47.4% bisexual men and 20.8% heterosexual men reported sexual violence other than rape during their lifetimes. 91% of the victims of rape and sexual assault are female, and 9% are male.” In the South African context, (Rape Crisis, 2017) argues that, “in 2011, 55% of the rape survivors counselled by Rape Crisis had been raped by more than one offender. Of these rapes, 25% had been perpetrated by known gangs.” When one considers the statistics of correctional centre sexual assault in the US, according to (Wolf, Blitz and Shi 2007) “approximately one in 12 male offenders with a mental disorder reported at least one incident of sexual victimisation by another offender over a six-month period, compared with one in 33 male offender without a mental disorder.”

Victims of sexual assault are often the weak offenders. (Wolf et al, 2006) furthermore, state that “younger offenders are at greater risk of sexual victimisation, particularly if they are new arrivals to a facility and are serving their first convictions.” One could say that victims of sexual assault are prey for the offenders, which could be said that they (offenders) are predators and they therefore engage in predatory behaviour. If correctional centre officials are aware of the offenders that are at a greater risk of being victimised, those offenders could be protected by the system. Lockwood (1990) argues that “they find that the healthier a youth is psychologically, the greater chance he has of being sexually victimised”

In Jenness, Maxson, Sumner and Matsuda (2010) study titled Accomplishing the Difficult but Not Impossible: Collecting Self-Report Data on Inmate-on-Inmate Sexual Assault in Correctional centre, “face-to-face interviews with randomly selected California offenders from a handful of correctional centres in setting that ensured confidentiality” were conducted. 429 offenders were contacted and 86% of those offenders were interviewed. Of those interviews, 84% were considered usable. The findings of this study reported that “4.4% of

randomly selected offenders in California reported being sexually assaulted by other offenders while in correctional centres (Jenness et al., 2010). Furthermore, stated by Jenness et al. (2010) our data efforts were organised around collecting self-report data on the many types of sexual activities that occur in correctional institutions, including consensual sex, sexual assault, rape, or other types of undesired sex, and nonsexual offender-on-offender violence.” A common objective that Jenness et al. (2010), study has with the one proposed above is the nature and extent of sexual assault. Jenness et al. (2010) study does not consider the causes of sexual assault in correctional centres.

2.2 SOUTH AFRICAN CONTEXT ON THE CAUSES OF MALE SEXUAL ASSAULT

In a study titled *Renegotiating Masculinity in the South African Lowveld: Narratives of Male-Male Sex in Labour Compounds and in Correctional centres* by Niehaus (2002), the focus was on two causes of sexual assault within correctional centres, namely, masculinity and the correctional centres environment. Correctional centre environment includes the treatment of offenders by officials, as well as the overall correctional centre environment. In this study, eleven offenders were interviewed. This study associates sexual assault with the presence of gangs. A dominant theme or finding in the study is that “the narratives of former offenders were how their degrading treatment deprived them of an active masculine identity” (Niehaus, 2002) which is that of being sexually active.

The issue of associating the presence of gangs with sexual assault is also evident in the paper presented by Gear (2001) titled “Sex, sexual violence and coercion in men’s correctional centres.” However, (Gear, 2001) mentions that the “paper is concerned with understanding the nature of the circumstances in which sex in South African correctional centres occurs.” The proposed study is a build off Gear’s study. Furthermore, stated by (Gear, 2001) is that “a better understanding of sexual activity in correctional centres is important for a number of reasons which include danger of transmitting of HIV, and how sexual activities affect one’s identity and self-image.”

In another study, (Gear, 2010) states that “In 2004 and 2005 the Centre for the Study of Violence (CSV) surveyed juvenile offenders in a Gauteng correctional centre (n=311) through administered questionnaires that posed questions about their experiences of violence, sex and sexual violence in correctional centre, as well as about more general features of their personal lives and experiences in correctional centre, including issues related to HIV and

AIDS, sexuality and gender.” In this study, the focus was more on masculinity and how correctional centre officials are not well equipped or trained in dealing with sexual assault as well as the victims of sexual assault. “Tackling the problem of sexual violence requires multi-pronged strategies that focus on preventing it and appropriately responding when it does occur, whilst considering the social dynamics prevalent in our correctional centre’s environments and the shaping of sexual violence” argues (Gear, 2010). One would note how in most of the previous studies, more especially in the South African context, no mention is made of how the Correctional Services Act of 1998 does not stipulate sexual assault as an offence in chapter 14 of the Act. This would therefore mean that part b of the Act has no section on how perpetrators of sexual assault should be disciplined. This is another literature gap which has been identified by the proposed study.

2.3 CAUSES OF SEXUAL ASSAULT

The “assumption that many outsiders make is that ‘sex’ in correctional centres is often carried out through acts of rape and there are a variety of circumstances that lead to the occurrence of sex, (Gear, 2001). There are many factors that lead to sexual assault that will be discussed in this study. Looking at the environment in which offenders live in, one can generalise or assume that sexual assault is bound to occur. Regarding male sexual assault, it can be associated with males trying to prove their masculinity, to have control and instil fear over their victims. Male sexual assault, concerning victims can be looked at as a way in which victims end up agreeing to being sodomised since they want to be protected. According to (Dumond, 2000) a study based in Nebraska, USA on sexual assault in correctional centre “noted that the problem appeared to be aggravated in larger correctional centre systems with more crowded offender populations with greater ethnic diversity.” Another factor that is seen as the cause of sexual assault is the issue of race in South African correctional centres, which will further be explained in detail.

2.3.1. Sex as currency

A statement by (Gear, 2001) states “sex is currency in correctional centre and a crucial component of the intricate systems of power.” In simple explanation one can say that sexual assault occurs in correctional centres as a form of payment for protection, as mentioned before. (Gear, 2001) also states that “sex may be exchanged for small benefits such as cigarette, for special favours or for basic rights such as food or protection against potentially life-threatening situations.” Even though there may be consent from the victim, it is regarded as sexual assault. The victims of sexual assault through this manner usually allow for such to

happen because they will be offered protection, food, and many other resources that they so badly need. An argument raised by Gear (2001) is that “young offenders are generally considered to be at particularly high risk of becoming rape victims behind bars.” When and if the offender refuses to partake in any form of sexual behaviour, they would find themselves living in fear of being abused. Abused in the sense that they might not get their food, having resources taken away from them (blankets, gifts), or even being forcefully raped. Such cases can remove the positive stimuli an individual may have, and the victim may end up agreeing to being someone’s sex slave or even being an offender themselves.

The issue of sex as currency in correctional centres can be compared to the risky behaviour or lifestyle of prostitutes. In exchange for monetary value, prostitutes willingly engage in risky sexual behaviour. Such behaviour, they partake in due to environmental factors and sometimes due to the unemployment rate. The situation however differs slightly in the correctional centre context. When one talks about risky sexual behaviour within the correctional centre context the word “protection” comes to mind. In the sense that offenders will engage in sexual behaviour because they are or will be offered protection. Dumond (2000) further states that “coerced sexual assault may take many forms, on a continuum ranging from trading sex for protection (‘hooking up’) to brutal gang rape.”

The issue of having sexual relations with another inmate can be associated with an offender wanting to have a ranking on the correctional centre social hierarchy. “There is a general joining of social status and sexual behaviour while incarcerated, which leads many offenders to be cast in a role that can be extremely humiliating” (Dumond, 2000). The effects of engaging in a sexual relationship while incarcerated, whether the relationship is coercive or not, are devastating and pervasive. Furthermore, the effects can affect the psychological, physical, and social components of the victim. “Whatever the victim chooses to do regarding sexual assault (reporting the crime, seeking protective custody, protective pairing), it has a profound impact on their future life while incarcerated” (Dumond, 2000).

Characteristics of victims of sexual assault include younger victims, those victims that talk to fit in and seen as weak by other offenders. “Characteristics that increased an offenders’ chances of victimisation included youth and attractiveness, whether this was the first imprisonment experience of the offender, if the offender belonged to any correctional centre gangs, and whether the offender displayed fear” (Hensley, Tewksbury and Castle, 2003). Karp’s testimony as noted in the Jali Commission Inquiry (2006) is evidence of the above-

mentioned quote. Karp was an openly gay offender, who was sexually assaulted at the hands of other offenders and a warden. “Karp explained that the incident was never reported to the authorities because the offenders threatened him that if Karp did so, then he would be ‘damaged beyond repair’. Karp chose to rather remain silent and out of fear never reported the matter.” What is important to note is how an inquiry in 2001 describes how sex is currency in correctional centre. The Jali Commission Inquiry (2006) argues that “based on the evidence of victims that testified before the commission, sex is nothing more than a tradable commodity in correctional centre and that, vulnerable young offenders become mere possessions or sex slaves whilst incarcerated. The existence of sexual assault in correctional centres is in contradiction of the Department of Correctional Services policy regarding its AIDS management strategy, which states that “custodial staff must take responsibility for protecting offenders against sexual assaults by fellow offenders and to report the occurrence of such practices.” In the case of Karp, he was sold by a warder to other offenders in exchange for sex. This goes to show that correctional centre officials are aware of the existence of sexual assaults within their correctional centres, but rather choose to use this issue for their own personal gain. This would therefore mean that before the Department can develop strategies of how to deal with sexual assault in correctional centres, they would first have to go back to rooting out corrupt staff members, thus delaying the progressing of rooting out sexual assault in correctional centres.

2.3.2. Sexual assault and masculinity

This section of the literature review will discuss sexual assault in South African correctional centres in relation to masculinity. Gear, (2001) argues that “by raping another, the attacker, seeks to validate his male dominance and superiority.” From this statement, one can argue that South African correctional centres promote an environment of ‘only the strong will survive.’ This is because it is mostly the young and scared that are targeted for sexual assault. Gear (2001) states that offenders who initiate the actual act of sexual penetration are regarded as ‘men’. There is a constant battle in trying to prove and avoid losing one’s manhood. Gear discusses the role of “punks” and “catcher.” The term catcher, as stated by (Gear, 2001) “refers to a ‘man’s’ sexual receptive. Punks are situated at the bottom of the hierarchy, are forced into sexually receptive roles and are there to service the ‘men’.” Regarding the above-mentioned statement, one can see how victims of sexual rape can end up being ‘sex slaves.’ It is however a challenge for victims to report such cases, as stated by (Gear, 2001) “the first night he resisted and got stabbed with a broken bottle as punishment.” Due to the amount of

fear the victim may have, they will end up agreeing to being “sex slaves”, not only because of fear but because being someone’s “*wyfie*” (*wyfie* is correctional centre slang used when referring to men that are victims of sexual assault) entitles one to “luxuries” such as protection, and earning points in the underworld grading systems. Similar with rape, women are often sceptical when it comes to reporting their cases, due to the common issue of not being believed by police officials. Such incidents therefore lead to correctional centres being punks and accepting their role as punks.

Dumond (2000) states that “it has become increasingly apparent that women in confinement face substantial risk of sexual assault by a small number of ruthless male correctional staff members, who use terror, retaliation, and repeated victimisation to coerce and intimidate confined women.” This statement can also be used to explain just how women, outside of the correctional centre context can be sexually assaulted. Males will use their dominance to overpower a victim all in the name of proving their masculinity or stroking their ego’s. (Sikweyiwa and Jewkes, 2009) argue that “men’s experience of sexual coercion is seldom the subject of research, yet it is commonly reported in all settings and increasingly evidence from South African points to health risks associated with sexual coercion of men by men.” Male offenders would have a difficulty in reporting such incidents, because they may be seen as weak males.

“Communal sleeping arrangements create the potential for sexual advances” (Sikweyiwa and Jewkes, 2009). This is the setting or sleeping arrangements in correctional centres. An offender may be forced by the ‘leaders’ of that group to prove his manhood by sexually assaulting a fellow inmate or by finding a *wyfie*. The general conception of the correctional centre environment is that it is overcrowded. The issue of overcrowding would provide an opportunity for sexual assault to occur. Offenders enforce their masculinity on other male offenders by using physical force and verbal threats. According to (Sikweyiwa and Jewkes, 2009) “in Xhosa culture, manhood is highly priced and achieved through initiation rituals that include circumcision.” Male offenders that engage in in sexual relations would assume the role of a husband while the victim would be referred to as a *wyfie*. The role of a husband would exaggerate a man’s masculinity and enable him to be a ‘real man’. According to Niehaus (2002) “the husband suffers no stigma. He achieves his honour by subordinating other men sexually, being polygamous, being a provider, and enjoying the comforts of home.”

With regarding to the naming of the victims of sexual assault, a feminine name would be given to them. “In relation to correctional centre gangs, the hierarchy used stipulated victims as queens, while perpetrators were called presidents. Niehaus (2002) furthermore, states that “the queen was the president’s wife and was also known ‘mother’ of the children. It was the queens’ duty to plead for mercy on behalf of all soldiers.” According to Niehaus there is a distinct difference between consensual and coercive sex. “Consensual sex was preceded by a proposal and normally took place within the framework of a formal relationship between a dominant *lebosa* (‘the he one’) and a subordinate *picanini* (‘boy’) or *mfana wa misa* (‘the boy wife’). Whereas coercive sex or rape (go kata, ‘to push down’) was extremely pervasive” (Niehaus, 2002). No matter the distinguishing of the two terms, both are committed as a sign of proving one’s masculinity and dominance over other offenders that are weak.

2.3.3. Sexual victimization

When one talks about sexual assault in any context, it is important to note or talk of sexual victimisation. Wolff et al.(2006) states that “sexual victimisation includes a range of behaviours from sexually abusive conduct to non-consensual sexual assaults and has a variety of severe public health consequences.” With regards to public health, the victims of sexual assault are at risk of contracting HIV/AIDS from the perpetrators. Being sexually violated also affects the mental capacity of an individual. This leads the victim to deal with the shock and trauma by using drugs, alcohol which all lead to depression and suicide. There is no guarantee of rehabilitation for victims of sexual assault in correctional centre. This would explain why most victims are most likely to return to correctional centre after being released, due to the anger that they still have, (Lockwood, 1990). Furthermore, (Lockwood, 1990) states that “sexual assaults contribute to violence in correctional centre and diminish the chances of inmate rehabilitation”. If sexual assault disrupts other rehabilitation programmes that are set in place for correctional centres, there will be a lack of control from the authority.

“The effects of sexual victimisation are pervasive and devastating, with profound physical, social, and psychological components” states (Dumond, 2000). The risks of being sexually assaulted include HIV, sexually transmitted diseases, post-traumatic stress disorder (PTSD), depression and stigmatisation to mention a few. Dumond (2000) furthermore, states that “many mental health clinicians may be more familiar with treating sexual predators than understanding and treating victims of sexual assault.” This, furthermore leads to victims feeling isolated and not only victimised by the perpetrator, but also by the state. An example would be that of inmate Karp. Karp gave a chilling testimony at the Jali Commission Inquiry

in 2001. According to Karp's explanation, the medical doctor "did not carry out any HIV tests nor did he offer any anti-retroviral treatment or counselling" (Jali Commission Inquiry, 2006).

In most cases, acts of sexual assault occur in the knowledge of the correctional centre warders. The warders have a certain role that they play when it comes to sexual victimisation of offenders. The warders could either allow the perpetrators to engage in sexual assault, or they themselves can be perpetrators of sexual assault. "As a result of the incestuous relationship that existed between warders and adult correctional centres, the environment was not conducive for these young victims to report the sexual abuse" (Jali Commission Inquiry, 2006).

The Jali inquiry refers to Mr Wilson Mohodi who was an offender of Grootvlei correctional centre. Mr Mohodi held a cleaning position at this correctional centre which allowed him the privileges and rights to move around freely. The relationship that Mr Mohodi had with warders allowed him certain illegal privileges. Such relationships are not in line with the Department of Correctional Services Act of 1998. This act stipulates that "custodial staff must take responsibility for protecting offenders against sexual assaults by fellow offenders and to report the occurrence of such practices." According to the South African Bill of Rights S35 (2) (e) "arrested, detained and accused persons: Everyone who is detained including every sentenced offender, has the right to conditions of detention that are consistent with human dignity including medical treatment." When it comes to medical treatment of victims, a lot of discrepancies are found. In the case of Karp, no counselling was offered to him by the nurse, doctor and the Department at large. Instead he was sent to an isolation cell. Victims of sexual assault are under severe mental stress and should be in an environment that will not further deteriorate their state of mind. "Mental health professionals also have an opportunity to have an impact in correctional staff and their attitudes, which, unfortunately, may exacerbate the victimisation experience for offenders" (Dumond, 2000). Sexual victimisation is not only perpetrated by offender on offender, one could argue that offenders get the 'approval' to commit such an act based on what they know about the warders and how warders are also perpetrators of sexual assault.

2.3.4. Race and sexual assault

Could race be an issue when it comes to correctional centre sexual assault? Hensley, Kochanski and Tewksbury (2005) stated that "black perpetrators on white victims were acts

of revenge and retaliation for the countless years of oppression by the white male-dominated society.” Reference can be made to the labelling theory and how one can be labelled according to their skin colour. Labelling theory holds that deviance is not inherent to an act, but instead focuses on the tendency of majorities to negatively label minorities or those seen as deviant from standard cultural norms. However, for South African correctional centre purposes, one cannot fully say that the above statement applies to the South African context, due to the lack of research done on whether race does play a role in sexual assault, in terms of which race is considered to be the perpetrating and which race falls into the victim margin.

The issue of race and sexual assault can be attributed to the issue of dominance within the correctional centre walls. According to Man and Cronan (2001) “in the vast majority of cases, mutual attraction or affection does not drive correctional centre sexual relationships; rather, most sexual acts in correctional centre are the coerced products of dominance, intimidation and terror.” In a correctional centre setting where the dominant race for instance, is black offenders, chances of other minority races to be targeted as victims could be very high. Research by (Toch, 1977) “also found that blacks were more likely to be the perpetrators of sexual assaults and whites were more likely to be the victims.” While not much South African research has been conducted on how much race affects sexual assault in correctional centres, one could argue that more often, the perceived strength or weakness of a sexual assault victim takes precedent as compared to the victims’ race.

2.3.5. Overcrowding and power struggles

According to Hensley et al. (2005) “it is the responsibility of all correctional services officials to provide a safe and humane environment in which all offenders are housed in environments where they are free from criminal and violent victimisations”. The environment in correctional centres one could say, promotes not only sexual assault, but many other crimes. Being locked up in a cell with 3 other offenders and being under surveillance does not always guarantee that no criminal activity will take place. What causes such criminal activities to take place? This could be because in most South African correctional centres, there is an issue of overcrowding. The issue of overcrowding leads to a lack or limitation of basic resources. Correctional centre environment is like any other society. Those in power or higher authority control most of the basic resources. What happens then to those that are in the lower structures of this society? For them to survive or get to the top they use bribes and sometimes accept the fate of being sexually violated. According to (Gear, 2001) “the correctional centre is ruled by 'men' who dictate the values and behavioural patterns of the

entire correctional centre population. These 'men' are in the majority, are heterosexual and usually exhibit heterosexual patterns prior and post their incarceration.”

According to (Gear, 2001) “situations of overcrowding, for example, are often considered to contribute to higher levels of sexual activity in general, including rape amongst offenders.” Those offenders that are seen to be in power will use their access to resources to manipulate other offenders into sexual activities. They do this so that they can have control over other offenders. This control allows for them to be feared thus making intimidation of younger and sometimes older males. (Gear, 2001) argues that “sex may indeed be consciously exploited for benefits unrelated to 'getting by'.” This statement could be associated with offenders that are homosexual. “They are in physical need and confused by their recent detention and they turn to somebody to care for them” as stated by (Gear, 2001).

Not much research has been done in terms of speaking to offenders and finding out from them, how sexual assault is a problem within South African correctional centres. However, according to (Gear 2001) “an inmate of Johannesburg correctional centre, for example, reported that refusing to have sex with another inmate meant that he forewent his full ration of food.” This is just the one of many examples of how offenders are forced into sexual ‘relationships’ by other offenders. It is not a matter of the victim agreeing or not, if the shoe fits, they must wear it to avoid further humiliation and physical abuse.

According to Walmsley (2003) “more than 10.2 million people are held in penal institutions throughout the world, mostly as pre-trial detainees/remand offenders or as sentenced offenders.” Furthermore, stated by Walmsley, (2003) is that “correctional centre rates vary considerably between different regions of the world, and between different parts of the same continent.” For instance, “South Africa’s country population was 53.1 million citizens, with 156 370 offenders, including those awaiting trial. The figures differ greatly as compared to those of Ethiopia. The country population of Ethiopia in 2013 was 82.42 million citizens, with 112 361 offenders including those offenders awaiting trial” (Walmsley, 2003).

The issue of correctional centre overcrowding is not only exclusive to South Africa; other countries are affected by this problem. “Overcrowding also encourages the sexual abuse of offenders by other offenders, which the Department has acknowledged” (Jali Commission Inquiry, 2006). Correctional centre overcrowding may lead to psychological and dysfunctional behaviour. “The behaviour patterns and attitudes that emerge can take many forms, from deepening social and emotional withdrawal to extremes of aggression and

violence” (Haney, 2006). This would explain why in most correctional centres it is alleged that offenders engage in illegal activities, including sexual assault. The rise of illegal activities in correctional centres can be associated with the increase of correctional centre populations. Haney (2006) argues that “overcrowding in correctional centres is measured by more than just the ratio of offenders to rated capacity; it also includes the extent to which a correctional centre, or correctional centre system, houses more offenders than its infrastructure can humanly accommodate.” This is evident in the Durban-Westville Correctional Services correctional centre. According to the (South African Human Rights Commission, 1998) in “Durban Westville, there are serious complaints of cell blankets being dirty, wet and lice-ridden.”

The problem with overcrowding not only affects offenders, it affects correctional centre personnel as well. According to the South African Human Rights Commission (1998), “the offender-warder ratio is 1:5 (01:9 if management and administrative personnel are excluded). This figure should be 1:3 if it is in accordance with international standards.” With such statistics, it would make it easier for offenders to engage in sexual assault because there are more offenders than wardens thus affecting issues such as the surveillance and monitoring of offenders. Arguably the ratio statistics mentioned above are 19 years old, and technology has advanced. The introduction of surveillance cameras, referred to as close circuit television (hereon referred to as CCTV) can arguable be stated that they assist the workload of wardens. However, there is a lack of recent literature to back the above-mentioned argument.

“Overcrowding not only changes the context of correctional centre, but also leads to correctional administrators to adopt problematic policies and practices that may worsen rather than alleviate many other aspects of the correctional centre experience” (Haney, 2006). This could be used to explain how the adoption of problematic policies makes it difficult for the Department to handle cases of sexual assault in a humanly manner. According to the (Jali Commission Inquiry, 2006) “overcrowding impacts on the Departments resources, which are stretched to the limit.” “The primary function of the establishment remains the safe custody of those who the courts of the land have ruled are to be restricted to the confines of a correctional centre facility and who should remain there until such time they have served their sentences” Jali Commission Inquiry, 2006). However, the issue of overcrowding has greatly affected the ‘safe custody’ of some, if not all offenders, in that some offenders are sexually assaulted. Overcrowding has also affected the overall correctional centre environment, which will be discussed below.

2.3.6. Correctional centre environment

The correctional centre environment allows for certain routine to be adhered to by all offenders. Such routines allow for victims to be studied easily by the perpetrators. According to (Jones and Bartlett, 2017) “using environmental design to control human behaviour is not only popular in developing crime prevention efforts.” Is it possible that, correctional centre environments, the way in which they are designed, promotes criminal behaviours, such as sexual assault? According to (Jones and Bartlett, 2017), the Crime Prevention through Environmental Design (CPTED) “suggests that the design of physical space is important in understanding criminal behaviour”. In understanding the physical space, correctional centre authorities need to know what goes on, or what activities take place within this physical space. “The point to environmental design is to guide, manipulate, and or encourage people to behave in a desirable manner in a given situation,” (Jones and Bartlett, 2017).

Sexual assault in correctional centres leads to conflict amongst offenders. According to (Lockwood, 1990) “sexual harassment, that is, sexual approaches perceived as offensive by their targets, leads to fights, social isolation, racism, fear and anxiety and crisis.” (Lockwood, 1990) further states that “of all the sources of correctional centre violence, sexual pressuring can be potentially the most dangerous conflict in correctional centre. Lockwood goes on to say that additionally; one should bear in mind that criminal behaviour continues when criminals are sent to correctional centre.” This statement attests to a common public belief that correctional centres no longer serve the purpose of rehabilitating offenders.

According to Gear (2001) “Situations of overcrowding, for example, are often considered to contribute to higher levels of sexual activity in general, including rape amongst offenders. Overcrowding as mentioned before that it leads to lack of resources, also leads to sexual violence. Those offenders that are seen to be in power will use their access to resources to manipulate other offenders into sexual activities. They do this so that they can have control over other offenders. This control allows for them to be feared thus making intimidation of younger and sometimes older males.

There are certain aspects of the overall correctional centre environment that contribute to the presence or occurrence of sexual assault in correctional centre. Lack of resources for offenders can be argued to be the cause of violence within the correctional centre. The national correctional centres project of South African Human Rights Commission (further referred to as SAHRC) of 1998 noted some food challenges at the Durban-Westville

correctional centre. “It was alleged that offenders working in the kitchen sell meat and other food stuff to offenders, thereby improving their financial situation” (South African Human Rights Commission, 1998). Such acts lead to the notion of ‘sex as currency’. Kitchen working offenders will use the privileges that they must lure or seduce other offenders in exchange for food.

Regarding the risk of contracting HIV when an inmate is sexually victimised, there is a correctional services policy on HIV/AIDS that seeks to address the issue. “However, the policy is not always effectively managed or understood” this is according to the (South African Human Rights Commission, 1998). One could therefore argue that the lack of understanding or managing this policy makes it easier for perpetrators of sexual assault who are aware of their status, to easily spread the disease. The mismanagement of this policy paints a picture of how correctional centre officials need training on how to deal with victims and perpetrators of sexual assault.

2.4 CONCLUSION

In conclusion, there is still a long way to go for male sexual assault to stop occurring in South African correctional centres. The environment in which offenders live in is undoubtedly a cause for concern which needs to be investigated in order to prevent more sexual offences from occurring. Sexual assault does not only include penetration, but other sexual advances that are made to the victim that are unpleasant lead to the actual act of sexual assault.

CHAPTER 3: THEORETICAL FRAMEWORK

3.1. INTRODUCTION

There are several theories that could be used to explain this phenomenon. Even though there are many academic sources regarding correctional centres environment, not much of it discusses in depth how that typical environment encourages sexual behaviour amongst male sexual assault in Kokstad medium correctional centre include, Routine Activities theory by Lawrence E. Cohen and Marcus Felson, as well as victim precipitation theory by Marvin Wolfgang. These are all theories that intend to explain why people engage in illegal activities and how the environment in which one resides in can induce criminal behaviour.

3.1.1. Routine Activities Theory

When one speaks of Routine Activities theory (further noted as RAT), one can generally state that it is a theory that describes or explains how daily routines of an individual can attract victimisation. Offenders have a set daily routine that they should follow. When one looks at this routine, it will assist in analysing where and when the chances of sexual assault occur or could occur. For crime/crimes to occur, according to the RAT theory, there must be a motivated offender, suitable target and a lack of capable guardianship. These three aspects are all intertwined or interdependent on each other. According to Burke (2013) “motivated offenders are perceived to be predominantly young males. Suitable targets are in the form of a person or property.” The way in which a target is suitable is based on four characteristics or attributes namely, Value, Inertia, Visibility and Accessibility, which will be referred to as VIVA. What is meant by value is the worth of stolen item. Inertia referring to how easily accessible it is to obtain the item of interest for the offender. Visibility according to Burke (2013) allows for the person or property to be identified for attack. Lastly, accessibility refers to how easy it is to gain access to someone’s property.

In the case of male sexual assault in South African correctional centres, one can use this theory in explaining how such an act occurs. The formal and informal guardians could be the wardens and other officials that are on duty, informal guardians would be the fellow offenders. Although this theory states that the presence of informal guardians could reduce or decrease the occurrence of a criminal act, it may not always be the case in a correctional centre. In terms of informal guardians, it can be difficult for them to reduce the risk of an act of sexual assault from occurring. It would be likely reduced in the presence of a formal

capable guardian. One of the reasons as to why informal guardians can be unable to stop such acts from occurring could be because they themselves do not want to end up being on the receiving end of sexual assault. It is of general knowledge that in South African correctional centre there is the presence of gangs. According to Gear (2001) the numbers gangs most commonly known in South Africa are the 28's and the 26's. Such gangs could also be seen as the reason for informal guardians to allow an act of sexual assault occur, due to the amount of power and control that they have over other offenders that do not belong to any numbers gang within the correctional centre. One can therefore critique this aspect of the theory by stating that whether an informal or formal guardian is present, does not guarantee that a crime will not occur or can be prevented.

With regards to a perpetrator, also known as a willing offender, in this case they spot the victim. According to Gear (2001), the young males are often seen as targets. Not only because they are young, but because they are new to the correctional centre environment and are yet to form acquaintances with capable guardians. Most young males that enter correctional centres are not aware of how life operates within correctional centres. When a new offender arrives, it produces an opportunity for the willing offender to attack him. According to the routine's activity theory, of the four attributes, inertia, accessibility and visibility play a huge role in the promotion of sexual assault. Considering that correctional centre environment of South Africa, there is no access to/of privacy, therefore visibility and inertia for the offender promote that willing sense in an offender to commit sexual assault. According to Wortley and Mazerolle (2013) "the environment is not just a passive backdrop for criminal behaviour; rather it plays a fundamental role in initiating the crime and shaping its course." In correctional centres, there is a distinct routine that is followed. This is a daily routine which often has a few or minor changes. The correctional centre environment does not change. If an offender can monitor and track the movements of a suitable target, it would make attacking the target easier. Based on the idea that the sexually violent offender is powerful, they could only be deterred by formal capable guardians. When one reads about routine activities theory, one of the VIVA attributes talks about value. In correctional centres, South African correctional centres, it can be taken lightly by the public as to what valuable possessions offenders have. In terms of male sexual assault, value comes in the form of having authority and ownership of one's victim. The ability to control one's victim can be the ultimate value of male sexual assault in South African correctional centres. (Gear, 2001)

corroborates this statement by claiming that victims are being referred to as ‘*wyflies*’. This title, for any man incarcerated is a patronising title.

One cannot however argue with the fact that routine activities theory is a situational or opportunistic theory. As stated by Wortley and Mazerolle (2013) “opportunity implies only that certain situational factors make it easy for the individual to follow a course of action that will deliver benefits.” By this statement, one recognises or realise that even though studying the daily pattern of an individual, does not mean that a planned attack on the target will be successful. A perfect opportunity must present itself so that the crime can occur. According to routine activities theory, an opportunity to commit a crime will arise when there are two or more willing offenders and there is a lack of formal and informal guardians that can stop the crime from occurring.

3.1.2. Victim Precipitation Theory

The victim precipitation theory was introduced by Marvin Wolfgang in the late 1950’s. “The term he introduced ‘victim precipitation’ became a popular descriptor for all direct-contact predatory crime (e.g. murder, assault, forcible rape, robbery)” (Miethe and Meier, 1990). Victim precipitation theory argues that the behaviour of the victim instigates partially or wholly, the actions of the victimiser. One could argue that victim precipitation theory seeks to explain the occurrence of crime based on the activities, and lifestyle of potential victims. “Routine activities theory and victim precipitation theory presume that the habits, lifestyles, and behavioural patterns of potential crime victims enhance their contact with offenders and thereby increase the chances that the crime will occur” (Miethe and Meier, 1990). A criminal act is a mutually undertaken process. However, with victim precipitation theory, the guilty can be said to be often the victim or the injured. This could be largely related to the fact that this theory states that an individual can either actively or passively initiate the occurrence of a crime toward themselves. Siegel (2006) mentions that “during passive precipitation, the victim unconsciously exhibits behaviours or characteristics that instigate or encourage the attack, whereas active precipitation is the opposite of the afore-described.” Furthermore, stated by Miethe and Meier (1993) is that “under each of these definitions, there is an explicit time ordering of events in which victims initiate some type of action that results in their subsequent victimisation.” For instance, during passive precipitation, the victim could be a homosexual inmate who “unknowingly” is initiating victimisation because of his sexuality. With active precipitation, the victim is consciously aware that their behaviour is initiating victimisation. A first-time offender will be aware that he or she may be targeted for various

forms of victimisation. Originally criminologists believed that an individual was responsible for a crime. However, over the course of time, it has become apparent that the victim can either passively or actively initiate the occurrence of a crime.

In the case of victim precipitation theory, there is a linkage between this theory and the occurrence of sexual assault. According to (Gear, 2001) “young offenders are generally considered to be at particularly high risk of becoming rape victims behind bars.” This statement can be used to explain how young offenders can passively initiate the occurrence of sexual victimisation. Furthermore, regarding young offenders, Tepper, Duffy, Henle, and Lambert (2006) states that “some persons unknowingly assume the role of submissive victim by demonstrating little ability to protect themselves against mistreatment.” However, an argument that could arise with this theory is that the perpetrators behaviour can be associated with emotional stress and misplaced anger towards the criminal justice system.

It is of public assumption and knowledge that correctional centres within South Africa are not exactly the safe hubs that some may believe to be. The number of illegal activities that occur within South African correctional centres generally make the correctional centres unsafe, thus making them a dangerous place. The more an offender is exposed to dangerous and illegal activities, they are more likely to be found in the dangerous places within the correctional centre. This exposes the offender to being victimised because some of the people that they interact with are engaged in the above-mentioned activities. Therefore, making it easy for acts such as sexual victimisation to occur. The exposure to illegal activities greatly affects the lifestyle of an offender. The lifestyle of certain people increases the exposure to the criminal element of a correctional centre, thereby facilitating their victimisation. Being an advocate for the homosexual in correctional centres could greatly impact on the victimisation of an individual. Perpetrators of sexual assault may view an offender that supports homosexuality as someone who “plays for both teams”, thus leading to the victimisation of an offender through active precipitation.

The vulnerability of a victim could automatically make him/ her a victim of a crime. For instance, outside of the correctional centre context, the elderly would be regarded as actively initiating any form of crime to occur to them. Much so for new offenders as well as younger offenders who are easily targeted for sexual assault. Vulnerable victims present themselves as anxious, distressed, and dissatisfied. Potential perpetrators will automatically regard them as submissive victims. Much like the victims of bullies amongst school children, the

characteristics are similar. Therefore, one could agree with Tepper et al. (2006) in that “victim precipitation captures the notion that targets of hostility may participate to some degree in their own victimisation”. Regarding offenders in correctional centres, vulnerable victims, as mentioned above could include young and old offenders, homosexual offenders, as well as new offenders.

How then can victim precipitation theory be used to understand the causes of male sexual assault in correctional centres? Firstly, homosexual offenders could be argued that they consciously exhibit behaviour that makes them possible victims of sexual assault. In the sense that, perpetrators would be of the notion that the victims are already used to penetration from another male, and therefore it would be expected of them (the victim) to not find anything wrong with being a victim or a possible *wyfie* to another offender. However, one could argue that there are offenders who are not as open about their sexual identification in fear of being sexually victimised. However, other offenders may be able to identify certain characteristics that they believe show signs of a possible victim being homosexual.

The challenges of working with theories of crime victimisation is that the victim is portrayed as the main cause of the occurrence of crime. “Work that has incorporated victim perspectives, such as Wolfgang’s (1958) research on homicide and especially Amir’s (1971) related work on rape, encountered political difficulty because it appeared that the victim bore some responsibility for the crime” (Meier and Miethe, 1993). Little or no regard is given to the offender. Arguably, the behaviour of the perpetrator seems to be justified regarding victim precipitation theory. This means that should the victim be found “guilty” of either passively or actively instigating the occurrence of the crime, the offender may view his or her behaviour as something that had to be done in order to make the victim aware of their crime instigating behaviour. Therefore, this theory could be viewed not only as a victim centred theory, but also a theory that seeks to invalidate the offenders’ behaviour and shifting all blame to the victim. However, according to Muftić and Hunt (2013) “to avoid accusations of victim blaming, subsequent researchers have abided by a rather stringent measure of victim precipitation; one that has relied primarily on whether or not the victim was the first to use physical force.” Regulatory failures such as reporting of cases, ignorance of policies, as well as slacking in disciplinary procedures on the part of correctional centre officials affect victim precipitation. If other victims of sexual assault are aware that correctional centre officials are of the assumption that in a sexual assault case, the victim actively instigated the assault, other victims may not want to come forward to report such cases.

3.2. CONCLUSION

From this chapter, it can be concluded that although routine activity theory and victim precipitation theory are used to explain how and why male sexual assault occurs in correctional centres, it is only to a minimum. There is no specific theory that could be used to explain male sexual assault without being criticised. An opportunity must be available for the crime to occur.

CHAPTER 4: RESEARCH DESIGN AND METHODOLOGY

4. INTRODUCTION

No formal research can be conducted without having or making use of a research method. It is an important component for any research to have one or both research methods used, be it qualitative or quantitative research methodology. The purpose of using a research method is to guide the researcher in investigating the problem at hand by not being biased, subjective, and unethical. Instead research methods guide the researcher to be objective, detached, and ethical when in the field.

4.1. Research design

The problem that informed this study was the prevalence in male sexual assault in South African correctional centres, yet there is no available literature that seeks to explain this phenomenon at the Kokstad medium correctional centre. Therefore, this study used a phenomenological design that both exploratory and descriptive in nature.

4.1.1. Exploratory Research

Exploratory research, as the name states, intends merely to explore the research questions and does not intend to offer final and conclusive solutions to existing problems. Bryman (2004) holds the view that it is conducted to determine the nature of the problem, and is not intended to provide conclusive evidence, but helps to have a better understanding of the problem. Explanatory research indicates a progression in the investigative process as it attempts to explain certain phenomenon in terms of the presence or absence and nature of certain relationships between key variables.

In light of the above, when conducting this study, the researcher was willing to change her direction as a result of revelation of new data and new insights. Therefore, the study ensured the participants' acquaintance with the subject, to increase their understanding of the causes of male sexual assault in the attempt to solve the problem in the study area.

4.1.2. Descriptive Research

Descriptive research can be explained as a statement of affairs as they are at present with the researcher having no control over variable. Moreover, "descriptive research may be characterised as simply the attempt to determine, describe or identify what is, rather than establishing why it is that way or how it came to be (Bayens & Roberson, 2011). This means that in qualitative studies, descriptions are more likely to refer to a more intensive

examination of phenomena and their deeper meanings, thus leading to a more comprehensive description. Bayens and Roberson (2011:28) define descriptive research as the search for information related to a relatively unknown population or phenomenon for the sake of providing a representative description. The information is often represented in terms of means and frequencies that are used to describe the population or phenomenon for the sake of generalised qualitative comparison across contexts.

This study included relevant stakeholders who understand the phenomenon under investigation. Their understanding was probed by means of an intensive interview schedule guide aimed at ascertaining their viewpoints on the subject, and to provide them with more detailed information on the causes of male sexual assault in correctional centres.

4.2. Research Philosophies

The biggest question from many researchers is “how knowledge is created and developed?” To provide a precise answer to this question, the researcher should provide the research philosophy/philosophies that guide a study. The philosophies that guided this study are as follows:

- (i) The goal of qualitative phenomenological perspective is to describe a "lived experience" of a phenomenon. As this is a qualitative analysis of narrative data, methods to analyse its data must be quite different from more traditional or quantitative methods of research.
- (ii) Constructivism accepts reality as a construct of human mind, therefore reality is perceived to be subjective. Moreover, this philosophical approach is closely associated with pragmatism and relativism.

These philosophies deal with the nature of reality, the nature of knowledge and selecting the appropriate values and ethics.

4.3. Discussion on Research Approaches

At present, there are three well-known and recognised approaches to research, namely: the qualitative, quantitative and mixed methods. These three approaches differ radically from each other. The qualitative research approach is also known as the socio-anthropological research approach. This approach is interpretative, and ethnographic in nature. This underlying approach requires detailed observation, explanation and assumes that it is impossible to define exactly what elements are important and crucial and should be

considered to the exclusion of others. It argues that trustworthiness in this approach is important than attempting rigorously to define what is being observed and by so doing study the whole situation. It attempts to study the whole situation to evaluate the complexity and ensure that their conclusion take account of both unique and general factors (Bayens & Roberson, 2011). Quantitative research approach on the other hand is empirical in nature; it is also known as the scientific research approach. This approach ensures validity and reliability by the process of rigorous clarification, definition or use of pilot experiments. That is trying out the instruments beforehand and checking their relevance with experts and assessing their reliability by use of statistical tests. This approach can be further sub-classified into inferential, experimental and simulation approaches to research (Bayens & Roberson, 2011). Mixed method approach is a combined approach that gathers data using both qualitative and quantitative designs and methods in a single research project. Combining quantitative and qualitative methods can capitalize on the strengths of each approach and offset their weaknesses. It may also provide more comprehensive answers to research questions and hypothesis by going beyond the limitations of a single approach to study a phenomenon. A researcher will first decide which approach should be the main dominant approach to be used and then add the design and method of data collection of the less dominant approach (Bezuidenhout, 2011).

Bezuidenhout (2011:47) citing (Green, et al. 1989) identified five major purposes for the mixed-method approach:

- Triangulation – Findings obtained through different qualitative and quantitative methods.
- Complementary – The results from one method will be clarified and illustrated using of another method; for example, interviews will add information and will qualify scores and statistics.
- Development – Results from one method will shape subsequent methods or steps in the research process; partial results from a study might suggest that other assessments should be incorporated.
- Initiation – Research questions, hypothesis or challenges based on results obtained through one method will stimulate new research questions, hypothesis or challenges.

- Expansion – Richness and detail in the study as it explores specific features of each method and provides better results.

In addition to the abovementioned purposes of the mixed-method approach, Creswell et al, (2003) as cited by Bezuidenhout (2011:47) believed there are four main reasons to combine qualitative and quantitative methods. They are to:

- Explain or elaborate on quantitative results with subsequent qualitative data.
- Use qualitative data to develop a new measurement instrument or theory that is subsequently tested.
- Compare qualitative and quantitative data sets to produce well-validated conclusions, and;
- Enhance a study with a supplemental data set, either qualitative or quantitative.

In essence, a research strategy integrating methods is more likely to produce better results in terms of quality, reliability and scope. A mixed-methods approach is a way to come up with creative alternatives to traditional ways of undertaking research.

The research approach that was used is qualitative research in a deductive manner. Qualitative research allows for an in-depth understanding of the question at hand. “Qualitative data provide insight into cultural activities that might otherwise be missed in structured surveys or experiments. Such work has the potential to provide insight about marginalized, stereotyped, or unknown populations – a peek into regularly guarded worlds, and an opportunity to tell a story that few know about” (Tracey, 2013). Additionally, it seeks to understand a given research problem or topic from the perspectives of the local population it involves. Using qualitative research will allow for the researcher and reader to understand from the perspective of Offenders and warden just how the correctional centre environment operates and how it breeds illegal activities such as sexual assault. The use of a qualitative method facilitates a more in-depth understanding of factors that would be difficult to get in a quantitative survey alone. “Subjective factors such as opinion, attitude, personality, emotion, motivation, interest, personal problems, mood, drive and frustration are relatively more complex, and hence more difficult to capture quantitatively than variables that can be empirically verified” (Baumgartner and Strong, 1998). Kokstad medium correctional center is

situated south of KwaZulu Natal, in the small town of Kokstad. The field site was chosen based on how accessible the correctional centre is for the researcher.

According to Bryman (2004) the qualitative approach has the following assumptions:

- Qualitative researchers are concerned primarily with process, rather than outcomes or products.
- Qualitative researchers are interested in meaning how people make sense of their lives, experiences, and their structures of the world.
- The qualitative researcher is the primary instrument for data collection and analysis. Data are mediated through this human instrument, rather than through inventories, questionnaires, or machines.
- Qualitative research involves fieldwork. The researcher physically goes to the people, setting, site, or institution to observe or record behaviour in its natural setting.
- Qualitative research is descriptive in that the researcher is interested in process, meaning, and understanding gained through words or pictures.
- The process of qualitative research is inductive in that the researcher builds abstractions, concepts, hypotheses, and theories from details.

From Bryman (2004) assumptions, the researcher submits that research approach is good at simplifying and managing data without destroying complexity and context. Qualitative methods are highly appropriate for questions where pre-emptive reduction of the data will prevent discovery. If the purpose is to learn from the participants in a natural setting or a process the way they experience it, the meanings they put on it, and how they interpret what they experience, the researcher needs methods that will allow for discovery and do justice to their perceptions and the complexity of their interpretations. Bryman (2004) further portrays that qualitative methods have in common the goal of generating new ways of seeing existing data. If the purpose is to construct a theory or a theoretical framework that reflects reality rather than the researchers own perspective or prior research results, one may need methods that assist the discovery of theory in data. If the purpose is to understand phenomena deeply and in detail, the researcher needs methods for discovery of central themes and analysis of core concerns. Each of these suggestions has another side, for consideration. If the researcher knows what is being envisaged? What they are likely to find? Knowing the complexity of

others' understandings? Whether the researcher is testing prior theory rather than constructing new frameworks? Determining if a researcher is describing a situation rather than deeply analysing it? Answering these questions refers to the understanding of qualitative research approach and its functioning thereof.

4.3.1. Limitation of Qualitative Research

The aim of qualitative analysis is a complete, detailed description. No attempt is made to assign frequencies to the linguistic features which are identified in the data, and rare phenomena receives (or should receive) the same amount of attention as more frequent phenomena. Qualitative analysis allows for fine distinctions to be drawn because it is not necessary to shoehorn the data into a finite number of classifications. Ambiguities, which are inherent in human language, can be recognized in the analysis. For example, the word "red" could be used in a corpus to signify the colour red, or as a political categorization (i.e. socialism or communism). In a qualitative analysis both senses of red in the phrase "the red flag" could be recognized. The main disadvantage of qualitative approaches to corpus analysis is that their findings cannot be extended to wider populations with the same degree of certainty that quantitative analyses can. This is because the findings of the research are not tested to discover whether they are statistically significant or due to chance (Cohen & Crabtree, 2006).

It should be noted that research methods in the social sciences are characterised by two basic philosophical traditions, that is phenomenological and positivist, which find expression in qualitative and quantitative methods. However, a qualitative approach reflects a historical, intuitive or observational approach that attempts to seek a deeper understanding of complex situations. It is often exploratory in nature, more holistic and 'emergent', with specific focus, design, measurement instruments, and interpretations developing and possibly changing along the way. Qualitative researchers operate under the assumption that reality is not easily divided into discrete, measurable variables. Researchers are often described as the research instrument because the bulk of the data collection is dependent on their personal involvement (interviews and observation) in the natural setting (Braun & Clarke, 2006).

For this study, the researcher still maintains that the usage of the qualitative research approach brought an understanding of the research topic and solved the research problem by drawing from the participants' responses, to bring about a complex and detailed understanding of the causes of male sexual assault at the Kokstad Medium Correctional

Centre. Based on this, the researcher adopted qualitative approach for this study as previously stated.

4.4. Study Areas

The data for this study was collected at the Kokstad medium correctional centre.

4.4.1. Kokstad

Kokstad is a small town located South of KwaZulu Natal. This town is the border town of Eastern Cape and KwaZulu Natal, under the Harry Gwala District Municipality. According to Statistics South Africa 2011, the population in Kokstad as of 2011 was 65981 (24.62 per km²). “Kokstad serves as the service centre and commercial hub for most of East Griqualand and nearby parts of the Eastern Cape it borders with” (Harry Gwala District Municipality, 2017).

4.5. Target Population

The target population is the population to which the researcher ideally would like to generalise his or her results (Maluleke, 2016). White (2005) cited in Maluleke (2016) defines population as all possible elements that can be included in the research. The population can be people or television programmes, or curricula or anything that is investigated as focus of the research project.

4.6. Sampling

Of the 10 offenders selected, the focus was on the perpetrators. One major important reason for choosing the perpetrators was to avoid an ethical problem where the victims would have been subjected to secondary victimization. In terms of age of the offender, I interviewed both young and old, to gain an understanding from both perspectives. For obvious reasons, only male offenders were interviewed. I interviewed offenders that have been incarcerated for 6 months and above. These were offenders who have some form of knowledge with the issue of sexual assault in correctional centres. Also considering that the dissertation wanted to establish if there is some truth to the notion that “young offenders are generally considered to be at particularly high risk of becoming rape victims behind bars” (Gear 2001).

The criterion for the 10 correctional centre officials included the following: Wardens that have 5 years and above years of job experience. These were people who have some form of access to the cells and monitoring of the offenders daily. Both male and female correctional centre wardens were interviewed.

4.7. Sample size and procedures

Although there are many kinds of sampling techniques they can be divided broadly into two types: probability and non-probability. Probability sampling allows us to specify the probability that any given element in a population will be included in the sample, while non-probability sampling does not permit one to determine the likelihood that an element in the population will be selected. Probability sampling therefore has significant advantages over non-probability sampling. The sampling method that will be used is snowball sampling. According to (Neuman 2011) snowball sampling is “a method for sampling (or selecting) the cases in the network.” The network in this study will be the offenders within the Kokstad medium correctional center. Names of participants will be received first, through a process of going through the reported case files of sexual assault. Cases that have the name of the offender will be of an advantage to the researcher. However, if there is only one offender listed, the researcher would make use of the referrals from that offender. This would therefore mean that from the referrals which are given to the researcher, the researcher would therefore after the interview ask the interviewee if he has anyone in mind that is or has been a perpetrator of sexual assault. Snow ball sampling in this study will assist the researcher in getting the relevant participants. The participants will be offenders that are or have been perpetrators of sexual assault. Participants that were once victims of sexual assault and are willing to come forward and share their stories will be considered. However, these participants, along with other participants, will have to be interviewed in the presence of a psychologist to avoid secondary victimization. The presence of a psychologist will mean that a non-disclosure agreement will be entered by the psychologist and researcher.

(Neuman 2011) furthermore states that “the crucial feature is that each person or unit relates to another through direct or indirect linkage.” With snowball sampling, the referrals will go on and on until there are no more referrals. This is both an advantage and disadvantage in that, one may end up with more participants or fewer participants than expected.

4.8. Data Collection

The benefits of the qualitative approach are that the information is richer and has a deeper insight into the phenomenon under study. Data collected should be based on quality as opposed to quantity even though the two may be intertwined in research. In this study, participants were selected based on their knowledge and experience. This study made use of in depth interviews. According to (Tracey, 2013) “qualitative interviews provide opportunities for mutual discovery, understanding, reflection, and explanation via a path that

is organic, adaptive, and oftentimes energizing.” In depth interviews allow for the researcher to ask the necessary questions pertaining to the chosen topic, while trying not to violate or intimidate the interviewee. Interviews were done using a voice recording tape as well as taking down notes. The use of the above-mentioned data capturing instrument was to assist the researcher in capturing as well as transcribing the appropriate words used by the participants. The use of a voice/tape recorder also assisted in maintaining the confidentiality and privacy of the interviewees, thus adhering to the ethical guidelines that bound the researcher and the research. There was a prepared set of questions that the researcher used. As mentioned that offenders and correctional services’ officials will be interviewed in depth. In-depth interviews will be used in that they allow for open ended questions where an individual will be able to explain in depth for the interviewer what is going on within the correctional centre.

4.8.1. Literature Review

According to Welman, Kruger and Mitchell (2005:38), in an academic research the classic way to identify a research problem is to do a literature review, basing conclusion to the fact that in discussion their findings (in their research reports), previous researchers may have suggested ways of eliminating inconsistencies between their findings and those of other studies or a theory (to ensure that one does not merely duplicate a previous study). In addition, Bryman (2004), mentions that there are a number of reasons why a review of literature is so important, including; to discover what the most recent and authoritative about the subject is, to identify the available instrumentation that has proven validity and reliability and to ascertain what the most widely definitions of key concepts in the field are. In support of the mentioned statement, a review of literature is aimed at contributing towards clearer understanding of the nature and meaning of the problem that has been identified, said De Vos, et al (2002:127).

There have been selections of primary and secondary sources consulted by the researcher, such as:

- South African Bill of Rights
- Correctional Services Act of 1998
- Annual Reports of the Department of correctional Services
- The official crime statistics;

- Relevant publications
- Text Books
- Journals and articles
- Dissertations and thesis

4.9. Data analysis

According to (Family Health International 2016) “one advantage of qualitative methods in exploratory research is that use of open-ended questions and probing gives participants the opportunity to respond in their own words, rather than forcing them to choose from fixed responses, as quantitative methods do.” Thematic analysis will be used in analysing the data. Thematic analysis as stated by (Braun and Clarke 2006) is “a qualitative analytic method for: ‘identifying, analysing and reporting patterns (themes) within data.’” The themes that will be analysed include the themes found in the literature review such as, sex as a currency and so forth. When one speaks of patterns as well, it will be identifying the pattern used by offenders of sexual assault and whether or not they are similar, or do they differ. The effectiveness of thematic analysis will derive from the familiarisation of data by the researcher, this will be possible because the researcher will conduct tape recorded interviews and transcribe them, and it will then allow the researcher to familiarise with the data for an expedited and insightful analysis. However, this research, will be looking for common threads from among the respondents that would provide an opportunity to ascertain patterns that show common cause or commonalities among the research participants.

4.10. Rigour in Qualitative Research Approach: Ensuring Trustworthiness

Gathering of raw data in a semi-structured way confirms the data collection process in qualitative research approach. This study adopted in-depth interviews as the preferred data collection technique. Examples of raw data are the voice recorder or transcripts of responses from the questions posed to the participants in this study. It should be noted that a true reflection of qualitative study findings is ensured by means of the maintenance of vast records interviews and by documenting the data analysis in detail. The selected participants of this study were listened to attentively by the researcher during the interviews to attain trustworthiness and validity of the study findings. The researcher used proper recording techniques to record data. The maintenance of accuracy of the findings of this research was

attained by the researcher by reporting the exact participant responses and seeking feedback from the participants when the need arose.

For this study, qualitative processes to ensure that data collection methods meet the requirements of trustworthiness were followed and taken into account. Methodological and disciplinary conventions and principles were applied to ensure trustworthiness of this study.

The trustworthiness of qualitative research generally is often questioned by positivists, perhaps because their concepts of validity and reliability cannot be addressed in the same way in naturalistic work. Nevertheless, several writers on research methods, notably Silverman (2001), have demonstrated how qualitative researchers can incorporate measures that deal with these issues, and investigators such as Pitts (1994) have attempted to respond directly to the issues of validity and reliability in their own qualitative studies. Many naturalistic investigators have, however, preferred to use different terminology to distance themselves from the positivist paradigm. One such author is Guba (1981), who proposes four criteria that he believes should be considered by qualitative researchers in pursuit of a trustworthy study. By addressing similar issues, Guba's constructs correspond to the criteria employed by the positivist investigators:

4.10.1.Credibility (in preference to internal validity)

One of the key criteria addressed by positivist researchers is that of internal validity, in which they seek to ensure that their study measures or tests what is intended. According to Shenton (2002), the qualitative investigator's equivalent concept, i.e. credibility, deals with the question, "How congruent are the findings with reality?" Lincoln and Guba (1985) argue that ensuring credibility is one of most important factors in establishing trustworthiness. For this study, the researcher interpreted the data received from the participants in a correct and exact manner. The researcher further used multiple sources of data collection (in-depth interviews and Literature review) and spent long periods of time with the selected participants in the natural setting to understand their perceptions on the subject under investigation. This helped in getting better understanding of the participant's insight to this problem. To increase the credibility of this study, the findings were believable from the participants' viewpoints.

Furthermore, the following provisions were made by the researcher to promote confidence in the accuracy of the collected data in this study:

- (a) The adoption of research methods was well established in a qualitative research approach.
- (b) The development of an early familiarity with the culture of participating organisations before the first data collection dialogues take place. This was achieved via consulting appropriate documents and preliminary visits to the correctional centre.
- (c) Utilisation of snowball sampling methods in the selection of participants of this study. Although much qualitative research involves the use of purposive sampling, a random approach negated charges of researcher biasness in the selection of participants.
- (d) Triangulation involved the usage of different methods, especially in-depth interviews, which formed the major data collection strategies.
- (e) Tactics to help ensure honesty in informants when contributing data were developed. In particular, each person who was approached were given opportunities to refuse to participate in the project so as to ensure that the data collection sessions involved only those who were genuinely willing to take part and prepared to offer data freely. Participants were encouraged to be frank from the outset of each session, with the researcher aiming to establish a rapport in the opening.
- (f) Frequent debriefing sessions between the researcher and her supervisor, were constantly held. Through discussion, the vision of the investigator was widened as the supervisor brought to bear his experiences and perceptions. Such collaborative sessions were used by the researcher to discuss alternative approaches and drew attention to flaws in the research.
- (g) Peer scrutiny of the research project was welcomed. Opportunities for scrutiny of the project by colleagues, peers and academics was welcomed. Feedback offered to the researcher at presentations (at colloquiums) that were made over the duration of the project was also welcomed. The fresh perspective that such individuals brought allowed them to challenge assumptions made by the researcher, whose closeness to the project frequently inhibits his ability to view it with real detachment.

4.10.2. Transferability (in preference to external validity and generalizability)

External validity is concerned with the extent to which the findings of one study can be applied to other situations. In positivist work, the concern often lies in demonstrating that the

results of the work at hand can be applied to a wider population. Since the findings of a qualitative project are specific to a small number of particular environments and individuals, it is impossible to demonstrate that the findings and conclusions are applicable to other situations and populations. The researcher proposes that, if the situations are to be similar to that described in the study, they may relate the findings to their own positions; than transferability can happen. It was further envisaged by the researcher that if another researcher can subject the findings of this study to similar circumstances, and apply the same research design and methodology, the same results would be obtained.

4.10.3. Dependability (in preference to reliability)

In addressing the issue of reliability, the positivist employs techniques to show that, if the work were repeated, in the same context, with the same methods and with the same participants, similar results would be obtained. However, the changing nature of the phenomena scrutinised by qualitative researchers renders such provisions problematic in their work. The researcher's observations are tied to the situation of the study, arguing that the "published descriptions are static and frozen in the 'ethnographic present'. Lincoln and Guba (1985) stress the close ties between credibility and dependability, arguing that, in practice, a demonstration of the former goes some distance in ensuring the latter. This may be achieved using of "overlapping methods", such as the focus group and individual interview. To address the dependability issue more directly, the processes within the study should be reported in detail, thereby enabling a future researcher to repeat the work, if not necessarily to gain the same results. Thus, the research design may be viewed as a "prototype model". Such in-depth coverage also allows the reader to assess the extent to which proper research practices have been followed. It will enable readers of the research report to develop a thorough understanding of the methods and their effectiveness. This study includes the use of thematic to analyse the collected data, which helped to prevent the researcher from making the wrong deductions and interpretations. The researcher was also cautious and did not make his own deductions or suggestions to direct the view point of the participants. The researcher further took care of not manipulating the collected data to fit a certain viewpoint. Reliability will be improved, by triangulation for example using multiple sources of data gathering (In-depth interviews and Literature review). Moreover, this study included:

- (a) The research design and its implementation, describing what was planned and executed on a strategic level;

- (b) The operational detail of data gathering, addressing the minutiae of what was done in the field; and
- (c) Reflective appraisal of the project, evaluating the effectiveness of the process of inquiry undertaken.

4.10.4. Confirmability (in preference to objectivity)

The concept of confirmability is the qualitative investigator's comparable concern to objectivity. Here steps must be taken to help ensure as far as possible that the work's findings are the result of the experiences and ideas of the informants, rather than the characteristics and preferences of the researcher. The role of triangulation in promoting such confirmability must again be emphasised, in this context to reduce the effect of investigator bias. The detailed explanation of how the data was collected and analysed in this study supported confirmability. This will enable other researchers to scrutinise the adopted research design and methodology and if the same data collection methods can establish similar conclusions. Furthermore, the following principles of confirmability were considered in this study by the researcher as suggested by Miles and Huberman (1994):

- (a) The beliefs underpinning decisions made and methods adopted were acknowledged within this study,
- (b) The reasons for favouring one approach when others could have been were explained and the weaknesses in the techniques actually employed were admitted.
- (c) In terms of results, preliminary theories that ultimately were not borne out by the data were discussed. Much of the content in relation to this was derived from the ongoing "reflective commentary".
- (d) A detailed methodological description was acknowledged which enables the reader to determine how far the data and constructs emerging from it may be accepted. Critical to this process is the "audit trail", which allows any observer to trace the course of the research step-by-step via the decisions made and procedures described. The researcher chose a data-oriented approach, showing how the data eventually leading to the formation of recommendations was gathered and processed during the course of this study.

4.11. Ethical Considerations

Ethical issues form an integral part of any research project. Bryman (2004) argues that access is usually mediated by gatekeepers who are concerned about the researcher's motives. In all cases, informants participated voluntarily, and they were insured that their identity will remain anonymous. This research ensured anonymity and confidentiality by using pseudonyms and obtained informed consent from the participants.

The importance of good research ethics is growing both locally and internationally, to promote the application of ethical standards to human beings, animals and the environment. The National Committee for Research Ethics in Science and Technology (NENT) (2007: 11) highlights that Just as ethics is about a vision of the good life, research ethics is about a vision of good knowledge. The term "research ethics" refers to a diverse set of values, norms and institutional regulations that help constitute and regulate scientific activity. Ethics may be operationalized as good research practice. Good research practice entails that the aims of research do not violate common morality, ethics and respect for human dignity. Good research practice also entails that the researcher respects current regulations and principles of research ethics. Both the researcher and the research institution are responsible for accommodating and exercising good research practice.

The field of research ethics contains many elements. Research has a fundamental ethos, namely the search for truth. At the same time, research ethics emphasizes that research has a more general responsibility to society. Research ethics also concerns the internal relationship among researchers, as well as the relationship between researchers and other people. Research may in addition have consequences for animals and the environment. These guidelines attempt to cover all these elements for everyone who is involved in research.

The researcher understands the ethical and legal responsibilities of conducting research. With that in mind, the participants were treated with respect, as objects of study within the social science context. In support of this statement, Bryman (2004) states that researchers have two basic categories of ethical responsibilities, namely: the responsibility to those, both human and non-human, who participate in the research project or study, and the responsibility to the discipline, namely to be accurate and honest in the reporting of their research.

The researcher further advocates that research ethics constitute a set of moral principles that are suggested by any individual or any group, subsequently widely accepted, and that offer rules and behavioural expectations about the most correct conduct towards experimental

subjects and participants, employers, sponsors, other researchers, research assistants and students. Therefore, the researcher abided by the ethical code of conduct in the social sciences research and also exercised the ethical obligations with regard to the participants involved in this study, since the participants were informed that this study would not contain any derogatory statements towards other human beings and would not involve any object that might harm them, either physically or emotionally. The participants were also not obliged to participate in this study, and if they did take part, their identities would remain anonymous. .

The researcher applied for all the required permission. For this study gatekeepers' permission has been applied for at the Kokstad medium correctional center as well as UKZN's research ethics committee. This research will ensure anonymity and confidentiality by using pseudonyms and will obtain informed consent by participants. The following known ethical principles were honoured by the researcher:

- The researcher understands that she is not supposed to harm (protection from harm) the experimental subjects or participants – the participants should be given the assurance that they will be identified against any physical and emotional harm;
- The researcher must seek informed consent from institutions prior to conducting the research, and the necessary permission from the participants shall be obtained as well, after they have been thoroughly and truthfully informed about the purpose of the interview and the investigation (see annexures E and F).
- In no way is the researcher supposed or allowed to deceive participants;
- The researcher shall not at any time violate the privacy of participants. This shall be ensured at all costs;
- Researchers shall guard against manipulating participants or treating them as objects or numbers rather than individual human beings; and
- The researcher is neither supposed to nor allowed to release or publish the findings of the study without the consent of the participants.

4.11.1. The University of KwaZulu-Natal Policy on Research Ethics

Similarly, this study was in line with the UKZN Policy on Research Ethics (2014: np). Research at UKZN is conducted and governed within the framework of policies and guidelines that promote impeccable ethical standards.

All research protocols, irrespective of the level (undergraduate, postgraduate, post-doctoral, staff research) are reviewed, using a standard pre-determined set of criteria. Studies are categorised as either: Green: No Risk (no human participant involvement); Orange: Minimal or Low Risk and Red: Increase over Minimal Risk or High Risk. Expedited reviews are conducted on protocols in the Green and Orange categories. Any research protocol classified as Red is subject to a Full Committee Review. Studies classified as Red include the following but are not limited to:

- Children (depends on the nature of the enquiry), teenagers (under 18 years of age),
- pregnant women,
- women living in unequal relationships,
- people living in poor socio-economic conditions,
- people living with HIV,
- prisoners, and
- Mentally compromised individuals.

For this study, the Ethics Review (2014: 1) process included the following:

Scientific Validity

This stage included: Coherence between the topic, aim, objectives and critical research questions, appropriate sample selection for both qualitative and quantitative research, recruitment for each aspect of data collection, submission of the research instruments: questionnaires, interview schedules, data capturing sheets, etc. Research methods must suited the questions being asked.

Data Management

Data management was explained clearly (storage and eventual disposal) and how Confidentiality and privacy was to be maintained.

Gatekeeper Permission

Gatekeeper permission refers to access into an institution/organisation. This access can either be physical or informational. All Institutions/ organisations have the right to be aware of and be given the right to grant or decline permission to a researcher to conduct research in their domains. Research being conducted in public settings do not usually need gatekeeper permissions, but one must be aware that some 'public' spaces, e.g. malls, concerts, etc. are actually private spaces where management permission is required to conduct research.

Gatekeepers can only provide access permission and do not provide consent for the study. Consent is only obtained from the individual participants, care givers, guardians, etc. The gatekeeper permission letter must ideally be presented as an official document bearing either a school/company/clinic stamp or letterhead. An electronic communication is accepted provided that a corresponding e-mail address is attached. Permission was granted from different organisations.

Consent

The Consent process consisted of three parts:

- The Information Sheet (that covers the aims of the study, data collection instrument, duration of data collection, risks/benefits of the study, HSSREC contact details, PI/supervisor and student contact details).
- The Declaration of Consent (where the participant confirms that he/she understands the research process, his/her rights, including the right to refuse participation and/or withdraw from the study without any negative consequences).
- The Person Investigating (PI) should also request for permission to audio-record/video record an interview. The PI simply inserts a sentence:
- Signatures of participants, date, etc. Parental consent must be considered, where applicable. For children under 18 years, learner assent must also be included, where necessary.

Consent forms submitted to ethics review was not signed. The PI only recruited participants after the study was approved; because any signed form is seen as a violation of the approval process.

Minimal Risk or High Risk Studies

This study demonstrated the following:

- How will confidentiality and privacy be maintained?
- How will the psychosocial needs of the participants be addressed?
- What referral patterns/mechanisms are in place?
- Is there a cost factor involved (referrals, consultation, etc.)?
- What will be done to actively minimize potential risks?

This information was included in the Information Sheet.

Other Considerations in the Ethics Process

The following considerations were taken into account:

- How will the study findings be appropriately disseminated among the research participants? This is an ethical obligation to maximize benefit.
- Is there post intervention access to control groups in experimental studies (where an intervention has yielded positive results)?
- What is the social value of the proposed study?

In line with this, Ethical Clearance was given by the University of KwaZulu-Natal Human and Social Sciences Research Ethics Committee (see annexure C)

4.12. The Belmont Report

The national Research Act was signed into law on 12 July 1974 and enacted by the 93rd United States (US) Congress to pave way for the creation of the Protection of Human Subjects of Biomedical and Behavioural Research. Its objective was to ensure that all research involving human subjects is conducted humanely and in accordance with the principles.

Therefore, the researcher in this study adhered to the following principles as outlined in the Belmont Report:

- **Respect for Persons:** this has at least two ethical considerations. The first is that the individual human research participant be treated as an autonomous being—a person who makes decisions or deliberates for herself about personal goals and then acts upon them. The second is that those persons who are not able to make and carry out decisions for themselves, such as children or sick people or those who have a mental disorder, must be protected from coercion by others and from activities that harm them. All participants in this study were treated with respect and as autonomous agents who are capable of deliberating on the study subject under investigation, and to act under such deliberations. Moreover, in this study, participants entered into the research program voluntarily and with good information about the research goals.
- **Beneficence:** this has to do with doing well to the individual. In the Belmont Report, beneficence is understood in a stronger sense, as an obligation, i.e., to do no harm and to “maximize possible benefits and minimize possible harms” to the individual research participant. This study emphasised the fact that the participants should be treated in an ethical manner, which included ensuring that their well-being was protected against any harm.
- **Justice:** this study acknowledges that the basic principle of justice is based on the fact that all people should be treated equally.

4.13. Singapore Statement on Research Integrity

The Preamble suggests that the value and benefits of research are vitally dependent on the integrity of research. While there can be and are national and disciplinary differences in the way research is organized and conducted, there are also principles and professional responsibilities that are fundamental to the integrity of research wherever it is undertaken. These principles are founded on the following:

- Honesty in all aspects of research
- Accountability in the conduct of research
- Professional courtesy and fairness in working with others
- Good stewardship of research on behalf of others

4.14. United Nations Educational, Scientific and Cultural Organisation (UNESCO) guidelines on research ethics Code of Conduct in Social Science Research

UNESCO attaches the highest priority to the maintenance of high standards of integrity, responsibility and accountability in the research it supports. This applies to all aspects of that research from collection, recording, citing and reporting to the retention of scientific material.

As UNESCO fosters international, interdisciplinary, comparative and policy-relevant social science research, network and research activities will take place in many parts of the world, and within a variety of economic, cultural, legal and political settings. Researchers may therefore inevitably face ethical, sometimes legal, dilemmas from competing obligations and conflicts of interest.

CHAPTER 5: DATA ANALYSIS AND FINDINGS

5.1. INTRODUCTION

The following chapter will closely analyse the data collected. The primary findings were from the correctional centre officials and offenders. The qualitative data collection technique that was used is in-depth interviews. This method was used to obtain the views, understanding, and opinions of participants on understanding the causes of male sexual assault within the Kokstad medium correctional centre. The findings are presented as verbatim quotations from participants. Individuals are not identified by name, and this is in line with the policy of anonymity discussed earlier and for reasons associated with ethical considerations already outlined in the previous chapters.

The interviews were recorded and then transcribed. The data analysis will make use of excerpts from the audio transcriptions as evidence of identified themes. Reference to the excerpts will be alphanumeric as follows: (21; A; 1:56) where 21 is the date of the interview, A is the participant and 1:56 the time of the excerpt. The questions that formed part of the interviews sought to answer the objectives mentioned in chapter 1, namely, (i.) to understand the nature and extent of sexual assault in Kokstad Medium Correctional Centre. (ii.) Moreover, to understand the extent and nature to which the correctional centres environment affects the occurrence of sexual assault amongst males within this correctional centre. Lastly, to identify rehabilitation programmes and analyse the effectiveness of rehabilitation programmes that are in place for victims of sexual assault. Reference to the study's literature review and theoretical framework will be made to make sense of the findings. The questions for the offenders and correctional officials slightly differ in that some questions were targeted at officials only, while others were targeted at the offenders.

The following section will focus on the questions asked to the offenders.

Sexual assault

The following questions were asked to answer this theme:

1. Does sexual assault occur in this correctional centre?
2. What do you think are the causes of sexual assault?
3. Have you ever been a victim of sexual assault or rape?
 - a. If yes, what measures were taken by the officials to assist you?

4. Would you report a case of rape or sexual assault if you were the victim?
 - a. If not, why?
5. Are you aware of the rehabilitation programmes in place for victims of sexual assault or rape?
6. Do you think they are helpful?
7. What can be done to improve the effectiveness of these programmes?

The participants shared the same sentiments when it came to the occurrence of sexual assault at the centre (Kokstad Medium correctional centre), with most of them agreeing that it does occur.

Yes it does occur. (21; A; 02:28)

Yes it does happen. (21; B; 02:20)

Yes it happens. (21; C; 01:55)

Yes it happens a lot. (21; D 01:51)

I can say it occurs. (24; F; 01:34)

Yes it occurs. (24; H; 01:20)

On the causes of sexual assault, participants associated the occurrence of sexual assault with the presence of gangs in the correctional centre.

Yes, why such a thing happens is because at this correctional centre there is the presence of gangs. With gangs, some work with blood and others do not work with blood; you have your 26's and your 28's. If then you belong to the 28's and you do not like working with blood, physically assaulting another offender, then there has to be another way for you to join the gang so that you do not get hurt. That would mean sexually assaulting another male offender. Working with blood means that you have to physically assault someone until they bleed or stab them. You could either work with blood or get sexually assaulted. (21; A; 2:45)

This is how I will explain it. How I found out, the people who were already staying there had a lifestyle that I did not know about. After some time, I saw it happen and I was shocked. When I saw it I wanted to fight. The victim told me

that the perpetrator convinced him that since he does not have anything, he will buy things for him in exchange for sex. The presence of gangs is also a cause. I do not know much about gangs though. What I got from the victim was that he was convinced to be sexually assaulted because he had nothing. He said this in front of me, you told me that I have nothing. I then asked why is it that you have never asked me to assist you because you can see that I am living a straight life, I can buy these things for you without asking for anything in return? It was obvious that this was something that they had been doing. (24; J; 01:36)

Although the participants that were interviewed had never been victims of sexual assault, some had reported that they have been witnesses to such.

No not me. I have spent 18 years incarcerated therefore I have seen such things happen. (21; A; 7:56)

It almost happened, they promised me soap, roll on but I refused. . (21; E; 03:15)

Not me, I have seen people who have tried. (24; H; 02:37)

No, but they explained it to me when I arrived. Especially when I go shower I was told to use a bed sheet as a shower curtain so that another offender cannot see me. (24; I; 03:43)

It almost happened, they promised me soap, roll on but I refused...I saw on my own what they wanted to do, it never reached a point where I had to tell the officials. They said they loved me but I told them I do not accept their love because if I sleep with them, other offenders will want to sleep with me as well. (21; E; 03:47)

Even hypothetically speaking offenders would report cases of sexual assault to the correctional officer on duty.

Yes. When a male offender says something offensive to you, report that person and evaluate their mental state. Report it to the social workers, who will assist him. (24; F; 07:37)

Yes, I would report such a thing. (24; G; 02:36)

Yes, it is something I would report. My friend and I, I advised him not to agree to certain things. They tried their luck on him, told him they would sew his clothes for him and then took him to stay in a cell with him. He then told me the following morning that at night they tried to sleep with him. At that time overcrowding was an issue when we arrived at this centre because some were sleeping under the beds. I told him to report to the correctional official that he would like to go back to his old cell. Overcrowding is not a cause for sexual assault to occur. What happens is that all the perpetrators of sexual assault like to gather in one cell together. Correctional officials are not able to pick this up. (24; H; 02:53)

I would report it. (24; J; 04:25)

Sometimes they report it, but they are usually mentally victimised by then. I would report it. Others don't report it because you would be killed. I'm in a gang and the victim is not in a gang and he says those clothes must be washed, if you don't wash those clothes, gang members will stab you. So the victim will decide to join the gang. (21; B; 06:37)

It should be reported. I am not scared. (21; D; 04:52)

Rehabilitation programmes are either not known by the offenders or it is the responsibility of the social workers.

No I do not. I reported the case of my cellmates, but the perpetrator is still in this centre and the victim is not here. When I reported it I was told by other offenders that this is taboo here in centre. I could not live with such a thing. The victim left, but one could see that he was embarrassed. I reported it, I did not keep it as a secret. Not even I received help. (24; J; 04:37)

Here in this correctional centre, there are social workers, they assist in such things. (21; A 08:37)

Here inside? They don't have. (21; B; 08:12)

I do not know. (21; C; 03:00)

I don't know, I don't remember. In other centres the offender will be transferred to Bongweni C-Max. Lawfully, victims should meet with social workers to be assisted on how to move forward as well as the religious leaders. Religious leaders from outside, not the ones hired by the department. (21; D; 05:13)

I have never seen it. There are psychologists, who will refer the offender to the hospital and then sent to rehab in Mzimkhulu. Other offenders do not repeat it, for fear of being physically assaulted by the perpetrators. There is an offender who is my home brother, that we were sentenced together in Port Shepstone. We were separated but met again in Port Shepstone. That is where I learnt that one could be killed for talking to someone they know. I was shocked to find my home boy being referred to as a female, because I knew him from before. I sat him down and asked him what is happening. His boyfriend approached us with a knife assuming that I wanted to take his "girlfriend" from him. My home boy was too scared to tell him the truth, this is when I told his boyfriend that my home boy and I are in for the same crime we just got separated. (24; F; 08:51)

Yes I know of social workers. (24; G; 02:51)

Yes there are. There are known perpetrators of sexual assault. When they try to recruit young offenders to live in their cells, we can report it to the officials. (24; H; 04:51)

Whether or not these programmes are helpful, it was stated that the department should make it clear to offenders when they are arriving at the centre of the programmes that are put in place for them.

Yes they are helpful. (21; A; 09:25)

Yes. When you are brought into this correctional centre you should be given the rules and regulations of this place. So if you argue with an offender, go to the officer. In this centre there are no rule guidelines. The only guide is the baton. There is also that thing of being a gangster and I do something to an offender, other gangsters are watching. If the officer could take the victim to the hospitals and be attended to by nurses, but because it is here, they watch

*you. Coming to this side would be considered an escape and they charge it, so if there is a fight there are no officials on duty. How do you argue with an official? An official is meant to correct you and not the other way around. When SAP arrives, they search all the cells. Correctional centre officials do guard us. At your school you have your close friends, your familiar faces *inaudible sound*. Correctional officials need to work with social workers, instead of when offenders need to see the social worker they are told there are no social workers available while an offender has a burning issue. They are short staffed but they will never say it, they work two days and they all leave, or they are all on duty at the same time and the following there is no social worker. An offender in the meantime has no cigarette and has to wash clothes of other offenders. He is seen as someone who is dirty but washes the clothes of other offenders. When he is taken care of, he will be accused of sleeping with other offenders. (21; B; 09:09)*

Yes, because they can assist you. (24; F; 12:45)

Sometimes it does. At times offenders tend to abuse you as the snitch. (24; H; 06:00)

Improving the effectiveness of these programmes requires the co-operation of both offenders and officials.

They can be assisted; by offenders because the offenders see these things happen. As an offender I can tell the social workers the details of what leads to sexual assault. (21; A; 09:39)

Yes, officials should be vigilant and try to minimise the love that people have for cigarettes and deal with the presence of gangs. Not having visitors is another cause for joining gangs, being gay and sleeping with other men. (21; E; 05:01)

It is hard to tell. They could ask previous victims what they did to recover. (24; F; 13:18)

Social workers can assist. Victims agree to sleep with other offenders because of a lack of basic items. (24; G; 03:22)

Something can be done because the perpetrators are known but nothing is done about that. (24; I; 04:18)

Correctional centre offenders' social hierarchy

1. Is there a social hierarchy amongst offenders?
2. Where in this hierarchy do you belong?
3. How does one progress from one level to another?
4. Would you use your position to forcefully engage in sexual activity with other offenders?
5. Does your position put you at risk of being sexually assaulted?

Once again, the presence of gangs came up with regards to the social hierarchy amongst offenders as those who have higher positions belong either to the 26's or the 28's.

Yes. (21; A; 11:41)

Uhm, gangsterism has departments. (21; B; 15:27)

Yes such as the 26's and the 28's. It is all the same. You have "Amagunya- top boss", "I'ztebhisi- recruiters", "Nyana-victims of sexual assault." (21; C; 03:50)

Yes. It differs from gang to gang. You have "igunya", "mgodobomvu", "mdonsi wama kalishi" and "phoyisa". The phoyisa is the person you see after you have had visitors, so they can assess what your family has brought for you. Mdonsi wama kalishi belongs to the 28's. (21; D; 06:56)

Yes. You have "sergeants- the ring leader", "amagunya-recruiters" you are never forced to join. You are then taught the rules of the gang. "Phuzana" is to sleep with another male offender in the language of gangs. They will then pick someone that you will sleep with amongst "amagunya." (21; E; 06:27)

Yes. You have "General-leader", "Bhova- the judge", "Mastani-prosecutor", "Nyazi- one who sees everything that happens and reports to bhova". These are the rankings in the 26's. (24; F; 14:09)

Yes. There are too many ranks. You have ranks from the 26's and the 28's. (24; G; 03:58)

Gang rankings. I have seen and heard them call each other according to gang rankings. (24; H; 07:29)

We report to correctional officials. In gangs there are rankings. (24; I; 04:46)

Yes amongst gangsters. I report to the correctional officials. (24; J; 07:20)

By virtue of being in a gang, one would hold a certain ranking, however most offenders interviewed disclosed that they did not belong to any gangs.

I am at the top rankings. I am "Igunya." There are many rankings, but I will try to say as much as I can. You have "Unobhala- social worker and report to igunya", "Abaqeshi- the recruiters", Sergeants- social workers", "Sahlula/Nyanga- gives out initiation instructions for the new recruits" and then lastly is the "Igunya- the big boss." I am isahlula. (21; A; 12:25)

I have no rank. (21; C; 06:42)

No, they tried to recruit me but I refused because I am about to be released. They really want me. (21; E; 11:15)

Yes. I am the doctor. I am called sergeant. (24; F; 18:39)

No I have no ranking. (24; G; 04:39)

No I do not. (24; H; 08:02)

Progressing from one ranking to a higher one, one is given two options, either to stab another offender or have sexual relations with another offender who is new in the correctional centre.

You progress through stabbing other offenders. It is compulsory, there is no other way. (21; A; 17:28)

If my boss is about to be released, the one who brought me into this gang, he then tells me that I need to physically assault two people until there is blood coming out of those people. I will be the boss if I physically assault a correctional officer. When you are the boss, your people bring everything to you. When you are taken to the C-Max you are killed. You can be taken there before you are paid. Being paid is when the offenders inside contact someone on the outside to attack the official responsible for another offender being

taken to C-Max. From C-Max you can be taken to any other correctional centre, maybe in Port Elizabeth. In Port Elizabeth, you have to start from the ground up, working your way back to the top unless an offender from Kokstad medium gets in contact with offenders from Port Elizabeth to let them know about who you are. (21; B; 21:50)

Physically assault an offender or stab a correctional officer. It is compulsory. (21; C; 06:54)

They all gather and decide to promote you. It is up to the member who is up for a promotion to decide whether or not they want to be promoted through “indlela emhlophe (sexually assaulting an offender)” or “indlela ebomvu (stabbing an offender)”. The main compulsory form of promotion is through the stabbing of an offender. (21; D; 10:00)

I have little knowledge. In order for you to “phakama” (promotion), you have to sleep with someone or stab an offender. The ring leader will choose a victim for you and also which hand to raise if you will stab or sexually assault an offender. The right hand is raised for showing that you will stab an offender or correctional official, by so doing you will be sent to the Bongweni C-Max. The left hand is for showing that you will sexually assault someone. (21; E; 12:18)

There are tasks to be done. For me I would have to kill a correctional official. Bhova and mastani will give you the task to do. In my unit we are all the same, but the manner in which we think is not the same. I could see an official, and one offender would decide that that official needs to be physically assaulted because he does not know how to treat people. The official that you kill should hold a similar rank to the one that you want to be promoted to in the gang. (24; F; 19:28)

Stabbing another offender to be promoted. You can get promoted without physically assaulting another offender. You as a researcher are working to bring food at home. If an offender brings things such as cigarettes, money and so forth to the big bosses, this leads to promotion. (24; G; 04:50)

I did not know but now I know. When they are promoting you, you will either physically assault an offender or they will sleep with you. An official will then hit you and you will be promoted. Another way is that of your financial standing. If you can afford, you will then buy cigarettes for the big bosses and they will promote you. (24; H; 08:11)

From what I have heard, it is through stabbings and sexual assault but I do not have much knowledge. (24; J; 08:18)

The use of one's position to forcefully engage in sexual activities with another offender, are associated with gang members and for their protection.

Yes. For my own protection. The offender that I sexually assault will become my minion (phath'izkhwama). This would be a mutually beneficial relationship where I protect him and he protects me. (21; A; 18:20)

Sexual assault has no rank. (21; B; 25:45)

It is something that is compulsory. (21; C; 07:56)

Yes, the leader has a new offender selected for him, usually a new young offender that he will sexually assault. (21; D; 12:19)

No it does not happen by force, there is an agreement between both parties. (21; E; 14:55)

No. From my knowledge this is done if you and an offender have been dating since before you were in jail. (24; F; 22:09)

Gang members are never at risk of being sexually assaulted because they are protected by their own members.

No it doesn't. You are respected. (21; A; 20:10)

No. As soon as you have a rank, nothing can be done to you. There are no activities in this centre, that's why sexual assault occurs. When offenders participate in the correctional centre jobs, they are keeping busy and can ask the officials to buy cigarettes for them, whereas if they do not participate in

anything, no one will be able to buy for them the things they need. (21; B; 26:11)

No, they are never assaulted because they have soldiers that are watching over them. (21; D; 13:08)

No it does not. As the boss in the section for the 28's, say for instance that you insult the leader, you will be sabotaged by the rest of the members of the gangs so much that you will be moved from that section. (21; E; 15:19)

Yes, you are not safe there. (24; F; 22:33)

Race

1. Does race affect the way one is treated in this correctional centre?
2. According to the correctional centre offenders' social hierarchy, which race is considered to be dominant?
3. Which race is considered to be the weakest according to the social hierarchy?

Offender equality is practiced amongst offenders, by the offenders towards each other.

Here at this centre we are all equal. (21; A; 21:27)

When we are mixed? No, we treat each other equally? (21; C; 08:49)

No, we are equal. (21; E; 16:57)

No, race does not affect how you are treated. (24; G; 06:58)

No. We are all the same. There are coloureds that we stay with. It is always that one person or few individuals who decide to act out, because mentally we are not the same. (24; H; 10:35)

Here inside? Where I am staying, I live with people like me who are not into gangs. There are coloureds and black people who stay together because they belong to certain gangs. (24; J; 09:15)

African cultures within gangs are mostly associated with being dominant.

All races are given equal opportunity. It depends on the individual as to how brave they are. (21; A; 22:36)

Africans are strong. (21; E; 17:42)

Zulu people are the wisest. (24; F; 26:14)

Here inside, it is the 26's, which are black people. (24; G; 07:26)

Black people are the most dominant. (24; H; 11:33)

Black people. (24; I; 08:30)

Cultures of colour are seen as the weakest.

It is white people, coloureds and foreigners. (24; G; 08:02)

Indians are weak, they always agree to what is being said and what they are told. (21; E; 18:02)

As black people we abuse each other. Even though we have challenges back at home, you are further abused here inside by other offenders who also have their own challenges at home. (24; I; 08:53)

There are. Those without ranks are the ones that are abused the most. Sotho people are seen as the weakest. As well as AmaMpondo There is a difference between Free State born people and Lesotho born people. (24; F; 27:16)

Wyfies

1. How are *wyfies* treated by other offenders?
2. Do you have a *wyfie*?
 - a. If yes, how did you select him?
3. Are you a *wyfie*?
 - a. Why did you agree to be a *wyfie*?
4. Would you agree to be someone's *wyfie*?
5. Why do you think other offenders agree to be *wyfies*?
6. Is there anything you would like to add?

Wyfies are treated with the utmost care and receive protection from their perpetrators.

There are wyfies in this centre. When they agree, they don't see themselves as males. They are treated well. It is easier for them to get whatever it is that they want because it is known that they will give something in return. They get

things such as cigarettes, well call (anything bough from the tuck-shop) and ultimately protection. (21; A; 24:20)

They are treated well, whoever attacks them will be dealt with by the “gunya.” They are protected. They receive everything that they need. (21; C; 10:44)

They are queens, they are treated perfectly. A wyfie will be bought an entire lunchbox of meat, they also sleep with their offenders. (21; D; 16:11)

They are treated well. I’ve seen from personal experience, I’ve been gay since before I was in jail. I was 15 when I started being gay. They never forced me to sleep with them. I respected myself to not have sex in a place where there are 55 other offenders. In my section at this centre, they do not know that I am gay. Only the correctional officials are aware of my sexuality as it is written on my hospital file. Only one offender knows about my sexuality. There are those offenders that approach me but I turn them down and they do not threaten me. (21; E; 18:52)

When I look around, the life they are living, the one who is a wyfie lives a life where he is protected. They are treated with extra care. (24; F; 28:51)

They are treated well. They receive clothes, tekkies, and cosmetics. They are protected and eat good food. (24; G; 08:33)

They are treated well. If you do not have cigarettes they give you cigarettes. They will give you and say “iyakhuluma into yesboshwa.” You do not know what means, but what it means is that at night they will turn against you and sexually assault you. (24; I; 09:30)

Wyfies are for gang members or for offenders who offer basic needs to other offenders who do not have much.

No. You are not selected, you decide for yourself or either approach someone. Gay people have to open about their sexuality; it is not easy for other offenders to tell whether an offender is gay or not unless they open up. If however, they are open about their sexuality but do not want to be a wyfie, he would have to report to the correctional supervisors for protection as he will

be living in an environment where there are sexual assault perpetrators. (21; A; 27:28)

No. It is the same way as how you as the researcher would look for a guy. You choose him based on what he has. (21; B; 34:50)

No. It differs on the kind of person you are. Only a few do these things, they will approach you and you decide. (21; C; 11:36)

No. I told you before. The wyfie will wash sheets, will be bought for food, cigarettes. They need for nothing. (21; D; 17:55)

I do not have. They look at your actions, how gays walk, that is how they become wyfies. You are taught how to be a wyfie. You can have a wife or girlfriends outside but when you are in jail you find someone who will be your new intimate partner. Even outside of jail, the relationship can continue. (21; E; 22:48)

No. I have seen a lot of things here. I joined a gang to protect myself and my belongings. You have what is called "iingcingo lo nyazi" these are people in lower positions. They are used to find a wyfie. Gay people will always be spotted and they are forced to be sex partners for other gang members. (24; F; 30:26)

No. They are selected based on what the perpetrator does for the victim and how that victim reacts will determine whether or not they are selected as a wyfie. Gay people are forced into being someone's wyfie. (24; G; 10:37)

No, I never will. They assess you mentally and flirt with you and treat you like a real female, your response will determine whether or not they continue approaching you. (24; H; 13:57)

No. They will flirt you with you or smack your butt, if you respond by liking that, they will take you as their wyfie. (24; I; 12:28)

No. I have never come across a gay offender. (24; J; 13:16)

Offenders interviewed are not wyfies except for one offender who is a wyfie because of his sexuality.

No, I am a man. (21; A; 31:55)

No, never, not me. (21; B; 36:03)

No. (21; C; 12:13)

I am a man, I am here for the crime I committed. (21; D; 18:26)

Yes. I was taught how to be a wyfie before I was arrested. I was arrested gay, the crime I committed that landed me here, I was already gay. I have slept with a female but I did not get aroused. In this correctional centre I am a wyfie to someone. I consented to being a wyfie because of my sexuality. (21; E; 24:56)

Most offenders would not agree to be a *wyfie* to another offender.

Yes. (21; E; 26:36)

No. (24; J; 14:16)

No. (24; I; 13:05)

No. (24; H; 14:56)

No. (24; G; 10:25)

No. (24; F; 33:08)

Offenders who agree to be *wyfies* do so for fear of being victimised by gangs, not having basic needs or to join gangs.

From what I know and experienced, it was because the victim had nothing. If you lack basic needs then you are prone to being victimised. (24; J; 14:25)

By joining gangs, one would end up enjoying this life of having someone to sexually assault. Some, through addiction to being sexually assaulted find it then difficult to live without being intimate with their perpetrators. Another cause would be failing to accept the hardships of being in a correctional centre. (21; A; 32:20)

Not having things such as a cigarettes and cosmetics. (21; C; 12:57)

Fear of being abused. There is abuse behind bars. When you do not have money, if your visitor does not come to see you for 5 months to a year, you no longer sleep where you were sleeping. Even the officials are a part of moving you from your cell to another cell. You are moved to a box (waiting court), the most painful place. (21; D; 18:36)

It goes back to the second question. It is because of poverty and looking for love in strange places. (21; B; 36:16)

As I mentioned before, it is the love of cigarettes, expensive soap, and food. Something we offenders like to say is when the cooker says “woza ngikufakele khona uzolahla ngicoshe”, which means that the cooker will dish up more food for one offender in return for sex. Similar to being in a shower, where one offender would say “insipho iwile” another would reply by saying “woza ngikucoshele” that means as one offender bends down to pick up the soap, the other offender will penetrate from behind. (21; E; 26:47)

Did not receive the love of parents, be it from the mother or the father. (24; F; 33:16)

They agree because of a lack of basic items such as clothes, cosmetics and cigarettes. (24; G; 12:10)

They agree. The way they agree allows them to get protection. (24; I; 13:11)

The participants had the following to add.

In my experience and personal opinion, there is not protection for victims of sexual assault. There is no place where they can go and be amongst other victims. They can be moved from one cell to another or one section to another, the offenders will know that he is a victim of sexual assault. Whether or not he wants to continue with being sexually assaulted, other offenders will want to try their luck on him because they know about his past. (21; A; 34:10)

Juveniles should not be mixed with adults because juveniles behave like juveniles and adults behave like adults. Adults can abuse the juveniles. Correctional officials need to be trained on guarding offenders in medium

correctional centres. If you suffer in this centre, you will suffer until you are released as no official will assist you. (21; B; 37:30)

This happens because there are offenders coming from different correctional centres. (21; C; 13:24)

This section will focus on the questions that the correctional officers were asked.

Sexual Assault

1. Does sexual assault or rape occur at this correctional centre?
2. What do you think are the causes of sexual assault?
3. On average, how many cases of sexual assault are reported a month?
4. What is the nature and extent of sexual violence in the correctional centre?
5. What necessary steps are taken when cases of sexual assault are reported?
6. How do you handle cases of an offender that agreed to be a “wyfie”?

According to the officials, sexual assault does occur.

Yes these things happen. (26; A; 06:46)

Yes it occurs. (26; B; 01:34)

Yes it occurs. (26; C; 02:18)

Yes it does. (26; D; 02:05)

Yes it does. (26; E; 01:44)

Yes. (26; F; 01:54)

Much like the offenders, officials associated the occurrence of sexual assault with the presence of gangs and lack of basic needs by victims of sexual assault.

It has to do with gangs. How long an offender has spent time without sleeping with a female can lead to sexual assault. (27; J; 02:38)

In the centre I think it has to do with the gangster numbers. I think it mostly got to do with the numbers gangs. (27; I; 01:36)

Presence of gangs, you have 28's. When they recruit, they recruit using two methods. You will either be a wife to the bosses or used as a tool to stab other

members of another gang. Another cause could be someone who was gay before they were arrested. Even though he may try to hide it, he will be caught out by the way he walks. What causes sexual assault is the fact that an offender could be from Durban but sentenced to this centre and they have no visitors, another offender will offer to buy toiletries for that offender. At the end of the day there is nothing for free, so they must pay back in return, these are the causes. (27; H; 03:08)

From my understanding most of the sexual assaults in this centre have to do with gangsterism. Some offenders come from backgrounds they were sexually assaulted so in the centre they just continue with it. (27; G; 02:00)

Not having anything to do. They are influenced by crime. (26; E; 02:04)

Poverty because other offenders do not have visitors and there are things that they do not have such as well call. Others do it because they love it. (26; D; 02:15)

New admissions that have no visitors who will buy toiletries for them. That means they will not have money to buy from the tuck shop as there is no visitors. Other offenders will then offer to assist these new admissions offenders in exchange for sex. (26; C; 02:30)

When an offender has no visitors, has no toiletries, has no cigarettes they are then able to get these things by sleeping with another offender. (26; B; 01:38)

From what I have seen, it is because of their background. Others are sexually motivated, they cannot live without sex. Others because of gangs here inside. (26; A; 06:55)

Reported cases of sexual assault range from 1-8 cases a month.

At this correctional centre, I remember one. I only come to the sections to do rehabilitation programmes. You find out when you come for rehabilitation programmes that they are further charged and are in a single cell. There can be five offenders in this single cell but its purpose is to accommodate a single offender that has been further charged. I will ask why they are there and they

will tell me that they tried to commit sexual assault. In a month it can range from 0-2 cases. (26; A; 08:00)

A month maybe 1-2 cases are reported. Never exceeds 2 cases. (26; B; 02:17)

It can be 6-8 cases. Not every month. (26; C; 03:39)

I do not know about the entire medium centre, but in my section it is maybe 3-4 a month that are reported. Others are never reported. (26; D; 02:50)

On average, probably about 2 I think. Some of them do not report it, they are scared. (27; G; 02:46)

With us in the hospital it can vary, maybe 1 in 3 months. For the time frame I have been here (2016) I can recall only 3 cases. (27; I; 02:13)

Sexual assault in most cases is forced or consent is sought by both victim and perpetrator.

They do not give me the full details around the case, my questions are limited. (26; A; 09:48)

It is usually consensual, never forced until they are caught by an official. (26; B; 02:32)

Some cases have force others are consensual. Others will tell you that they agreed to be victims of sexual assault. (26; C; 04:05)

Like rape. In most cases it is consensual; there is an agreement between the victim and perpetrator as to who will do what. Failure to keep the promise leads to a case being reported. The victim can report it as rape whereas it was consensual. (26; E; 03:11)

No they do not really tell you how it happened, they just report it. Most of the details they give to the hospital, to the nurses. The details of how it occurred. (27; G; 03:11)

I think most of them are male on male penetration through the anal. That is just what I have seen. They will just tell you that X penetrated me without my permission. . (27; I; 02:49)

Internally, offenders are further charged, whereas externally, a case of sexual assault is opened with SAPS.

SAPS is called in. The victim opens a case. Internally, the offender is put in isolation cells. (26; E; 04:09)

As guys in the sections when the offender reports it to us, we immediately take the offender to the hospital for a check and they will determine if really the offender was sexually assaulted or not. After that step is taken it will be reported to our head of centre and he will take further steps. These are the internal steps. The hospital reports to the head of centre and the head of centre will take it further if the offender agrees to open a case with SAPS. That is if the offender wants to open the case. (27; G; 04:06)

It is reported to the supervisor of the section, who then reports to the unit manager. The unit manager forwards the information to the head of centre. To convince the offender, they are then asked if they want to open a case with SAPS or an internal disciplinary hearing. At the disciplinary hearing there is the head of centre, unit manager, case officer, case management supervisor, the offender and the victim. (26; A; 10:44)

SAPS is brought in to search the cell and open a case. If it was consensual it can be handled internally, if there was no agreement it is considered rape and a case is opened with SAPS. If it was consensual, both victim and offender are further charged because what they did is not allowed. Further charged cells offenders are sent there for a month and their privileges are taken away from them. (26; B; 03:00)

With us as nurses in the hospital, we examine them, and advise them not to remove anything. We refer them to our local government hospital where they will be examined by a doctor and based on that, if there is enough evidence they open up cases with SAPS. Depending when it happened, and when it was reported to us nurses. There is an internal investigation as well; I have seen investigation guys come to us to collect the files and to see what information they can pick up from there. (27; I; 03:48)

Officials are not aware of the term *wyflies* and do not know how such cases are dealt with.

It is my first time hearing the word wifies, but I do know that there is a man that acts like a wife, and there is a female that acts like a man. Unfortunately I have never been a part of the disciplinary hearing, but I know the procedure. (26; A; 13:00)

If it was consensual, both victim and offender are further charged because what they did is not allowed. Further charged cells offenders are sent there for a month and their privileges are taken away from them. (26; B; 04:42)

When they both agreed, it is difficult to handle it. The victim may not want to report, or lodge a complaint. The victim will tell you that, this person takes care of my well-being by buying things for me. If there is no complainant, nothing can be done. Sexual relations amongst offenders are not allowed. They can be further charged, but the victim can come forward and say I do not want my perpetrator to be charged. In most cases they are both further charged. (26; C; 07:45)

If an offender reports it, we isolate them. The perpetrator is isolated, and investigation is the conducted followed by a disciplinary hearing. If they agree that they are seeing one another, what we normally do is we transfer the one from one section to another. They will not stay in the same section. They are separated. (27; G; 05:10)

Rehabilitation and Policy

1. Are you aware of rehabilitation programmes in place for victims of sexual assault?
2. Do you think they are helpful?
3. What can be done to improve these programmes?
4. Is there a policy on sexual assault for South African correctional centres?
5. How, are you then able to classify which case is rape or a mutual agreement between offenders?
6. The implementations of a policy on sexual assault within correctional centres, what type of relief do you think it will bring about to correctional centre officers?

There are but a few rehabilitation programmes for offenders in general, none are specifically for victims of sexual assault.

We have the sexual abuse/offence programme. With this programme there are different types of rape. You know when you facilitate, you ask the audience what types of rape they know. They say there is sexual assault, indecent assault, date rape and rape. You then ask what is rape? Rape is when you as a male, maybe, take your penis and penetrate a woman when it was not agreed upon. Sexual assault is when you walking as a lady and comments like "dudlu" are being thrown at you. Another person sometimes, you can tell by the look in their eyes that they are saying something, which is sexual assault. You can be greeting a person by handshake and they tickle the palm of your hand that, is sexual assault. You have indecent assault. Indecent assault could happen when you are dating someone. When you go to visit them, you knock but no one opens the door, but you know the secret ways of getting inside such as which window is lose, so you go inside. You did not sleep with your partner, but because you have disturbed them whilst they were with someone else, they did not want you there, that is called indecent assault. (26; A; 14:51)

We call in social workers and psychologists. (26; E; 06:56)

Yes. We have people who are busy with sexual assault programmes where we take offenders to undergo those programmes to see how they are coping with what happened to them and they are given guidelines. I do not know the name of these programmes, but you have case workers and social programmes that work with these programmes. (27; G; 06:58)

As to whether or not these programmes are helpful, that remains a question official are not able to answer.

Yes it helps them. As we continue with these sessions, we reach a session called self-control and communication. Communication is the way you say things to someone, other than winking especially in this generation that we're in. We compare such forms of communication. (26; A; 17:55)

Yes they do. (26; C; 11:16)

Yes I do think because most of them come back and tell us that they have been assisted on how to deal with such problems they had. (27; G; 08:00)

The department at large is tasked with the responsibility of improving these programmes, however, offenders are also to be given guidelines as to “what to do” in certain situations.

There is. If there is a shortage of social workers, more need to be hired to decrease the workload on those that are working. (26; C; 11:25)

It is in the hands of the department. It is difficult because the offenders are human beings and have sexual needs. There are no females amongst them so they resort to this lifestyle. (26; D; 06:27)

More AAP's to assist social workers. Victims should be sent to AAP's first before social workers take on the case. (26; E; 08:09)

I think the department can do something. There should be people who specialise with handling sexual assault. Outsourcing of specialists who will be able to counsel the victims, just like social workers, psychologists and criminologists. (26; F; 06:25)

From my point of view, just to give offenders more insight on what to do when such things occur and how to stay away from it. Give all offenders more information about sexual assault. (27; G; 08:19)

No policy known by officials that deals with sexual assault, only professionals (social workers) know this policy.

Not that I know of. (27; G; 08:55)

In the centre, policies are hidden things. There is no transparency on anything compared to where I come from. I worked for Netcare for 12 years. If you walked into the unit the sister used to say to you or HR would say to you I do not have time to take you through all these policies but there they are. As time goes by, if you need anything go through this. At this correctional centre you struggle, there is no transparency. (27; I; 08:20)

No. I have never heard of it. (26; A; 19:42)

To my knowledge, there is no policy on sexual assault alone. There are policies on what to do when offender are fighting. (26; C; 13:00)

Classification of cases depends on the information given by the victim.

You see that is when I said when the offenders report it to us; further steps are taken by the hospital. After examining, they will declare if that was rape or sexual assault. The offenders give the nurses more information. (27; G; 09:05)

You cannot differentiate it unless you are told by the victim. The victim will tell you. (27; H; 13:35)

Well, you go upon what the offender says to you. Rape is when you are penetrated through the rectum, sexual assault, there has been a sexual assault case but they could not do much about it. Sexual assault is inappropriate behaviour. (27; I; 09:19)

Officials and offenders would be aware of such a policy and would decrease the workload of officials that they would be able to deal with other pressing issues.

We would be relieved even the fighting of offenders would decrease. Support from families of the offenders would greatly assist. (26; C; 15:00)

It would help us. Even the victims would know how much of a danger sexual assault is to them and how it will affect their lives after they have been released. (26; E; 10:35)

A big relief because then we will know how to deal with such cases. Most of the guys are not trained to deal with such cases; that is why they are referred to the hospital where they know better. The correctional officers in the sections do not know, we just take the offenders word if they have been sexually assaulted. We wait for the nurse to determine if it is rape or what. At the moment we have enough nurses. It would be a greater problem if there was a shortage of nurses. (27; G; 10:02)

There would be great relief. We would not spend months dealing on sexual assault, it would give us an opportunity to focus on other things. (27; H; 14:17)

Role of a Warden

1. What is your role as a warden?

2. How visible are wardens when doing their rounds?
3. What role do wardens play in the occurrence of sexual assault amongst offenders?
4. In the case of a warden engaging in sexual activity with an offender, what measures are put in place to deal with such a situation?

Safeguarding of offenders and officials is the role of officers in correctional centres.

Safety of offender and correctional partner on duty. (26; B; 08:28)

To control and security and safety. Safety of colleagues and protection of offenders. To minimise assaults. Safety of members of the public so that no one touches them. To maintain peace, and make sure there are no escapes. (26; F; 09:25)

Our role is security. Safeguarding of offenders. We are parents, nurses, doctors when we are here. We guide them and advise them as we communicate with them. We try to find solutions to their problems. (26; D; 09:38)

Safe custody of offenders and also attending to offenders problems such as complaints and requests. Making sure they live in conducive spaces, and they have toiletries. (26; C; 16:04)

Safe custody of the offenders and rehabilitation of offenders. (26; A; 06:03)

Officers should always be visible, in that they are stationed in an open area for easy view of the offenders and the offenders have easy access to the officers.

They are visible because they are amongst us. To make sure that we see everything that happens. (26; C; 17:05)

We are very visible. This is an open correctional centre; under no circumstances should offenders not see us. Overcrowding affects us. For instance when offenders fight and two of us are on duty, as a female, I have to call for back up. If I rest my head, my male partner would be in danger. (26; D; 10:47)

They are very visible. We make sure that we search them and do patrols. We are vigilant. They can never be on their own. You must always disturb their plans. Whatever it is that they were planning, or they are fighting as you are

walking by then you report it. Take those that are fighting to an office to find out what they are fighting for, and involve the section supervisors. (26; F; 10:56)

At the moment there are difficulties as there is a shortage of officials. When one shift is off, few people are patrolling during the day so they just sit in the office and monitor from the control rooms. Offenders will see that there is a member on duty, but if you go to them alone, something will happen to you. (27; G; 12:17)

Corrupt officers could have an influence on the occurrence of sexual assault, but it is rare in this centre.

Yes. Corrupt officials and gang members can target an offender to be a victim of sexual assault. A gang member can come from a wealthy family and the official might say I will buy cigarettes for you. The official can also say to gangster to tell his family to give him money, the official will take his share of that money. By taking a share of this money from the gang member, the official is giving the gang member full permission to sexually assault the victim offender that both were targeting. (26; E; 12:53)

No they do not. Sexual assault occurs at night when offenders are alone in their cells. If it happens during the day that means it is negligence on the part of the officer on duty. (27; H; 16:38)

It depends on the shortage. If a warden is negative, you will never see that person on duty. It all depends on the person that is on duty. Some wardens work really hard. Others come on duty but you may not see them until they go off duty. (27; I; 12:59)

Such cases lead to a hearing and a dismissal.

Before I joined the department, there was a case reported at Bongweni and the official was dismissed. (27; I; 14:04)

They are charged by SAPS. The official is removed from that section. (26; B; 09:45)

A case is opened with SAPS and the official loses his or her job. (26; E; 15:32)

It is difficult because it might lead to a dismissal for the official. When they are involved sexually, these are things that are unauthorised and could lead to the offender taking the officials firearm. It leads to a dismissal. (26; F; 12:30)

Training and correctional center environment

1. Do you think that as an officer, you have had sufficient training on how to deal with cases of sexual assault?
2. What can be done to improve this situation?
3. Known by you, what type of illegal activities do the offenders engage in?
4. What activities are available to the offenders that assist in keeping them busy and refraining from illegal activities?
5. How do you think the correctional centre's environment contributes to the level of illegal activities?
6. Is there anything more that you wish to add?

On the issue of training on how to deal with cases of sexual assault, minimum information was last shared in college only.

No, this is my third year and I still have not been taken to college for basic orientation of how to work in the prison. Normally when nurses and professionals start working in the prison, they are taken to college for a month's training. We are still waiting to be taken. Officers go there for 6 months we go there for a month and we still have not been there. (27; I; 14:44)

No. (26; D; 13:20)

No. (26; E; 15:54)

No we have no training. (26; C; 19:16)

I do not think I do have. I do not know how to deal with sexual assault. (26; F; 13:24)

No, the only training we have is on the safety of offenders. How to deal with sexual assault, we do not have any training. (27; G; 13:56)

Officers shared that they would appreciate if the department would have more training courses on how to handle cases of sexual assault.

We have asked and asked there is just no money. I do not know where the money comes from. Area office is responsible for this. We have called time and time again to ask what is happening and nobody can answer us, nobody knows about it. The managers here cannot do anything about it, it comes from regional or head office. (27; I; 15:32)

If all officials could be trained. All officials of this centre, no matter which section. (26; A; 26:36)

More training needed. (26; C; 19:54)

The department should have further training for sexual assault, to curb the occurrence of sexual assault. (26; E; 16:20)

The department of health can assist and social workers. There could be courses on how to deal with cases of sexual assault. (26; F; 13:41)

Officials need to be guided and sent on training on how to deal with such incidents when they occur. Now we always rely on the nurses. It becomes too much workload on the nurses, if we as officers, if we have the tools to assist it will be much easier for them. (27; G; 14:26)

Offenders engage in several illegal activities such as smuggling of weed, cell phones, and drugs.

At this centre, illegal? Offenders fight each other, they attack members. Offenders are able to get cell phones from outside through smuggling. When you browse the phone, you might find that they are communicating with someone from outside about sex related topics. (26; A; 27:19)

Gangs and sodomy. (26; B; 11:56)

There are many. Smoking weed, smuggling of unauthorised article from outside to the centre. I can say it is those. (26; C; 20:11)

I do not know of any. Except for stealing and physical assaults which are caused by gangs. (26; D; 15:34)

Most of them bring in drugs, cell phones. Most of them participate in gangs where they promote one another in their gangs by stabbing members or stabbing other members from different gangs. Officials are risks because of the way gang members promote each other. (27; G; 15:27)

I do not know, they say marijuana is legal now. Drugs, we have been finding a lot of woonga and mandrax in the centre. (27; I; 16:48)

There are activities available for the offenders to keep them busy.

Traditional dancing, playing soccer, and attending school from grade 1 to tertiary level. (26; B; 12:18)

There are activities. Recreation is active here. Every weekend there are soccer matches. However there are those few individuals that do not want to participate. (26; D; 16:40)

We have recreational programmes where we allow them to play soccer. Sport activities, there are social worker programmes that they attend. Social workers give offenders guidelines on how to better themselves, going to school. There are indoor games like pool and cards. (27; G; 16:32)

There is a lot, weekends there is always soccer tournaments, there is cane weaving, there is a library. There are pool tables. As I have heard from offenders, during the day it is a normal life, at night they enter into their second world. (27; I; 17:20)

Participants expressed the following on how the correctional centre environment contributes to the level of illegal activities.

Yes, cells are overcrowded. (26; B; 13:20)

It does. You can be a first time offender and be placed in a cell with an offender that has been in and out of correctional centres. Overcrowding is too much. I wish there was a section for first time offenders only, because when you put with offenders who have been in here for a long time, you end up

learning some of the dirty tricks and think that a life of crime is the way to go. Offenders have a life outside of correctional centres, so they say, they claim to have wives and kids, cars, so as to attract the first time offenders to the correctional centre lifestyle. A new offender will think that life does go on for you even though you are in a correctional centre and will think that they can also do as their counterparts are doing. 30% of offenders are able to sort their lives out after they have been released and not re-offend. (26; D; 17:43)

In our correctional centre, we are short of members. There are hardly members to monitor activities. Overcrowding of the centre. (27; G; 17:35)

No. What causes all these things is overcrowding and being from Kokstad and sentenced to this centre means that the offender has contacts who can smuggle in things for him. (27; H; 22:32)

The participants had the following to add.

Yes. The community needs to be taught about sexual assault, as it happens in schools and universities. Programmes need to be implemented to the outside communities and not just here inside the correctional centre. (27; H; 23:27)

I wish to repeat that as the officials of Department of Correctional services, we are to be trained so that we can be more vigilant to sexual assault. The only time we can take action or suspect foul play (such as sodomy or choking another offender) is when offenders take a bed sheet and cover their doors. Offenders do have a right to privacy at the end of the day. (26; A; 34:09)

5.2. DISCUSSION OF FINDINGS

The following section will discuss in detail the findings of the data collected during the interviews with the participants. The data collected will be presented using the researcher's interpretation. Interpretation means relating the researcher's results and findings to existing literature and research studies showing whether these are supported or contradicted by the interpretations, Dlamini (2017) citing (Mouton, 2011). Data was interpreted with the objective of understanding the nature and extent of sexual assault at the Kokstad medium correctional centre.

5.2.1 Themes

Like any qualitative data analysis, themes were identified. The identified themes in this study are structured as sections which will be discussed below.

Sexual Assault

The occurrence of sexual assault is something that both groups of participants are aware of. It is something that happens at the Kokstad medium correctional centre. Sexual assault is as the result of two overruling causes, such as the presence of gangs within the centre, the offenders not having visitors and the correctional centre's general environment. How the environment causes sexual assault will be discussed later. To elaborate on the two causes, one would realise that sex is a form of currency at this centre. As mentioned in chapter two of this study "sex is currency in correctional centre and a crucial component of the intricate systems of power" (Gear, 2001). When offenders from far-away places such as Newcastle, Ladysmith and Durban and so forth, do not have visitors that means they are most likely to need of basic items such as toiletries and cigarettes. Other offenders and gang members can use such situations to their advantage; these are usually the perpetrators of sexual assault. They prey on the young offenders and those that do not have visitors by offering to buy for the victims the items they do not have in exchange for sex. Desperation leads the potential victims to agree to such a set up. Therefore, one does not necessarily have to be part of a gang to be a perpetrator of sexual assault.

Although participants stated that they would report such assaults if they were to fall victim to sexual assault, there are those participants who are not willing to report such incidents out of fear of being further victimised by their perpetrators. Much like the case of Karp mentioned in chapter two "Karp explained that the incident was never reported to the authorities because offenders threatened him that if Karp did so, then he would be 'damaged beyond repair'" (Jali Commission of Inquiry, 2001). The sad reality is that victims of sexual assault, 17 years later still live in fear of being further victimised by their perpetrators should they seek help.

Offenders' social hierarchy

The presence of the numbers gangs at the correctional centre is closely linked to the occurrence of sexual assault. Numbers gangs include the 26's and the 28's, these are rival gangs. The social hierarchy exists and is active amongst gangs, however when an offender is not part of a gang, the chances of being a victim of sexual assault are very high because they

have no one to protect them from the abuse of gang members. Among the 26's there is the "general", he who holds the highest ranking. The general will have "abaqeshi" (recruiters) who will find "onyana" (victims of sexual assault) from the offenders who do not belong to any gang. According to the participants, onyana are most likely to be the first-time offenders as well as young offenders. Dumond (2000) states that "there is a general joining of social status and sexual behaviour while incarcerated, which leads many offenders to be cast in a role that can be extremely humiliating." Offenders are most likely to join gangs by being *wyfi*es to their perpetrators. The promotion from that humiliating rank to a higher one lies solely on them finding their own victims or physically assaulting an offender or official. Offenders furthermore stated that the rankings of gang members do not put them at risk of being sexually assaulted unless they are onyana, thus offenders would be willing to join gangs because of the refuge and protection. AS much as onyana are sexually assaulted by those with higher rankings, the gang becomes their own "haven" as no one else can other than the gang members can assault them anyhow.

Race

Race at this correctional centre does to some extent influence who is sexually assaulted and who is not. Offenders stated that all races are equal; however, some races tend to be braver than other races. This bravery is manifested in how they target their victims. Chapter two of the study speaks about "mutual attraction or affection does not drive correctional centre sexual relationships; rather, most sexual acts in correctional centres are the coerced products of dominance, intimidation and terror" (Man and Cronan, 2001). Participants pointed out that Africans (Zulu's and Xhosa's) are more dominant and braver than any other race, whereas Indians and Whites are often at the unfortunate receiving end of the bravery of the African race.

***Wyfi*es**

Being a victim of sexual assault, whether willingly or being forced comes with what offenders' view as benefits. These benefits include protection, food and all other luxuries in exchange for being a sex slave or *wyfi*e to another offender. During the interview's "protection" was the most common word used to describe the treatment of *wyfi*es. However, from the perspective of the officials the term "*wyfi*e" and its explanation was a new concept. When a case of sexual assault is reported to the officials, and a *wyfi*e is part of the dilemma, both *wyfi*e and perpetrator are separated and sent to different sections. Sometimes according

to both offenders and officials, the perpetrator could be sent to Bongweni C-Max and the victim transferred to another correctional centre.

Wyfies are considered to be the “queens” of the males’ section, in that they are able to receive much more than protection from their perpetrators. Other benefits include cigarettes, toiletries and anything that they may need. According to offenders, *wyfies* are selected by how they present themselves, how they react to sexual remarks made by other offenders, how easily they are sexually aroused and their overall mental state. Other offenders agree to be *wyfies* because they have developed some form of addiction to this lifestyle; they have become desperate since their basic needs are partially or not being met at all by the centre and their families. The need for love also became an apparent reason as to why *wyfies* choose this lifestyle. Regarding homosexual males, they can either willingly be a *wyfie* or not. However, offenders argue that being gay and open about it puts one at a much greater risk of being sexually assaulted whether they agree to be a *wyfie* or not.

Sexual assault policy and role of correctional officers

When it comes to the officers’ role in the correctional centre, they are aware that safeguarding of offenders and other officials are the key aspects of their jobs. Officers are visible enough for the offenders; however, officers are not able to keep track of what the offenders are doing. The officers are stationed at desks in an open dining area for easy access to offenders. However, a challenge that arises is that of the safety of officers. When gang members as mentioned earlier on are promoting another member, an officer could easily be targeted. Officials also mentioned during the interviews that they are short staffed. In a section that houses 104 offenders, there can be two officers on duty one in the control room and the other physically at the desk station. This can affect the productivity of the work done by officers, as they are not able to attend to all the requests and complaints of the offenders. As was in the case of Karp in the Jali Commission of Inquiry discussed in chapter two, there are corrupt officers that sell other offenders to either gang members or an offender that is looking for a *wyfie*.

On the issue of a policy on sexual assault, participants stated that months are spent, and state resources are used to deal with cases of sexual assault yet there are no guidelines from the department at large as to how to formally handle cases of sexual assault. Contrary to this, officers are aware that cases of sexual assault should be reported to the relevant unit managers, head of centre and eventually South African Police Services (SAPS) when the

victim is willing to open a case of sexual assault with SAPS. The proper implementation of a policy on sexual assault within correctional centres, participants stated that it would allow for victim empowerment. Speaking out about sexual assault is considered taboo at this correctional centre. Such a policy would bring to light the lifelong effects sexual assault has on the victims as well as the perpetrator. Participants stated that it is very difficult for them to distinguish between cases of sexual assault and rape as there is no policy that clearly distinguishes the two.

Rehabilitation programmes and training of officials

As much as officials are aware that they should report cases of sexual assault, their assisting role is limited. Participants during interviews stated that training of how to handle cases of sexual assault should be done for all correctional centre official. Rehabilitation programmes should be known by all officials to assist social workers and psychologists. When participants were asked if they know of any rehabilitation programmes for victims of sexual assault, it became evident that most officers do not know of any programme while others stated that it is the responsibility of social workers. No interest was shown as to whether the officers would like to be part of these programmes. For some, it makes no difference if there are such programmes or not. Such employee morale can be the cause of why some offenders are reluctant in reporting cases of sexual assault. In as much as there are not rehabilitation programmes for victims of sexual assault, participants did mention that they would appreciate more social workers being employed, training of facilitators for such programmes and that offenders should always be made aware of the existence of such programmes. The involvement of nurses in these programmes as facilitators is required by the participants.

From the perspective of offenders there are no programmes put in place to assist the victims of sexual assault. Offenders during the interviews mentioned how the removal of a victim from one section to a different section makes no difference as the offenders from the new section will somehow receive information about the victim and he will be assaulted sexually at that section again. Participants stated that correctional officers need to be more visible in the sections when they are on duty. The issue of staff shortage comes to effect once again. For these programmes to be effective the participants stated that offenders could also be helpful.

No training is offered for officials on sexual assault. The last time any form of training that they received was when they were in college. Correctional officials are desperately waiting

for the department at large to offer more courses and training on sexual assault. Participants do feel that they are failing the offenders by not being able to offer the required support that victims need, as well as how to talk to perpetrators to find out the causes of the lifestyle they have chosen as the perpetrators of sexual assault are known by the officers.

Correctional centre environment

The preceding themes and findings are because of the overall environment of the correctional centre. The environment contributes to sexual assault through overcrowding, staff shortage and the placing of first-time offenders with old offenders. If these three factors were none existent several illegal activities would not be a problem for the centre. It became apparent that offenders not only take part in sexual assault but other activities such as theft, fighting, gangs, smuggling of drugs, weed and cell phones. There are strict security measures that are put in place to maintain order in the centre, there are also recreational activities offered to the offenders to keep them busy. CCTV cameras, control rooms and fence patrols are just some of the ways that the centre tries to keep a watchful eye on what happens inside and outside of the centre. Even though the systems are in place, there are no body scanners for visitors and patrolling officers are not able to keep an eye on all possible spots for smuggling in illegal items.

Recreational activities that are in place include soccer, volleyball, music, tribal dancing and span (informal word used to describe jobs such as working in the kitchen, cleaners and grass cutting, all done by offenders). However not all offenders do participate in these activities. Back to the issue of overcrowding and staff shortage, these two are intertwined. Overcrowding allows offenders the opportunity to practice their lifestyle of sexual assault. Again, with overcrowding, the resources that are meant to be equally distributed amongst offenders are not received by all offenders, same goes for the services meant for offenders. Therefore, when offenders do not have visitors, they fall victim to sexual assault in exchange for basic needs such as toiletries. Thus, the environment is promoting sexual assault. One participant stated that the correctional centre environment does not contribute to sexual assault instead the problem lies with offenders. The argument here is that offenders would not resolve to such a lifestyle if overcrowding and staff shortage were not issues faced by the Department of Correctional Services. On the issue of staff shortage, participants from both groups did state that this affects the occurrence of sexual assault. There are a few officers on duty, each section has about two officers on duty with offenders ranging from 60-104 per

section, and the officer to offender ratio is greatly impaired. Offenders will find it easier to continue with their illegal activities since the officers on duty are not able to keep an eye on the actions of offenders. Participants furthermore stated that some officers will be on duty but will never be found at their working stations. Such behaviour from employees whose main role is the safeguarding of offenders' leaves victims vulnerable to sexual assault and provides ample opportunity for perpetrators to find more victims.

5.3. CONCLUSION

This chapter presented the findings of the data collected. The findings were discussed in relation to the objectives and research questions of the study. Thematic analysis was used to analyse the data and themes were created in alliance with the major topics of the data collected. There were some unexpected findings that are also discussed in this chapter. The findings indicate that sexual assault, if left unattended by the Department of Correctional Services will continue to occur. In addition, sexual assault is closely related to the presence of gangs but does not exclude those offenders who do not belong to gangs but are perpetrators of sexual assault. The consensus from the correctional officials is that they do not have sufficient training on how to handle cases of sexual assault as well as the lack of rehabilitation programmes for the victims of sexual assault. The participants were then offered an opportunity to add on or give suggestions as to how they can be assisted. These findings are discussed in Chapter six.

CHAPTER 6: CONCLUSION AND RECOMMENDATIONS

6.1. CONCLUSION

The following chapter presents a summary of the study on the causes of male sexual assault a case study of the Kokstad medium correctional centre. Recommendations that will be made are based on the findings of the study. Furthermore, this chapter seeks to explain how the objectives that were set out in chapter one has been achieved. The researcher conducted in-depth interviews with participants who work for the department of correctional services as well as the offenders at Kokstad medium correctional centre.

Below are the conclusions based on each objective of the study: -

The nature and extent of sexual assault at the Kokstad medium correctional centre

Based on the findings, every month there are reported cases of sexual assault at this centre. The presence of gangs, although an unexpected finding, seems to be the leading cause of sexual assault along with offenders not being able to receive toiletries or money from their families to purchase the things they need such as cigarettes, snacks and toiletries. If gangs are not targeted by the department at large with the aim of eradicating them, sexual assault will remain a thorn for the Department of Correctional Services.

The nature and extent of the correctional centre environment on sexual assault:

The focal points that stood out in understanding this phenomenon were that sexual assault in Kokstad medium correctional centre is triggered by gangs, sex as currency and the environment in which offenders find themselves in. The idea of using environmental design in combating not only sexual assault but as well as other illegal activities that are committed while incarcerated has not yet reached its full potential within the Department of Correctional Services. Research is yet to be done on the effectiveness of crime prevention through environmental design in combating male on male sexual assault.

Identifying rehabilitation programmes:

There is a great need for rehabilitation programmes for sexual assault. The effects of sexual assault are life long and could prove to be detrimental to one's health. Programmes should go hand in hand with the training of officials on how to handle cases of sexual assault to avoid secondary victimisation.

6.2. RECOMMENDATIONS

Presence of the numbers gang

Regarding gangs, a greater amount of research must be done to fully grasp how they operate and why they operate the way they do, as mentioned earlier on that this was an unexpected finding. On the issue of offenders not having visitors some form of follow up should be done with the offenders' family to find the reasons as to why they are not visiting the offender. The role of social worker is to assess the livelihood of offenders while incarcerated, therefore every effort should be made to assist offenders to minimise the chances of the offender resorting to sexual assault as a means of survival. Moving to items that are used as currency, such as cigarettes and food, the department would have to go back to the drawing board to review the security measures that are put in place to curb the high rate of smuggling of illegal items. The development of new security strategies could go a long way in assisting the centre in its battle with gangs.

Training of officials and policy development

Looking at the issue of victims being afraid of reporting cases of sexual assault, there must be research conducted in order to find out if there is more behind this statement. Issues such as the treatment offenders receive after reporting cases should be looked at. Gear (2010:28) further argues that "the most common scenario seems to be that staff, who receive no dedicated training to deal with sexual assault, operate on the assumption and acceptance that it is 'part of life' in correctional centres and/or not something they can do – or are expected to do – much about." As a country that is into 24 years of democracy, correctional services officers cannot be under the general assumption that sexual assault is part of the life of offenders. It is essential that the mental process of these officials be taken into consideration when they are being assessed. Seminars/ workshops on victim empowerment that are aimed at assisting correctional officials in dealing with victims of sexual assault in Kokstad medium correctional centre could prove to be useful in promoting other victims to speak up. With the constant training of officers, the development of a policy with the assistance of officers that focuses on sexual assault could prove to be fruitful in assisting officers in their job.

Rehabilitation programmes

From the literature read and research conducted, there are no rehabilitation programmes for victims of sexual assault in South African correctional centres, especially the Kokstad

medium correctional centre. There must be a life line support for victims after the sexual abuse has occurred. As much as there are safe houses made available for women and children that have suffered from abuse, there should be some form of rehabilitation and exclusion from the general offender population for victims that have fallen prey to sexual assault in the correctional centre. However, this type of rehabilitation programme does raise an issue that when the victims are sent back to the correctional centre environment what are the chances that they will be victims again. At times, acts of sexual assault are not reported by the victim, they are reported by a witness. Rehabilitation programmes should include the witness as well as they will need some form of counselling. The programme should not however leave out the perpetrator to avoid the perpetrator finding other victims, they to need rehabilitation from this lifestyle.

Correctional centre environment

One of the research questions this study sought to assess was the influence of the correctional centre's environment in causing male sexual assault in South African correctional centres. According to (Fritz, 2003), the Westville correctional centre in Durban, which was originally "built to incarcerate 1766 offenders, it incarcerated 4161 maximum offenders." Based on the above-mentioned statement even though the figures are from 15 years ago, it is evident that the issue of overcrowding in correctional centres makes it easy for criminal acts such as sexual assault to occur behind the bars. Overcrowding affects the workload correctional officers have, in that they are not able to perform at their utmost best thus affecting staff morale. It is no secret that more employees are needed to ease the burden on the current officers as well as on the offenders. According to Jones (2016:99) "the point to environmental design is to guide, manipulate and/or encourage people to behave in a desirable manner in a given situation." This would mean the physical setting of the correctional centre should be designed in such a way that offenders behave in a manner that shows that they are indeed rehabilitated. This would therefore mean that new cells must be built to accommodate all offenders, thus avoiding the issue of overcrowding. When one talks about crime prevention through environmental design, the defensible space model by Newman must be touched on. One of the key elements identified by Jones in defensible space is that of natural surveillance. Jones (2016:100) states that "natural surveillance involves designing physical space in a way that allows legitimate users to observe the behaviours of friends and strangers." If this element is taken into consideration when extending the correctional centre cells, it would make it easier for wardens to observe most activities that

take place within the correctional centre cells. The reality of the matter is that the number of people who commit crime and are sentenced will continue to rise, there must be a plan in place as to how the department will house all these new offenders along with the offenders that are already sentenced and serving their time. Overcrowding will make the purpose of correctional services in rehabilitating offenders obsolete if offenders are able to continue their life of crime while incarcerated.

6.3. CONCLUSION

To conclude, the findings of this study have brought to light just how effective the correctional centre environment is on the occurrence of sexual assault. Without the discussion of the literature, even though a literature gap was identified, theoretical and legislative framework, understanding the causes of sexual assault would not have been clear. The Department of Correctional Services on its own does not have a policy on sexual assault, the effective implementation of such a policy will assist correctional officers in their struggle with sexual assault. Professionals such as social workers have been brought in by the department, however this study shows that there are some challenges that offenders are experiencing. There must be collaboration between the department, its social workers, nurses and the correctional officer in finding a way to move forward. It cannot be the responsibility of the department alone; shared responsibility must take place as officials are the ones closer to the phenomenon.

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ANNEXURE A: INTERVIEW SCHEDULE GUIDE

INTERVIEW QUESTIONS- CORRECTIONAL SERVICES OFFICIALS

In-depth interview

1. Demographics:
 - a. Occupation:
 - b. Age range:
 - c. Gender:
 - d. Race:
 - e. Name of Organisation:
2. Is South Africa your country of citizenship?
3. Which Province are you from?
4. What motivated you to work for this organisation?
5. How long have you been in service?

Sexual assault

6. Does sexual violence or rape occur at this correctional centre?
7. What do you think are the causes of sexual assault?
8. On average, how many cases of sexual assault are reported a month?

9. What is the nature and extent of sexual violence in the correctional centre?
10. What necessary steps are taken when cases of sexual assault are reported?
11. How do you handle cases of an offender that agreed to be a “wyfie”?

Rehabilitation and Policy

12. Are you aware of rehabilitation programmes in place for victims of sexual violence?
13. Do you think they are helpful?
14. What can be done to improve these programmes?
15. Is there a policy on sexual assault for South African correctional centres?
16. How are you then able to classify which case is rape or a mutual agreement between offenders?
17. The implementation of a policy on sexual assault, what type of relief do you think it will bring about to correctional officials?

Role of warden

18. What is your role as a warden?
19. How visible are the wardens when doing their rounds?
20. What roles do wardens play in the occurrence of sexual assault amongst offenders?
21. In the case of a warden engaging in sexual activity with an offender, what measures are put in place to deal with such a situation?

Training and correctional centre environment

22. Do you think that as a correctional official, you have had sufficient training on how to deal with cases of sexual assault?
23. What can be done to improve this situation?
24. Known by you, what type of illegal activities do the offenders engage in?
25. What activities are available to the offenders that assist in keeping them busy and refraining from illegal activities?
26. How do you think the correctional centre's environment contributes to the level of illegal activities?
27. Is there anything more that you wish to add?

ANNEXURE B: INTERVIEW SCHEDULE GUIDE

INTERVIEW QUESTIONS- OFFENDERS

In-depth interview

1. Demographics:
 - a. What is your gender?
 - b. What is your nationality?
 - c. If South African, what is your race group?
 - d. What is your age range?
 - e. What is your level of education? (below grade 12; Grade 12; Tertiary)
 - f. How long have you lived in this residence? (year range)

Sexual assault

2. Does sexual assault occur in this correctional centre?
3. What do you think are the causes of sexual assault?
4. Have you ever been a victim of sexual assault or rape?
 - a. If yes, what measures were taken by the officials to assist you?
5. Would you report a case of rape or sexual assault if you were the victim?
 - a. If no, why not?

6. Are you aware of the rehabilitation programmes in place for victims of sexual assault or rape?
7. Do you think they are helpful?
8. What can be done to improve the effectiveness of these programmes?

Correctional centre social hierarchy

9. Is there a social hierarchy amongst offenders?
10. Where in this hierarchy do you belong?
11. How does one progress from one level to the other?
12. Would you use your position to forcefully engage in sexual activity with other offenders?
13. Does your position put you at risk of being sexually assaulted?

Race

14. Does race affect the way one is treated at this correctional centre?
15. According to prison social hierarchy, which race is considered to be dominant?
16. Which race is considered to be the weakest according to the social hierarchy?

Wyfies

17. How are wyfies treated by other offenders?
18. Do you have a wyfie?
 - a. If yes, how did you select him?

19. Are you a wyfie?
 - a. Why did you agree to being a wyfie?
20. Would you agree to being someone's wyfie?
21. Why do you think other offenders agree to being wyfies?
22. Is there anything you would like to add?

ANNEXURE C: UNIVERSITY OF KWAZULU NATAL APPROVAL LETTER



19 December 2017

Ms Siphelile N Mtshali 212535976
School of Applied Human Sciences – Criminology
Howard College Campus

Dear Ms Mtshali

Protocol reference number: HSS/0338/017M
Project title: Understanding the causes of male sexual assault: A case of Kokstad C-Max Prison.

Provisional Approval – Full Committee Reviewed Application

With regards to your response received on 11 October 2017 to our letter of 17 May 2017, the Humanities and Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol have been granted provisional approval, subject to grantkeeper admission being obtained.

This approval is granted provisionally and the final clearance for this project will be given once the above mentioned condition has been met. Note that data collection may not proceed until final ethics approval letter has been issued after the remaining conditions have been met and approved by the research ethics committee.

Kindly submit your response to Professor Shenuka Singh (Chair) % ximbap@ukzn.ac.za Research Office (Ethics), Westville Campus as soon as possible.

Yours faithfully

Prof. S. Singh (Chair)

/p/

cc: Supervisor: Mr Siyanda Dlamini
cc: Academic Leader Research: Dr Jean Steyn
cc: School Administrator: Ms Ayanda Ntuli

Humanities & Social Sciences Research Ethics Committee

Dr Shenuka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag X54001, Durban 4010

Telephone: (27) 031 250 3507/3190/4557 Facsimile: (27) 031 260 4609 Email: ximbap@ukzn.ac.za / ethics@ukzn.ac.za / ethics@ukzn.ac.za

Website: www.ukzn.ac.za

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ANNEXURE D: DEPARTMENT OF CORRECTIONAL SERVICES APPROVAL LETTER



correctional services

Department
Correctional Services
REPUBLIC OF SOUTH AFRICA

Private Bag X138, PRETORIA 0001 Poynters Building, C/O WF Nkomo and Suphis De Bruyn Street, PRETORIA
Tel (012) 307 2770

Ms SP Mtshali
P. O. BOX 1765
Kokstad
4700

Dear Ms SP Mtshali

RE: APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON: "UNDERSTANDING THE CAUSES OF MALE SEXUAL ASSAULT: A CASE STUDY OF KOKSTAD MEDIUM CORRECTIONAL CENTRE"

It is with pleasure to inform you that your request to conduct research in the Department of Correctional Services on the above topic has been approved.

Your attention is drawn to the following:

- The relevant Regional and Area Commissioners where the research will be conducted will be informed of your proposed research project.
- Your Internal guide will be **Mr J Sihlangu: Acting Director, Risk Profile Management, Head Office.**
- You are requested to contact him at telephone number (012) 307 2416 before the commencement of your research.
- It is your responsibility to make arrangements for your interviewing times.
- Your identity document and this approval letter should be in your possession when visiting.
- You are required to use the terminology used in the White Paper on Corrections in South Africa (February 2005) e.g. "Offenders" not "Prisoners" and "Correctional Centres" not "Prisons".
- You are not allowed to use photographic or video equipment during your visits, however the audio recorder is allowed.
- You are required to submit your final report to the Department for approval by the Commissioner of Correctional Services before publication (including presentation at workshops, conferences, seminars, etc) of the report.
- Should you have any enquiries regarding this process, please contact the DCS REC Administration for assistance at telephone number (012) 307 2770.

Thank you for your application and interest to conduct research in the Department of Correctional Services.

Yours faithfully

ND SIHLEZANA
DC: POLICY COORDINATION & RESEARCH

DATE: 06/08/2018

ANNEXURE E: XHOSA CONSENT FORM

Information Sheet and Consent to Participate in Research

Date: 29 May 2018

Molo mnumzana

Igama lam ndingu Sipehelele Nokwethemba Mtshali, ongumfundi kwiziko lemfundo ephakamileyo iDyunivesithi yaKwaZulu Natal, eHoward College Campus, South Africa, ndisenza izifundo ngoLwaphulo Mthetho (Criminology Masters). Unganxibelelana nam kwezinkcukacha zilandelayo:

E-mail: 212535976@stu.ukzn.ac.za

Cell: 0727331568

Ndikumemela ekubeni ube ngumthabathi kuphando oluzakuqwalasela unobangela wolwaphulo mthetho ngesondo kwijele yase Kokstad Medium Correctional Centre. Ndiqwalasele kakhulu uyelelwano phakathi kokunukubezwa ngokwesondo kwakunye nokudlwengulwa. Oluphando lulungiselelwe ukuqokelela ingcombolo noonobangela bokuzithathela isondo ngolunya, nokuba intlalo jikelele yasejele inawo na unoobangela ekuzithatheleni isondo ngolunya. Ndinqwenela ngemvume yakho, ukuqokelela inkcukacha nokukubuza imibuzo. Oluphando lulindeleke ukuba lisebenzisane namabanjwa alishumi noonogada abalishumi kwijele yase Kokstad medium. Ukuze kufumaneke onoobangela bokwabelana ngesondo ngolunya, kuzakubakhona udliwano-ndlebe phakathi kwamabanjwa nam, kanye noonogada nam. Udliwano ndlebe phakathi kwam nawe luzakuthatha ixesha

elingange yure enye, ukanti lingohlulwa kubini, ngokomnqweno wakho. Udliwano-ndlebe luzakusebenzisa isishiceleli mazwi.

Oluphando lungaba nobunzima obufana nokuphindeka kokuhlukumezeka. Yonke ingxelo kwakunye nolwazi othe walunikeza apha aluzusetyenziswa ukuvukela wena, luzakusetyenziselwa uphando lwesikolo kuphela (research). Kodwa ke uphando olu luzozama ukuveza imibono neezimvo zamabanjwa kubaphathi.

Xa kuthe kanti uziva ngathi uyahlukumezeka, isazi ngengqondo sizakuba khona ukukululeka nokukucebisa. Ulwazi ngakumbi lungafumaneka kwi South African Prisoners Organisation for Human Rights. Uyakuzifumana iinkcukacha zalombutho zizqkufumaneka.

Oluphando lukholekile, luhloliwe ngokwe milinganiselo yokuziphatha yase UKZN Humanities and Social Sciences Research Ethics Committee (approval number HSS/0338/017M)

Unganxibelelana nam kwezinkcukacha zilandelayo: 212535976@stu.ukzn.ac.za.

Unganxibelelana kwakhona ne-ofisi yezifundo zophando kwezinkcukacha zilandelayo:

HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban

4000

KwaZulu-Natal, SOUTH AFRICA

Tel: 27 31 2604557- Fax: 27 31 2604609

Email: HSSREC@ukzn.ac.za

Unalo ilungelo lokuthatha inxaxheba koluphando, okanye uzichaselise kulo ngokomnqweno wakho. Awuzukufumana sohlwayo ngenxa yokuthatha nasiphi na isigqibo. Iizenzo ezingafanelekanga ngokubona komphengululi zizokhokhela ekukhuthsweni kwakho kuphando.

Yonke ingxelo kwakunye nolwazi othe walunikeza apha aluzusetyenziswa ukuvukela wena, luzakusetyenziselwa uphando lwesikolo kuphela (research).

Yonke ingxelo eqokelelweyo koluphando izakugcinwa kwindawo esekhusini, ize itshatyalaliswe emva kweminyaka emihlanu. Izinto esizakuzixoxa apha zizakuba yimfihlelo phakathi kwethu, kwaye xa sinika ingxelo, izakunikezwa njengengxelo equka isininzi, ingalikhankanyi igama lakho, kwaye kuzosetyenziswa isishicileli mazwi ukuqokelela iizimvo zakho.

--

CONSENT (Edit as required)

Mna (amagama omthabathi
nxaxheba apheleleyo) ndiyaqinisekisa, kwaye ndiziqondile zonke izinto ezicaciswe

koluxwebhu, ndikwavumelana nokuthabatha inxaxheba koluphando, ndiyayamkela nendlela ezakusetyenziswa ukuqhuba Oluphando.

Ndiqondile ukuba ndinalo ilungelo lokurhoxa koluphando nangaliphi na ixesha, xa ndinomnqweno wokwenjenjalo.

Ndilifumene nethuba lokubuza iimibuzo kwaye ndonelisekile ziimpundo.

Ndiyayiqonda ukuba akukho nhlawulo endizakuyifumana ngokuthatha inxaxheba koluphando.

Ndichazelwe ngokuba khona kwe sazi ngqondo xa ngaba ndingaphethakanga kakuhle.

Ukuba ndinemibuzo mayelana noluphando, ndingaxibelelana nomphangululi okanye ne-ofisi yezophando kwezinkcukacha zilandelayo:

HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban

4000

KwaZulu-Natal, SOUTH AFRICA

Tel: 27 31 2604557 - Fax: 27 31 2604609

Email: HSSREC@ukzn.ac.za

Ukuba unawo umdla wokuthabatha inxaxheba koludliwano-ndlebe, ndicela ubeke uphawu lomkorekiso kwicala elo uvumelana nalo, ukwavumelana nokuba udliwano-ndlebe olu luzakushicilelwa kusetyenziswa ezizixhobo zilandelayo:

Isishicileli mazwi YES / NO

Izixhobo zokufota YES / NO

Izixhobo zokushicilela imifanekiso YES / NO

Utyikityo lomthabathi nxaxheba

Date

Utyikityo lwengqina

Date

Utyikityo lomtoliki

Date

Enkosi ngegalelo lakho koluphando.

ANNEXURE F: ENGLISH CONSENT FORM

School of Applied Human Science, College of
Humanities,
University of KwaZulu-Natal,
Howard College Campus,

Dear Participant

INFORMED CONSENT LETTER

My name is Siphhelele Mtshali, I am a Criminology Masters student studying at the University of KwaZulu-Natal, Howard College Campus; South Africa.

I am interested in learning about the causes of sexual assault at the Kokstad medium correctional centre, paying attention to the relationship between sexual assault and rape. To gather the information, I am interested in asking you some questions.

Please note that:

- Your confidentiality is guaranteed as your inputs will not be attributed to you in person, but reported only as a population member opinion.
- The interview may last for about 1 hour and may be split depending on your preference.
- Any information given by you cannot be used against you, and the collected data will be used for purposes of this research only.
- Data will be stored in secure storage and destroyed after 5 years.
- You have a choice to participate, not participate or stop participating in the research. You will not be penalized for taking such an action.
- The project is designed to gather information on the causes of sexual violence as well as the rehabilitation programmes for victims of sexual violence. Your involvement is purely for academic purposes only, and there are no financial benefits involved.
- If you are willing to be interviewed, please indicate (by ticking as applicable) whether or not you are willing to allow the interview to be recorded by the following equipment:

	Willing	Not willing
Audio equipment		
Photographic equipment		
Video equipment		

I can be contacted at:

Email: ravenmtshali@gmail.com or 212535976@stu.ukzn.ac.za Cell: +27 727331568.

My supervisor is Mr. Siyanda Dlamini who is located at the Department of Criminology & Forensic Studies, Howard College campus of the University of KwaZulu-Natal.

Contact details: email: dlaminis16@ukzn.ac.za Phone number: +27768240317

You may also contact the Research Office through:

P. Mohun

HSSREC Research Office,

Tel: 031 260 4557 E-mail: mohunp@ukzn.ac.za

Thank you for your contribution to this research.

DECLARATION

I..... (full names of participant) hereby confirm that I understand the contents of this document and the nature of the research project, and I consent to participating in the research project.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

SIGNATURE OF PARTICIPANT

DATE

.....

.....