Recommendations
for the promotion of the sexual health, sexual rights, safety and dignity of prisoners

Criminal Justice Programme
Centre for the Study of Violence and Reconciliation
Although written from the perspective of South African men’s prisons, these issues are highly pertinent to other contexts as well.

## Recommendations

**FOR THE PROMOTION OF THE SEXUAL HEALTH, SEXUAL RIGHTS, SAFETY AND DIGNITY OF PRISONERS**

### Policy and regulations

Existing regulations are out of kilter with the White Paper on Corrections in South Africa (2005) and new sexual offences legislation. These need rigorous engagement and revising so as to promote a culture of sexual health, sexual rights, safety and dignity.

### Definitions and Terminology

- Employ clear definitions in policy and regulations of "sexual coercion", "sexual violence", "rape" etc. that corresponds with sexual offences legislation.
- End the common usage of the term "sodomy" which contributes to confusion between consensual forms of sex and sexual violence, and adds to the invisibility of rape in correctional contexts.
- Create clarity around which forms of sexual practice are disciplinary offences and which are not.
- Ensure that regulations promote a culture of reporting, for example, by allowing victims of sexual abuse to report outside of the usual "chain of command".
- Require that prisons report on steps taken to deal with sexual violence and build capacity within prisons for them to engage with these issues. This should include collecting and maintaining statistics on the number of sexual assaults reported (instead of merely capturing "assaults" as a generic category) as well as their responses to it.

### Management, staff development and staff capacity

- Create incentives for correctional centres and DCS staff to devise mechanisms and systems to prevent, manage and monitor sexual violence in their centres.
- Seek ways to recognize and reward staff and centres that build a culture of reporting and respond appropriately to sexual abuses (rather than “punishing” them for reports of violence in their centres.)
- Include in the training of all DCS recruits, a comprehensive component on the prevention and management of sexual violence in detention and the promotion of sexual health and sexual rights. Develop these training curriculums in collaboration with civil society.
- Build awareness and sensitivity amongst staff to warning signs that often accompany situations of sexual violence.
- Work with civil society to urgently implement awareness on sexuality and gender issues for inmates and staff as well as to promote health and safe-sex practices.
- Ensure that staff in all relevant departments (such as correctional, medical, psychological, educational) have the competencies in their fields, to support victims and promote sexual health.

1  Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 (SOA),
Staff Conduct

- Act decisively against staff who engage in corrupt practices including those of selling inmates to other inmates, accepting bribes to turn a blind eye, and preventing inmates from accessing services such as health-care and medical assistance.
- Discipline staff for refusing to take inmate complaints, or for not taking action in response to inmate complaints.

Separation and classification of inmates

- Work with NGOs to improve classification procedures and criteria to ensure that wherever possible, abuses are prevented before they occur.
- These criteria must address marginalized and vulnerable groupings such as first-time offenders; lesbian, gay, bisexual and transgendered inmates; the mentally disabled, and awaiting-trial inmates.
- Devise systems to ensure that policies are implemented to keep adult inmates out of juvenile institutions and children out of adult centres and monitor this on a regular basis.

Victim access to support

- Ensure that inmates have access to medical, social and psychological services, and where these are not available by DCS, that inmates are referred to external service providers.
- Raise awareness amongst inmates on the existence of sexual abuse in prisons, their rights should they become a victim, and channels for securing these rights or assisting others to secure these rights.
- Create confidential and various channels for the reporting of sexual abuse.
- Involve Independent Visitors (IVs)\(^2\) in strategies to promote reporting and referral to services.
- Ensure that victims are never required to share accommodation with inmates who have victimized them.
- Telephonic help-lines – relevant to both victim support and sexual health - should be made more accessible to inmates. Calls to such help-lines should not “count” as part of an inmate’s telephone quota.

Justice and follow-up in cases of rape

- Revise and strengthen procedures for responding to reports of sexual violence and to address the current culture of impunity, e.g., by ensuring that perpetrators are removed and disciplined; that all victims are supported to report cases to police and that monitoring systems to track the progress of investigations (e.g. by IVs) are implemented.
- Strengthen cooperation with the criminal justice system, so that referrals by the DCS to the South African Police Service (SAPS) are taken seriously and followed up, so that the DCS allows and assists the SAPS to conduct full investigations in correctional centres, and cooperates with, for example, medical examination requirements and, bringing witnesses to court.

Devise strategies to address environmental factors and the management of resources in centres

The manipulation of power by inmates and staff through resources such as food, toiletries and cigarettes is often a central component of abusive sexual interactions.

- Resources need to be better controlled in order to avoid the creation of power-blocs, exploitation and corruption which interfere with inmates’ access to basic necessities: for example to ensure inmates receive the food rations they’re entitled to as well as ensuring the adequacy of these.

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\(^2\) IVs are community members appointed by the Inspecting Judge to visit correctional centres to take and monitor inmate complaints as part of a prison oversight role.
• Systems of food management need to be revised and monitored.
• Inmates who do not receive items through visits need to be catered for in terms of their basic requirements.
• Inmates should play no role in the allocation of new inmates to accommodation, or be given by staff any other powers over other inmates.

Security and patrols
• Systems need to be implemented whereby inmates can raise alarms and summons staff during lock-up times.
• Construction materials and fittings that do not lend themselves to use as weapons should be introduced.
• Regular patrols, unannounced visits to cells, and inspections after lock-up should be conducted.
• Allow staff rapid access to cells in the event of incidents.

Facilitate Sexual Health
• Ensure that all victims get rapid health treatment and are immediately referred where DCS does not have the resources to provide this.
• Improve inmate access to (appropriate) condoms as well as providing water-based lubricants.
• Quality programmes to promote sexual health and risk awareness as well as to explore sexuality and gender and transform harmful gender attitudes and homophobia are needed.
• Programmes must engage with realities in correctional centres. At least some of the existing programmes appear lacking in this regard as well as being too thinly spread, e.g. while 94% of youth inmate respondents in a Gauteng survey had been exposed to HIV information in the centre, 60% were either unsure about the effect of Vaseline on condoms, or wrongly believed it not to damage condoms (Gear, 2007).

Occupy and develop inmates
Finally, sexual violence is often increased by the long hours that inmates spend confined to their cells in unsupervised conditions. Encourage the development and implementation of the sentence plan and the occupation of inmates during a full day. In addition, implement rehabilitative and development programmes that aim to address problematic behaviour such as violence, aggression and substance abuse.

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