



MINORITY REPORT:

the imprisonment of women and girls in Gauteng

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Marginal in number, female prisoners in South Africa are also invisible in research and public discussion around imprisonment, except perhaps as the mothers of 'babies behind bars' (and arguably it is the baby who is of greater public interest), or as women who have killed abusive partners.

This research brief makes Gauteng's women prisoners its focus, describing who they are and setting out findings about the conditions and circumstances of their imprisonment. It emphasises three aspects of imprisonment that particularly concerned the women we interviewed: contact with children and family; health and wellbeing; and opportunities for further education and reintegration into society.

Women's prisons in South Africa

- South Africa has 240 prisons. Of these, eight are specifically designated as women's prisons while a further 72 prisons house primarily men but contain an adjunct, separate space to accommodate women.
- In 1995 there were a total of 1 905 sentenced female prisoners in South Africa, with this number increasing to 3 045 by January 2005 (JIP, 2005). This rise is equalled by the growth in men's imprisonment. Between 1995/6 – 2002/3 women's imprisonment increased by 68% while that of men increased by 69% (Vetten and Bhana, 2005). The growth in the female prison population is not peculiar to South Africa but consistent with trends internationally in women's incarceration (Kruttschnitt and Gartner, 2003). Nonetheless, the number of women in prison overall is small and currently amounts to just 2.2% of South Africa's total prison population.
- Women's prisons in South Africa, like men's prisons, are overcrowded – although

not perhaps to the same extent. In 2004 Johannesburg women's prison reported a 155% overcrowding rate, and Pretoria a 172% overcrowding rate (JIP, 2004).

The study and its methodology

This study was conducted at the three prisons in Gauteng which house female prisoners: Johannesburg, Pretoria and Heidelberg. Of these, the first two are female-only prisons while the latter is primarily a men's prison that also houses a separate women's section. All three prisons are considered medium security facilities. At the time of the study, Heidelberg housed women serving short-term sentences of some three years or less while Pretoria housed women serving medium-term sentences of ten years or less. Johannesburg, the biggest women's prison in the country, not only incarcerated women serving short and medium-term sentences, but also those serving sentences in excess of ten years, including life imprisonment.

When the study began 565 women (525 adults and 40 juveniles) were held at Johannesburg, a further 146 (137 adults and nine juveniles) at Pretoria and 57 at Heidelberg. The total population across the three prisons was 768. Through random, proportional sampling of both adult and juvenile female prisoners, a sample of 569 female prisoners in Gauteng was selected for the study, calculated at a 99% confidence interval and three per cent margin of error.

Because the prison population is not constant and fluctuates daily as newly-convicted women are imprisoned and others released, either on parole or to serve sentences of correctional supervision, we lost some interviewees between the time the sample was selected and the interview conducted. Ultimately, 348 women were interviewed with a further 28 refusing to be interviewed and the remainder of interviews lost to releases. To account for the difference

in sample size and the number of interviews ultimately completed, data were weighted to account for instances of over- or under-representation, taking into account the relative sizes of the prisons and the number of juveniles, and were thus proportional to size. Data collection began in March 2003 and concluded on 30 January 2004. Permission to publicly release the findings from the study was received from the Department of Correctional Services in November 2005.

The questionnaire

Women were interviewed using a structured interview schedule that sought background information about their lives prior to imprisonment; experiences of violence both prior to as well as during incarceration and the effects of these experiences; and information about the women's various brushes with the law, as well as their sentences. The interview made use primarily of closed-ended, pre-coded questions, interspersed with some open-ended questions which were coded on completion of the fieldwork. Data were captured and subsequently analysed with SPSS.

A week before the interviews began, we conducted briefing sessions at each of the three prisons to explain the study and its purpose and provide the women with an opportunity to think about whether or not they wished to participate in the research. It was also made clear that the survey would be anonymous and confidential and that neither positive benefits nor negative consequences were attached to (not) participating in the study. On conclusion of the fieldwork, the preliminary findings were presented to the women who vigorously engaged with the findings and recommendations.

The number of women in prison overall is small and currently amounts to just 2.2% of South Africa's total prison population.

Inevitably, mothers and children lose contact with one another,

Given the sensitive nature of the study's focus, fieldworkers with a background in counselling rape and/or domestic violence survivors were recruited to administer the questionnaires. Training focused on the importance of obtaining informed consent and maintaining confidentiality, as well as dealing with the challenges of working in prisons. On completion of the training, fieldworkers were then selected on the basis of language, cultural and age appropriateness, as well as their ability to conduct the interviews in an empathic manner. To assist the fieldworkers in dealing with the difficult nature of prison work, as well as the distressing content of the interviews, three debriefing sessions were conducted by mental health professionals.

Limitations

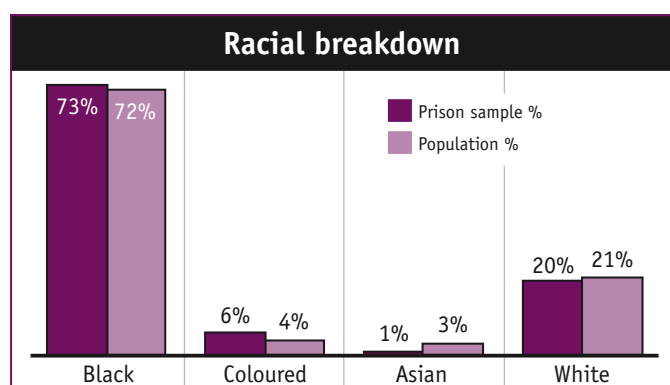
Surveys of this nature rely on self-reporting by participants and are thus vulnerable to exaggeration or misrepresentation, as well as the inevitable distortions of memory. Further, at the time of the interviews at Johannesburg, the Jali Commission was also conducting its investigations into corruption at the prison. Noting that women were starting to confuse the study with the work of the Jali Commission, we temporarily suspended fieldwork and returned to the prison to provide another briefing explaining the differences between ourselves and the Commission. This may have resulted in misrepresentation of certain information.

Although this study was confined to Gauteng, the demographic characteristics of our sample are very similar to those of the women interviewed nationally by the Judicial Inspectorate of Prisons (JIP) (2004). This suggests that women imprisoned in Gauteng are not very different to those in prisons in other provinces and that findings from this study may be extrapolated to other South African female prisoners.

Findings

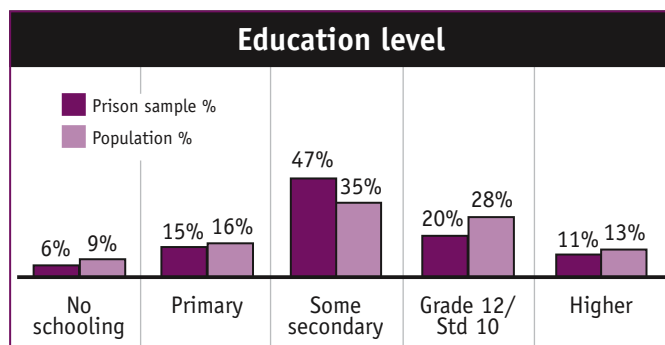
Who were the women in our study?

- Sixty-five per cent of women in our study were held at Johannesburg Prison, 24% at Pretoria Central prison and 11% at Heidelberg. Ninety-one per cent of the women were adults and nine per cent juveniles. At the time of the interviews more than half of the women (58%) had already served two years in prison. The length of time served ranged from one month to over 11 years.
- The women ranged in age from 16 to 67 years. The average median age of the women was 33. In general the female prison population is somewhat older than the male prison population where 60% of imprisoned men are under the age of 30 (JIP, 2004).
- In terms of the 2001 Census data our sample was racially representative of the female population of Gauteng. Coloured women were slightly over-represented and Indian women somewhat under-represented – a difference that may be accounted for by the size of the sample.¹

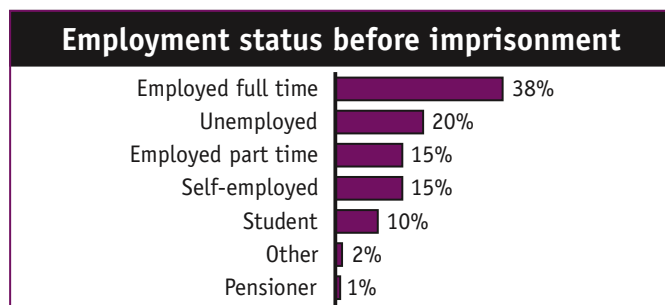


¹ In both cases the difference between the sample and the general female population in Gauteng is approximately 10 individuals.

- The vast majority of women were born in South Africa, with just six per cent born outside of the country. Almost half of the women (49%) were born in Gauteng, with 78% resident in the province at the time they committed their crimes.
- Women in our study were slightly more likely to have had at least some schooling and to have completed at least some secondary education in comparison to the general female population of Gauteng. However, fewer women prisoners had completed their matric than the general female population.

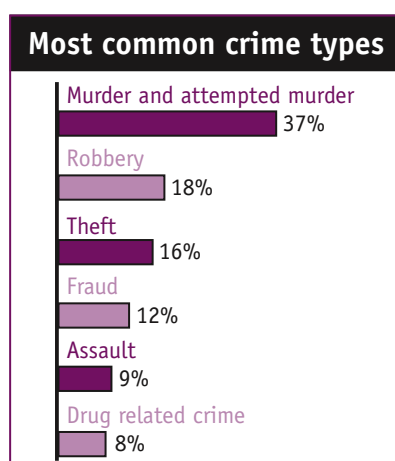


- The majority of women (62%) interviewed came from deprived economic backgrounds: one in two (50%) either had no income at all, or earned less than R500/month, and 12% earned between R500 – R999/month.
- Prior to imprisonment, 45% of women described themselves as the breadwinners in their households. A further 28% of women said their parents or other family members were the main earners in their households. In just under one in four cases (24%) the women's intimate partner was the main money earner in the household.



- Of those women who were employed, one in four women worked in the retail/hospitality/service sector while a further one in four were employed as domestic workers. Thirteen per cent of women held administrative/secrretarial posts while just over one in 10 (11%) women could be classified as professionals. One in five (21%) were employed as unskilled labourers.

Current and previous crime and sentence type



More than one in three women (38%) across the three prisons had been convicted for murder or attempted murder, making this the most common offence in prison. Women were least likely to be imprisoned for drug-related crimes. Of the seven foreign nationals incarcerated in the three prisons, six had been convicted of drug-related crimes.

which may cause psychological and emotional damage to both.

- The sentences handed down to women in our study ranged from less than a year to life imprisonment. Ten per cent of women were serving sentences of 20 years or longer, with three per cent of this group serving life imprisonment. More than half of women (56%) were serving sentences of eight years and less.
- The average median length of sentence being served by the women was eight years. However, this average differed across the prisons. In Johannesburg the average median sentence was 11 years; in Pretoria five years; and in Heidelberg two years.

- The average length of sentence handed down to women is increasing. In 1995 women served, on average, sentences of three years two months. In the 2004/2005 annual report of the JIP, this average is now said to be five years 10 months.
- According to the JIP (2004), the number of women serving sentences longer than seven years has risen by almost 300% since 1995.
- The JIP annual report for 2004/2005 states that 208 women (or seven per cent of the sentenced female prison population) sentenced to a fine or an alternative prison sentence, were serving prison sentences because they were too poor to pay the fine.

Previous convictions

The vast majority of women interviewed were first offenders, with only 14% having previous convictions. Of this percentage, 61% had one previous conviction and 11% four previous convictions. These previous convictions were typically for shoplifting and theft.

Women in prison and their families

- Just one in five (20%) women were still married or in marital-like relationships at the time of the interview, 53% of women were single, 14% divorced, nine per cent widowed and five per cent separated from their intimate partners.
- The overwhelming majority of women were mothers, with 83% having at least one child. On average, the oldest child was 16 years of age.
- On average, women became pregnant for the first time at the age of 19. The age of first pregnancy ranged from 12 to 35 years.
- Almost one in two women (47%) were between the ages of 12 and 18 when they first fell pregnant. Almost one in five (19%) were 16 or younger when they became pregnant for the first time.
- Most children were being cared for by family members while their mothers were in prison. Thirty-seven per cent were cared for by their grandparents and 28% by another family member. A further 22% had been placed in other care arrangements, including foster care. Children were least likely to be in the care of the women's male partners (13%).

Staying in contact with family and the outside world

Who visited the women?

Because there are so few women's prisons in comparison to men's prisons, women tend to be imprisoned at greater distances from family and friends. The result, as our study highlights, is isolation from family, children and friends:

- One in three parents visited their daughters, with the greatest proportion of parents (48%) visiting at least once a month.
- Siblings were slightly more likely to visit than parents with 39% of women visited by their brothers and sisters.
- Twenty-five per cent of women were visited by their friends while 24% were visited by other people, including religious workers.

- One in three women had not seen their children since coming to prison, while one in 10 saw their children once a year or less. Eight per cent of women said they saw their children at least twice a year and 16% saw their children every two or three months. Only one in 10 women saw their children weekly.

Children and imprisoned mothers

Children often suffer more adversely from having an imprisoned mother than an imprisoned father. When a child's father is imprisoned, the child usually continues living with the mother but when a mother is imprisoned, the child very rarely lives with the father. On their mother's imprisonment, children experience a host of disruptions such as changes in caregiver, living arrangements and living standards, residence and community, schooling and friends, and may also be separated from their siblings (Bhana and Hochfeld, 2001).

Visiting conditions also work against the maintenance of mother-child bonds. Newly-sentenced inmates receive visits behind glass while women who have been in prison for longer and have a record of good behaviour are permitted 45 contact visits of one hour each per year. These visits generally take place in communal visiting sections, with little opportunity for private conversation. Overcrowding also means that the prisons forgo play areas for children. Visiting times are thus too brief and infrequent and the visiting environment too child-unfriendly to support close relationships between women and their children (Vetten and Bhana 2005: 264). Inevitably, mothers and children lose contact with one another, which may cause psychological and emotional damage to both.

Health and well-being

Women interviewed for the study were less likely to characterise themselves as being in good health than the general female population.

- One in four women described their health as either excellent or very good, 31% as good, 23% as fair and 21% as poor. In comparison, 88% of the population described their health as either excellent or very good and only 12% as average, poor or very poor (Statistics SA, 2004).
- Fifty-six per cent of women prisoners characterized their relations with each other as either good or very good and 29% described their relations as average. Fourteen per cent said their relations were poor or very poor. Five per cent of women wanted their fellow prisoners to show more respect to one another while three per cent specifically wanted racism and xenophobia within the prison to be addressed.
- Fifty-nine per cent of women described relations with warders as being either good or very good while 27% said they were average. Fourteen per cent rated their relations with warders as poor or very poor. Thirteen per cent of women asked that warders treat them in a more humane and respectful manner.

'Warders must not practice apartheid. They are nice to those who can give them something (earrings, chains, money) and they treat us poor prisoners like dirt. They even prevent us from going to the doctor or social worker. (Q 204)

~
If you can give them [the warders] something then they will help you. (Q 49)

Asked about the consequences of their treatment and stay in prison:

- Five per cent said they had attempted suicide while 10% had thought about suicide. Two per cent had tried to hurt themselves.
- Eleven per cent used sleeping pills and six per cent turned to anti-depressants or other medication to help them deal with their feelings.

There is much to distress women in prison. As our companion study has shown, women in prison have experienced significantly higher rates of childhood rape and violence in their intimate relationships than women in the general population (Haffajee, Vetten and Greyling, 2006). They also experience violence and abuse within prison (ibid), are imprisoned at greater distance from their support networks and often become isolated from outside contact. When siblings and parents fall ill or die, or children run away, fail school, or are raped, there is little women can do from behind bars, particularly when the state services that should assist them are not functioning effectively.

What women recommended:

- **One in three women asked that the number of activities available to them be increased.** They highlighted how their inactivity resulted in boredom, increased tensions between each other, and provided ample opportunity to improve their skills in law-breaking. In comparison to male prisons, female prisons provide fewer work, education and skills development opportunities. Male prisoners have options for participating in the timber, furniture-making, textile and steel enterprises whereas female prisoners have access only to the laundry, hair salons and sewing activities.² Not only does this latter set of activities reproduce gender stereotyping, but they are also unlikely to earn women much income if practised on their release.
 - **One in three women wanted better access to mental and physical health services.** They wanted access to drug rehabilitation services, better access to medication (including anti-retroviral drugs) and more counselling and therapy sessions. Given that women in our sample have been subjected to substantially more violence and abuse than the general female population (Haffajee, Vetten and Greyling, 2006), it is not unreasonable to speculate that their levels of psychological distress may well be greater than those of the general female population. Certainly, their relationships with their children are vulnerable to long-term damage and a good deal of psycho-social support is required to rebuild and sustain these relationships.
 - **One in 10 women recommended that current systems of punishment, sentencing, incarceration and release be reformed.** When mothers are imprisoned it can be argued that their punishment is inadvertently being extended to their children. This is clearly undesirable. The consequences of overcrowding in women's prisons present another argument for alternative forms of sentencing. Prisons that have exceeded their capacity simply cannot accommodate support groups, counselling rooms, training and education facilities, drug rehabilitation facilities, play areas and private visiting areas. The goals of reintegration and support to prisoners cannot be met under these circumstances. Alternate forms of sentencing are needed that still hold women responsible for their crimes but change the form their punishment takes.
- Finally, some women have nowhere to go on their release, while still others are not released when they should have been because they have no place to stay. This points to a need to introduce half-way houses that can also help women with their reintegration into the outside world.

² Potgieter, personal communication, 2005.



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In their 2004/05 annual report, the Department of Correctional Services stated that it employed 25 psychologists. This number has been supplemented through an agreement with the Department of Health that permits psychologists to complete their compulsory one year community service at a prison facility. Between them, these permanent psychologists and interns must provide psychological services to the 135 120 sentenced prisoners incarcerated around the country as at 31 January 2005.

References

- Bhana, K. and Hochfeld, T. (2001). *"Now we have nothing"- the impact of long-term maternal imprisonment on children whose mothers kill an abusive partner.* Johannesburg: Centre for the Study of Violence and Reconciliation.
- Department of Correctional Services. (2005). *Annual Report for the 2004/2005 Financial Year.*
- Haffajee, S., Vetten, L. and Greyling, M. (2006). *Violence And Abuse In The Lives Of Women And Girls Incarcerated At Three Gauteng Women's Prisons.* CSVr Research Brief, No. 3, Feb 2006.
- Judicial Inspectorate of Prisons. (2004). *Women in South African Prisons.* Report prepared in support of the 16 Days of Activism Campaign.
- Judicial Inspectorate of Prisons. (2005). *Office of the Inspecting Judge Annual Report for the 2004/2005 Financial Year.*
- Kruttschnitt, C. and Gartner, R. (2003). 'Women's Imprisonment' in *Crime and Justice Vol 30 (1)*. The University of Chicago, Crime and Justice.
- Statistics South Africa (2004). *Perceived health and other health indicators in South Africa.*
- Vetten, L. and Bhana, K. (2005). "The Justice for Women Campaign: Incarcerated Domestic Violence Survivors in Post-Apartheid South Africa" in Julia Sudbury (ed). *Global Lockdown: Race, Gender and the Prison-Industrial Complex.* New York: Routledge.