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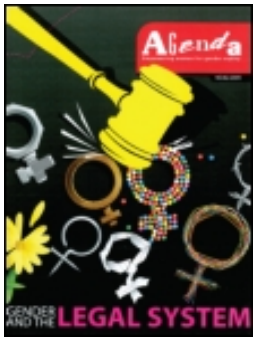
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Exploring violence in the lives of women and girls incarcerated at three prisons in Gauteng Province, South Africa

Sadiyya Haffjee, Lisa Vetten and Mike Greyling

abstract

The prevalence of violence against women in South Africa has prompted a growing body of research into this problem. Absent from such local enquiries are women and girls in conflict with the law – despite the evidence from international literature which posits a strong relationship between female offending and prior experiences of violence. Seeking to explore South African women offenders' experiences, this *article* presents findings from a study conducted by the Centre for the Study of Violence and Reconciliation (CSVR) with women and girls incarcerated in three Gauteng prisons. It explores the women's history of abuse both during childhood and adulthood and offers some indication of the relationship between such violence and engagement in unlawful activities. The *article* suggests that for many women and girls who have experienced violence, arrest and imprisonment may represent the most significant – if not only – response by the criminal justice system to the circumstances of their lives.

keywords

women, prison, violence, South Africa

Introduction

When battered women kill their abusive partners, there is an obvious relationship between the violence inflicted upon them and their subsequent actions. Whether or not other prior experiences of violence or abuse also play a role in women's unlawful acts has not, however, been investigated. Further, while a body of research is beginning to emerge in South Africa around violence in men's prisons (Haysom, 1981; Gear and Ngubeni, 2002; Steinberg, 2004), no corresponding exploration of the situation in women's prisons has been undertaken. This short research *article* presents findings from a study conducted in three women's prisons in Gauteng exploring these two questions. It briefly describes the nature

and extent of violence experienced by women and girls in conflict with the law, both prior to as well as during incarceration; and the relationship between such experiences of violence and the commission of unlawful acts. Both sets of questions are important for the prevention of women's offending, as well as the informed sentencing and management of female offenders.

Abuse in the lives of women prisoners internationally

On the basis of their review of a number of studies, Kruttschnitt and Gartner (2003) state that a history of physical or sexual abuse distinguishes women in prison both from

women in the general population, as well as men in prison. Estimates of the extent of violence experienced by female prisoners from the United States, Canada and the United Kingdom range from 25% to 80% (see Kruttschnitt and Gartner, 2003).

Violence is not the only hardship more likely to be experienced by women in prison than non-imprisoned women. International studies suggest that the majority of female prisoners come from deprived backgrounds, have histories of drug abuse, higher rates of physical disorders than the general population and more physical and mental impairments than incarcerated males. Additionally HIV/AIDS infection rates appeared to be higher than those for the general population and higher than those of incarcerated men (Epstein, 2000; Kruttschnitt and Gartner, 2003).

Kruttschnitt and Gartner (2003) conclude that the overlapping and complex nature of childhood abuse, racial discrimination, economic disadvantage and intimate relationship violence affects women's risk of coming into conflict with the law.

Women in prison in South Africa

As of July 2003, there were 229 functioning prisons in South Africa. Of these, 8 are specifically designated as women's prisons while a further 72 prisons house primarily men but contain as 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 4 152 by August 2004 (Judicial Inspectorate of Prisons (JIP), 2004). This rise is equalled by the rise 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 of 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 amounts to just 3% of the total prison population in South Africa.

Marginal in number, female prisoners in South Africa are further marginalised 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 lack of attention to women offenders is the result of a number of factors. First, due to its tiny size, the female prison population is easy to overlook. Second, criminal behaviour is usually regarded as masculine, with female prisoners often perceived as neither women nor criminal (Worrall, 1990). Third, perhaps because it lacks the sensational and esoteric details of gangs, numbers and tattoos associated with male prisoners, the conditions of women's imprisonment as well as women's violence within prison settings have attracted almost no attention. Finally, the stereotyping of women as nurturing, peaceful and passive creates reluctance in many (including some feminists) to acknowledge and engage with women's capacity for violence. This study is the first in South Africa, then, to explore and quantify violence in the lives of women and girls in conflict with the law.

Methodology

Method of data collection

Three prisons in Gauteng 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 3 years or less while Pretoria housed women serving medium-term sentences of 10 years or less. Johannesburg, the biggest women's prison in the country, not only

The conditions of women's imprisonment have attracted almost no attention

incarcerated women serving short and medium-term sentences, but also those serving sentences in excess of 10 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 9 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 included in the study, calculated at a 99% confidence interval and 3% margin of error.

From this sample, a total of 348 women were interviewed. A 6% refusal rate was recorded, with the remainder of interviews lost to releases. 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. 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 was thus proportional to size. Data collection began in March 2003 and concluded on 30 January 2004.

The questionnaire

Prisoners were interviewed using a structured interview schedule that sought background information about the women's 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. Questions around violence were adapted from the World Health

Organisation's (WHO) Questionnaire on Emotional, Physical and Sexual Violence. Adaptations were based around the need to tailor the questionnaire to the unique circumstances of imprisonment. The interview was structured and made use of primarily 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 Fisher's exact test was then performed to test the significance of associations between particular variables.¹

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 were invited to engage with the findings and recommendations.

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

Fieldworkers
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recruited

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

Race	Prison Sample %	Population %
African	73%	72%
Coloured	6%	4%
Asian	0%	3%
White	20%	21%

information, with accounts of prison violence perhaps under-represented.

Findings

Characteristics of the sample of female prisoners in Gauteng Province

The sample ranged in age from 16 years to 67 years, with the median age being 32. This number differs from the average age of male prisoners where, on average, 60% are younger than 30 years (JIP, 2004).

The racial breakdown of the sample was similar to that of the general female population in Gauteng obtained from the 2001 Census data. 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.²

While women in Gauteng's prisons were slightly more likely to have had at least some schooling, they were less likely to have matriculated than the general female population.

More than one third of the women (38%) were employed full-time before imprisonment

Education	Prison Sample %	Population %
No schooling	6%	9%
Primary	15%	16%
Some secondary	47%	35%
Grade 12/Std 10	20%	28%
Higher	11%	13%

Crime and Sentence Type

Most Common Crime Types	%
Murder and attempted murder	38%
Robbery	18%
Theft	16%
Fraud	12%
Assault	9%
Drug related crime	8%

while one in five (20%) were unemployed. Almost half of the women (45%) interviewed reported that they were the main earners in their households before imprisonment (perhaps suggesting that almost half of women

Sentence Length	%
<1 - 4 yrs	28%
10 yrs	10%
15 yrs	12%
Life	3%

were single parents at the time they committed their crimes).

Approximately 83% of the women had at least one child, with the average age of their first child being 16.

More than one in three women (38%) across the three prisons had been convicted of murder or attempted murder, making this the most common offence for which women were imprisoned.

The length of sentences ranged from less than

a year to life imprisonment, with the average length of sentence being 9 years. The portion of sentences served ranged from 1 month to over 11 years. More than half of the women interviewed (58%) had already served at least 2 years in prison at the time of the interviews.

The female offender: Exposure to and experiences of violence and abuse

Childhood care and violence in the family

One in three women (29%) was raised by their grandparents and a further one in eight (16%) was raised by other relatives. Seven percent grew up in foster care, or reformatory environments.

Thirty-eight percent of the sample said that there was violence in their families but did not specify the nature of this violence. Of this group, 51% reported their parents being violent towards each other and 28% reported that their parents were violent both towards them and their siblings.

Sexual violence prior to intimate relationship

Respondents were asked whether they had suffered any form of sexual violence both as a child and as an adult with a non-partner.

The youngest age of those reporting sexual assault (this referred to being touched sexually by a man or being forced to touch a man sexually) was reported as 2³ and the average

Type of Violence	Count	%
Sexual Assault <15 Years Old	105	21
Rape <15 Years Old	73	15
Rape ≥15 Years Old	48	10
Attempted Rape ≥15 years Old	55	11
Forced to have sex with 2 or more people	28	6
Forced to have sex for money	26	5

age was 10. Almost one in eight (15%) women reported being raped before the age of 15. The youngest age at which this occurred prior to 15 years was 4, with the median age being 11.

For both sexual assault and rape before 15, the majority of perpetrators were known to the victims, with strangers accounting for less than 15% of perpetrators.

One in ten women was raped outside of her relationship after the age of 15. Almost one third (31%) of perpetrators were strangers. Similarly, more than one third (38%) of perpetrators of attempted rape were strangers.

Violence in intimate relationships⁴

Respondents were asked a series of questions pertaining to violence both in their last relationship as well as in all other prior relationships. The following table describes the prevalence of financial, emotional, sexual and physical violence perpetrated against women in their relationships.

Emotional abuse was the most prevalent form of abuse across both last and all previous relationships. Prevalent forms of emotional abuse included attempts at preventing women from talking to other men, insults and belittlement and intimidation and threats to hurt

Period	Economic	Emotional	Physical	Sexual	Any
Last	48%	70%	63%	33%	78%
All Past	37%	46%	42%	21%	56%

the women. The most common form of economic abuse was men's failure to provide money for household necessities and children, whilst having money for other things. Physical abuse in the form of slapping and throwing objects and pushing and shoving appeared to be most common. The two categories of sexual abuse, forced sex and engaging in sex out of fear of the consequences for not doing so, occurred with equal frequency.

Thirteen percent of women reported other forms of abuse not asked by the questionnaire. Of this group, 10% reported that their partner had threatened to kill them and the children while 2% of abusers had threatened to kill themselves. Twelve percent of men perpetrated other perverse forms of violence like tying the woman up and dousing her with petrol and then threatening to set her alight, or throwing her

into a bath of ice cold water, or tying her to a car and making her run alongside it.

The average age at which women first experienced partner/relationship violence was 22, with the youngest age being 12 and the oldest 45.

The consequences of these various forms of abuse were serious. Approximately 42% of the women reported that they had sustained injuries, typically to their heads or necks (38%). These injuries most frequently took the form of bruises, lacerations or swellings. Just over one in four of the women (26%) who had experienced intimate partner abuse reported fractures or dislocations and a further 15% reported gunshot and stab wounds as a result of the violence. While the method of injury in the majority of cases was unrecorded, 17% reported that a sharp object like a bottle or knife was used to injure them while 4% reported that a gun was used. As a result of the abuse suffered, 16% reported that they had attempted suicide while 23% had suicidal thoughts, 11% tried to hurt themselves, and 13% used anti-depressants to cope.

Over two thirds of the women (78%) did not lay any charges against their intimate partners.

Violence in prison

Period	Economic	Emotional	Physical	Sexual	Any
Last 12 Months	11%	47%	34%	3%	51%
Ever	9%	37%	27%	3%	41%

In the same manner as women were asked of violence in relationships, they were asked about violence in prison, perpetrated by either other prisoners, warders or their intimate partner in prison.

Eleven percent of women said that they were currently involved in a consensual sexual relationship in prison while 5% said they had been coerced into a current sexual relationship.

Findings show that levels of violence experienced in prison were much lower than that experienced in relationships outside prison. Still, results indicate that one in three women experienced physical violence in prison. In most

cases such violence was perpetrated by another prisoner. Data also revealed that economic abuse was most frequently perpetrated by warders.

Female offending and violence

To examine the relation between relationship violence and type of crime, cross-tabulations were performed for each crime type and each category of relationship violence. Only crime types where a reasonable number of women had committed those crimes were considered. Significant relationships were found for murder/attempted murder and theft.

The table shows the proportion of women convicted of murder or attempted murder who have experienced relationship violence, compared to those not convicted of these crimes. The results indicate that women convicted of murder are much more likely to have experienced sexual violence in their previous relationship, but by contrast are less likely to have experienced emotional or physical violence in a previous relationship.

	Last Relationship Sexual Violence	Past Relationships Emotional Violence	Past Relationships Physical Violence
Murder	41%	40%	35%
Not Murder	28%	50%	46%

Women convicted of theft are considerably more likely to have experienced economic violence in their last relationship, a trend which is even more evident in their past relationships.

Discussion

The study finds that in common with their counterparts internationally, women in prison have experienced a high degree of abuse in their lives, with almost one in eight (15%) having been raped before they were 15, one in ten raped by a non-partner after the age of 15 and more than two thirds (78%) of women having experienced some form of abuse in their last

	Last Relationship Economic Violence	Past Relationships Economic Violence	Past Relationships Emotional Violence	Past Relationships Physical Violence
Theft	64%	58%	61%	58%
Not Theft	45%	32%	43%	38%

relationship before entering prison. Their experiences of abuse did not end with entry into prison but continued, although to a lesser degree, during incarceration.

The South African Demographic and Health Survey found that 2% of women had been raped before the age of 15 (Department of Health, 1999). Thus women in Gauteng prisons are at least seven times more likely to have been raped as children than the female population generally. Comparing the data with that of studies investigating the prevalence of domestic violence is complicated by the fact that these studies have investigated the last 12 months of a relationship rather than the last relationship as a whole, as we did (given that the overwhelming majority of women would have been in prison for the last 12 months). Bearing this caveat in mind, prior population-based surveys in South Africa have found lifetime estimates of physical violence from intimate partners to range from 13% to 28% (Department of Health, 1999; Jewkes et al, 2000, cited in Dunkle et al, 2003). Dunkle et al's (2003) interviews with 1 395 women attending an ante-natal clinic in Soweto found the prevalence of emotional abuse to range from 51% (last 12 months) to 68% (lifetime), physical abuse to range from 26% to 50% and sexual abuse to range from 30% to 56%.

Further, the study finds a significant statistical relationship between the experience of sexual abuse at the hands of a current partner and the committing of murder or attempted murder. It also finds another such significant relationship between the experience of economic abuse and involvement in theft. Thus in addition to the many health consequences of intimate partner violence, must be added involvement in unlawful behaviour as well as imprisonment (albeit for a very small number of domestic violence survivors).

Former political prisoner Barbara Hogan, who spent eight years in prison for treason under the previous apartheid government,

provides some insight into the role of abuse in precipitating unlawful behaviour. She observes of the very many abused women she met in prison that the experience of being so disempowered, under circumstances of gross mistreatment would often precipitate crises for women which worsened whatever situation they were in (Schreiner, 1992:28). Another former prisoner, convicted a few times for shoplifting and theft, explains that she initially saw prison as a means of getting away from her violent husband (Schreiner, 1992:260). These observations are suggestive of the kinds of issues needing to be explored and delineated to better understand the specifics of the pathways from intimate partner victimisation to offending. Further, this finding suggests that far from being reactive measures which address symptoms only, counselling services and legal protection may well be important in preventing some women from coming into conflict with law.

Conclusions

Women in Gauteng's prisons have been subjected to substantial victimisation. Acknowledging this fact need not and should not be done in a manner that encourages the pathologisation of such women, nor deny them their agency and responsibility. To do so overlooks the fact that regardless of whether prisoner, warder or intimate partner, those harming each other in female prisons are overwhelmingly female. This study thus points to an under-theorisation and description of women's violence, which helps neither the women who are violent, nor those they victimise.

Finally, the study suggests that for the 78% of women who never laid charges against their abusive partners, arrest and imprisonment represents the criminal justice system's only sustained engagement with the circumstances of their lives. Surely a more effective response to gender-based violence is demanded of us.

Notes

1. This statistic was preferred over the more common χ^2 statistic as it is more appropriate where some cells are small.
2. In both cases the difference between the sample and the general female population in Gauteng is approximately 10 individuals.
3. The very young age provided may reflect a distortion in memory. It is also possible that this respondent was closer in age to 3 years when the likelihood of retaining such memories is greater.
4. What constitutes intimate partner violence remains a contentious issue. To standardise the data and ensure comparability with other studies, in this study we used the definition of intimate partner violence utilised by WHO which refers to 'any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship' (Krug et al, 2002:89).

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