

**A PENOLOGICAL STUDY INTO THE IMPLEMENTATION OF  
OFFENDER REHABILITATION PATH (ORP) IN FEMALE  
CORRECTIONAL CENTRES IN SOUTH AFRICA**

**by**

**Phumzile Angel Goge**

**Submitted in accordance with the requirements for the degree of**

**MASTER OF ARTS**

**in the subject**

**CRIMINAL JUSTICE**

**at the**

**UNIVERSITY OF SOUTH AFRICA**

**SUPERVISOR: Prof. P MUTHAPHULI**

**January 2022**

## DECLARATION

Name: Phumzile Angel Goge

Student number: 46385274

Degree: Master of Art in Criminal Justice

I declare that **A PENOLOGICAL STUDY INTO THE IMPLEMENTATION OF OFFENDER REHABILITATION PATH (ORP) IN FEMALE CORRECTIONAL CENTRES IN SOUTH AFRICA** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references and that this work has not been submitted before for any other degree at any other institution.

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SIGNATURE

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DATE

## **ACKNOWLEDGEMENTS**

I dedicate this project to way maker, miracle worker, promise keeper, light in the darkness, my God almighty, my creator, my strong pillar, my source of inspiration, wisdom, knowledge and understanding. He has been the source of my strength throughout this programme and on His wings only have I soared. To my husband and my children Nothando and Okuhle who have been affected in every way possible by this quest, thank you – my love for you all can never be quantified, God bless you... To my late mom Bongi Gcwensa this is for you mama. To my supervisor Prof P Muthaphuli thank you so much for not giving up on me, thank you for your expert guidance throughout this project. To every person I came across while I was busy with the research project, thank you for the support that you gave me.

## ABBREVIATIONS

DCS	Department of Correctional Services
HIV	Human immunodeficiency virus
NICRO	National Institute for Crime Prevention and The Reintegration of Offenders
ORP	Offender Rehabilitation Programme
PRI:	Penal Reform International
STI	Sexual transmitted Infection
TIJ:	Thailand Institute of Justice

## ABSTRACT

The aim of the research was to explore the implementation of Offender Rehabilitation Path (ORP) in female correctional centres in South Africa. The focus was on female offenders and the guidance on the components of a gender-sensitive approach to correction management, considering the typical background of female offenders and their special needs as female in corrections. Females continue to constitute a very small proportion of the general correction population worldwide. However, not only are their numbers increasing in tandem with the rise in the overall correction population in many countries, but studies in some countries have shown that the number of female offenders is increasing at a faster rate than that of male offenders. Female offenders are especially vulnerable at the time of admission owing to a variety of factors, such as the trauma of separation from children, families and communities, past victimisation and fears for their safety, the particular stigma associated with their imprisonment, minimal experience of contact with state authorities, or low educational and economic status, among others. In this research, the extent to which the experience of females prior to, during and after imprisonment is outlined.

The research revealed that a significant number of female offenders come from impecunious family backgrounds, have been the victims of parental abuse, and are unemployed and inadequately educated. It was also revealed that female offenders, and sometimes their children, are housed under deplorable conditions in correctional centres. The research further revealed that imprisonment has grave consequences for the female and their families, especially since many of the female offenders are mothers and the breadwinners of their families before their imprisonment. It was noted that the devastating effects of imprisonment on incarcerated females and their families continue after their incarceration as their return to their families is often associated with considerable family upheaval, especially if children are involved. The findings illustrate that the rehabilitation processes for female offenders within correctional centres are operational, but several challenges prevent the Department of Correctional Services to perform optimally, for example, proper orientation and induction of female offender, incomplete assessments and rendering of programmes due to shortages and post establishment alignment.

The findings of the research indicated that DCS is taking steps to improve the conditions under which female offenders are incarcerated. Therefore, more needs to be done in this regard. The provision of adequate conditions of incarceration for female offenders can improve their health and reduce the tensions and fights that occur among offenders. By prioritising physical exercises for female offenders, many of the fights that break out in female correctional facilities could be curtailed, as some of the aggression and idleness that lead to these fights can be channelled positively into physical fitness programmes. Based on these and other findings recommendations were made.

## **KEY TERMS**

Offenders Rehabilitation Path (ORP); correctional centre; offenders; offender assessment; female in correctional centres; correctional conditions; profiling of offenders; integration; correctional sentence plan and gender sensitive.

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## **CHAPTER 1: INTRODUCTION AND OVERVIEW OF THE STUDY**

### **1.1 BACKGROUND OF THE STUDY**

The reformation of the female offenders' population serves as one of the objectives of the Department of Correctional Services (DCS) of South Africa, even though the community at large often ignores the needs of female offenders. The correctional population continues to escalate (Rose, 2000:324). South African crime and recidivism rates remain high (Rose, 2000: 322). Research indicates that South Africa's excessive expenditure on crime and recidivism can, *inter alia*, be attributed to the apartheid system. Rose (2000: 322) maintains that wrongdoing would be a complex and multi-nodal surprise related to socio-financial and political occasions, destitution and unemployment. In South Africa, there are no effective measures to track the rate of recidivism. Non-governmental organisations such as Khulisa and NICRO continue to offer programmes to inmates and if they are effectively used, they can assist in reducing re-offending (Gerland, 1999:223). Gerland (1999: 108) asserts that the sector we now inhabit is not than in which modern-day criminology emerged with its emphasis on character treatment and corrections of the offender. The social, financial and cultural modifications of the previous couple of many years seem to undo the certainties of present-day social principle and its relation to the sector. For this reason, there is an emergence of phrases consisting of high, late and put-up modernity, each of which has implications for the manner wherein we conceive of our society and the implementation of rules.

Research indicates that South Africa's excessive expenditure on crime and recidivism can, *inter alia*, be attributed to the apartheid system (Breetzke, 2010: 78). According to Huebner, DeJong, and Cobbina (2010:226), females as all inmates are affected by background of economic marginalisation, physical and sexual abuse, drug and alcohol addictions, which have the influence on the imprisonment experience and outcomes outside of Correctional centre. Inherited apartheid policies sustained the inequality in the country at all levels. The consequence is that the South African recidivism crime rates are high (Bhorat, et al., 2017) and the budget for new prisoners and those on criminal recidivism is increasing (Yukhnenko, Sridhar, & Fazel, 2020). The purpose of

the South African correctional system is not to punish offenders, but to “contribute to the maintenance and protection of a just, peaceful and safe society (DCS, 2005).

The DCS in South Africa has progressed over years as a response to the democratisation of the country in 1994, the spirit of the Bill of Rights in the Constitution of the Republic of South Africa (Act No. 108 of 1996), The Correctional Services Act (Act No. 111 of 1998) and varied government policies over years (White Paper on Corrections, 2005). Despite all these documents and the involvement of media and civil societies pressure, “little is known about the administration of the correctional services facility. In fact, all over the world and in South Africa particularly, the presence of a small number of females in corrections affects the justice systems to consider the reality of females in terms of their lives, characteristics, roles and responsibilities in the crime (Covington & Bloom, 2003: 1). Eyes are fixed on the South African correctional services systems and texts to cater for the gendered justice. The question is still outstanding if female offenders are treated as DCS’ texts prescribes from day one of the detention up to the time after the offender is released in the society.

The penal oppression in African Correctional centre is still present in postcolonial Africa. From colonisation and racism, Correctional centres in Africa suffer presently from problems, such as underdevelopment, political oppression and human degradation (Sarkin, 2008: 25). In the South African penal system, there was a shift from Correctional centre to correctional facilities; a space where offenders are expected to change behaviour and be able to go back to their community as law-abiding members (Dissel & Ellis, 2002: 5). This is the heart of the White Paper on Correctional Services of 2005 promulgated by the South African DCS. It aimed besides many, to abolish corporal punishment, corruption, gang culture, and the lack of attention to women and youth (Sarkin, 2008: 27; Dissel & Ellis, 2002:3). Over years of strong reforms of institutions and policies, challenges ahead are still to operationalise this vision.

Agboola (2016:3) reports that conditions in female correctional services are poor; and could negatively affect offenders during their stay and even their life after being released. According to Covington (2002: 8), any policy and the governance of female correctional services must consider two aspects: their motherhood and the relation

between “substance abuse, trauma and mental health issues”. In fact, based on their gender and economic issues, Ackermann (2016:1), while reviewing the state of women in detention in Africa, concluded that they (females) could stay years after years in pre-trial detention. In general, South Africa, behind sentence and incarceration, the DCS is mandated to the rehabilitation and reintegration of the offenders. This needs-based model of the Criminal Justice System seems to fail to achieve the good text and policies of the republic. Females are given less attention and care because of their gender, which pushes officials in correctional facilities to perform only tasks typically for females and disadvantage them on their reinsertion in the community (UNODC, 2015: 2). This calls for a further analysis of DCS policies, policy-makers statements and texts in relation to each category of person in the correctional facilities; in this case female offenders.

Garland and Sparks (2000: 199) argue that we are now in overdue modernity, and in addition to bringing new degrees of preference and freedom. The coming of late modernity has brought its new disorders specifically the high levels of crime and insecurity. For instance, among demands for exemplary sanctions against offenders are calls for schemes to name and shame the offender focusing on the family members between the culprit and sufferers (factors of restorative justice). Another example of contradictions gift is that while there is a selection inside the use of network corrections and trade sentencing, there is an increase in correctional populations (Rose, Clear & Ryder 2000: 322). According to Garland and Sparks (2000:199), the enjoyment of excessive crime costs as being an everyday part of lifestyles has caused a culture which in the end changes the way criminology and criminal coverage operates. The question then arises, what does this imply for the possibilities of selling aid for the reintegration of offenders?

There may be achievements of programmes geared towards facilitating the reintegration of the female offenders into the community, specifically within the context of modernisation inside the 21st century. However, the need for such programmes and support from the community for the successful reintegration of female offenders cannot be overlooked. While offenders’ integration programmes might also continue to be the maximum in depth and least effective in decreasing crime, this does not

mean that efforts to promote reintegration must be deserted (Muntingh, 2008: 30). To achieve the foregoing, it is imperative that one has a background on the correctional statistics in the country.

The main goal of offender's rehabilitation is to ensure community safety. Rehabilitation can be achieved while the offender is serving their sentences in various ways. Offenders must be first evaluated upon admission. Offenders' assessment must be considered as a primary treatment. Through endeavours to shape South Africa a far advanced put stay in, it is vital that the element within Integrated Justice System be prefaced on the centrality of the circulate from an organisation of indignity to unused beginnings. The effective delight of the command to restore each sentenced culprit deciphers into faded options of discharged inmates' recidivism (DCS: Annual Report of the DCS: 2012/2013:12).

The former South African Minister of Correctional Services, Mr Masutha, emphasised the department's assurance in the direction of restoration of offenders. In addition, he further strengthened the point of restoration to decrease re-offending. Klein and Caggiano (1986:181) agree that identifying the elements of recidivism has been a difficult task. In the Arizona model, it was discovered that parole infringement, seize kind, and own family elements to be greater keeping apart variables (Ashford & LeCroy, 1990:441-450). Single parenting, conjugal strife, war and child mishandle are some of the factors that contribute to recidivism (Wright & Wright, 1994:21). Expectation models, in any case, largely account for 20% or much less of the exchange in recidivism (Klein & Caggiano, 1986:181).

The DCS has confirmed that the large population in correctional centres are recidivist. At the off risk that the reintegration can be effective, that may be conceivably keep away from ex-inmates from committing crime over again with the compelling agreeable of the incorporated justice. The DCS is in the process of conducting their rehabilitation efforts with the level of overcrowding. Overcrowding has increased from 34.87 in 2010/

2011 to 35.6 in 2011/ 2012. From 2013/2014 Performance Plan it is evidence that the DCS' efforts to reduce overcrowding has proven not to be effective.

The DCS needs to determine whether they have the right measurement tools to compute triumphs in terms of rehabilitation and check the contributing factors towards overcrowding. In 2005, the DCS adopted the White Paper on Corrections, which stipulates that the departments must move from merely warehousing inmates to ensuring their effective reintegration to society. Wellness and security remain at the middle of our centre business in correctional services; it is far knowledgeable by the key dreams of changing insulting conduct, healing and amendment as a cultural obligation (White Paper on Corrections 2005:4). The department's strategic direction must be aligned with the White Paper on Corrections.

The purpose of the study was to explore the implementation of offender rehabilitation path in females' correctional centres of South Africa. This chapter introduces the study and sections covered in the chapter includes the context of the study, the problem statement, significance of the study, delimitation, motivation of the study, definition of terms and the chapter summary.

## **1.2 CONTEXT OF THE STUDY**

They are several causes of crime and recidivism, namely; inequality, poverty race, unemployment, and gender difference. Speaking on gender difference, scholars (Huebner, DeJong, & Cobbina, 2010:227; Covington & Bloom, 2003:3) report that the tenet pathways of females to criminality are victimisation, economic marginalisation and substance abuse. In the case of recidivism, causes, among others, are economic stress, failure of programmes in custody, peer pressures of social provocation, etc. (Bello, 2017: 3). The truth in regard of females' offenders is that investigation of females' criminality has being executed always besides or with recourses to male criminality. Ondeng (2008:67) acknowledges that factors such as dysfunctional relationships, victimisation, parental distress, low self- esteem and efficacy have a



strong impact on female criminality and criminal recidivism. However, tendencies of criminal justice to discuss female crime alongside with the men crimes, pushed scholars' interest in the re-analysis of basic assumption and theoretical frameworks approaches of the South African justice systems DCS.

In general, the aim of the DCS in South Africa is to keep offenders in “a secure, safe and humane environment, in order to facilitate the achievement of rehabilitation, and avoidance of recidivism” (DCS, 2005). This vision of the South African Criminal Justice System was subjected to reform of its entities and programmes. Over the years, the country saw itself several reforms, starting by the demilitarisation of the Correctional centre and the changes of the penal system, which consisted of hard labour and “keeping inmates out of the community”: the racial ideology (Dissel & Stephen, 2002: 1). According to Dissel and Stephen (2002: 2), the change of 1990s and the judiciary reform and country policies are still “dampened by an increasing number of people being imprisoned and the lack of will to adopt the change even from those who administer Correctional centre.

The dearth of the problem is the difference in treatment in before and after imprisonment, between or black and white, in the case of South Africa, or men and women. If race persists in a country such as the USA and South Africa, sexism is still being perceived under factors of “criminalisation and sentencing conduct” (Agobola, 2016:48). Therefore, conditions in the female correctional services are in are bad as they are incarcerated alone of or in mixed Correctional centre. Moreover, females remain vulnerable physically and psychologically from inmates of correctional facilities officials (ibid).

Among, all offenders in any correctional service, females are the most vulnerable category (United Nations Office on Drugs and Crime (UNODC), 2008). They are affected by various factors, such as inadequate health care and sanitation facilities, poor quality of food, little or no reading materials, and recreational facilities are largely absent (Dissel & Ellis, 2002: 3). In fact, female correctional facilities challenges come

from a predominated male leadership in Correctional centre or male incarceration norms, the length of sentences and the post-release barriers. Several studies (Ackermann, 2014:14; Covington, 2002:3) claimed for the scarcity of criminal investigation on women in Africa.

Since females' offenders are different from males in terms of health care and needs (Fourie, 2017:4), correctional facilities and conditions of prisoners call for detailed investigation of acts and policies from the country (i.e. 1996 National Crime Prevention Strategy (NCPS); The 1998 White Paper on Safety and Security; The operation Rehabilitation Path of White Paper of 2005; The South African Police Service Strategy; and United Nations Standard Minimum Governance for the Treatment of Prisoners, Bangkok and Nelson Mandela rules).

The new South African justice system is a product of 1996 National Crime Prevention Strategy (NCPS), which is built on the 1998 White Paper on Safety and Security. This policy documents are being operationalised and amended by the DCS and the SAPS. The mandate of the DCS after reform is to provide "rehabilitation programmes that address the offender criminal conducts." The Offender Rehabilitation Path (ORP) was conceptualised from this reform document to promote corrections as a process leaning on the community and the correctional facilities, place of rehabilitation. This process, ORP considered or follow the offender individually from the time of admission to Correctional centre up the day of releasing in the society (Fitz, 2013:20). However, the effectiveness of the ORP has shown weakness on offenders in general (du Plessis and Lombard, 2018: 489) with less information is found particularly on female inmates or offenders.

Sheriff John Howard (1977:98) suggested that there must be guidelines for offender's civilised treatment, and made the following proposals:

- Offenders must be isolated by their age, sex and severity of the crime.

- Correctional officials must be paid in a manner that maintains a strategic distance from the extortion of offenders.
- To guarantee the spiritual and the physical prosperity of the offenders, medical officers and chaplains must be appointed.
- Liquor and other intoxicants must never be sold to offenders.
- Offenders must be given satisfactory clothing and nourishment to keep them in great health.

The idea of rehabilitation of female offenders apprehends the reality that reoffending can be reduced not as it have been by using corrective measures, but moreover via making sure that female offenders go through programmes on the way to expel the problems that driven to them offending in the first place. Robinson and Crow (2009:37) do not use the term rehabilitation. It alludes to 'remedy' in the common experience of approaches offenders were treated in the placing of correctional situations then, and to reconstruction, which it concludes it 'can be very impracticable in correctional' which, the display framework, while honourable for constraint and suppression, is too much lacking on the detention centre aspect'.

### **1.3 PROBLEM STATEMENT**

They are several causes of crime and recidivism such as inequality, poverty race, unemployment, and gender difference. Speaking on gender difference, Huebner, DeJong, & Cobbina, (2010:227) and Covington and Bloom, (2003:3) report that the tenet pathways of females to criminality are victimisation, economic marginalisation and substance abuse. In the case of recidivism, causes, among others, are economic stress, failure of programmes in custody, peer pressures of social provocation, etc. (Bello, 2017: 53). The truth about female offenders is that investigation of female criminality has being executed always besides or with recourses to male criminality.

Worldwide, females continue to constitute a very small proportion of the general correctional population. However, not only are their numbers increasing in tandem with the rise in the overall correctional population in many countries. Owing to their gender, female constitutes a vulnerable group in correctional centres Covington and Bloom, (2003:3). The reasons for intensity of their vulnerability and corresponding needs is because several factors are common, although there are considerable variations in their situation in different countries. These include the challenges which is faced by female offenders in accessing justice on an equal basis with men in many countries; their disproportionate victimisation from sexual or physical abuse prior to imprisonment; as a result of domestic violent and sexual abuse, female offenders have high level of mental healthcare needs; their high level of drug or alcohol dependency; the correctional extreme distress towards female inmates may lead to mental health problems or exacerbate existing mental disabilities; sexual abuse and violence against inmates in correctional centre; the high likelihood of having caring responsibilities for their children, families and others; the unmet gender-specific healthcare needs; post-release stigmatisation, victimisation and abandonment by their families Covington and Bloom, (2003:3).

In a contemporary correctional facility, female offenders face many challenges which may result from their lives prior to either imprisonment or resulting from their imprisonment itself. Female offenders in a correctional centre have experienced victimisation, unstable family life, school and work failure, and substance abuse and mental health problems. The following are social factors which marginalise their participation in mainstream society and contribute to the rising number of females in correctional i.e., poverty, minority group member, single motherhood, and homelessness. Criminologists have argued that the correctional system is ill-equipped to deal with these problems and that these issues are better managed outside the punitive environment of the correctional centre (Owen and Bloom, 1995). Without paying attention to these issues, female are often released from correctional centre unprepared to manage their pre-existing problems as well as those created by their imprisonment.

There are several causes of crime and criminal recidivism, such as inequality, poverty, race, unemployment, and gender difference. Speaking on gender difference, Huebner, et al., (2010:227); Covington and Bloom, (2003:3) report that the tenet pathways of females to criminality are victimisation, economic marginalisation and substance abuse. In the case of recidivism, causes, among others, are economic stress, failure of programmes in custody, peer pressures of social provocation, etc. (Bello, 2017: 3). The truth about female offenders is that investigation of female criminality has been executed always besides or with recourses to male criminality.

According to South African Department of Correctional Services (2005:12) the aim of the DCS in South Africa is to keep offenders in “a secure, safe and humane environment, in order to facilitate the achievement of rehabilitation, and avoidance of recidivism”. This vision of the South African Criminal Justice was subjected to reform of its entities and programmes. Over the years, the country saw itself several reforms, starting by the demilitarisation of the Correctional centre and the changes of the penal system, which consisted of hard labour and “keeping inmates out of the community”, the racial ideology (Dissel & Stephen, 2002: 1). According to Dissel and Stephen (2002: 2), the change of 1990s and the of judiciary reform and country policies are still “dampened by an increasing number of people being imprisoned and the lack of will to adopt the change even from those who administer Correctional centre.

The new south African justice system is a product of 1996 National Crime Prevention Strategy (NCPS), which is built on the 1998 white paper on safety and security. This policy documents are being operationalised and amended by the DCS and the SAPS. The mandate of the DCS after reform is to provide “rehabilitation programmes that address the offender criminal conducts”. The ORP was born from this reform document to promote corrections as a process leaning on the community and the correctional facilities, place of rehabilitation. This process, ORP, considered or followed the offender individually from the time of admission to Correctional centre up the day of releasing in the society (Fitz, 2013:20). However, the effectiveness of the ORP has shown weakness on offenders in general (du Plessis and Lombard, 2018: 489) with less information is found particularly on female inmates or offenders.



## 1.4 SIGNIFICANT OF THE STUDY

The motivation behind this study is to enhance the current information on the Criminal Justice System, particularly the correctional system. The dissertation looks at the procedure of restoration offered to female offenders by the DCS. Moreover, the dissertation envisages to recommend best practices for the division to accomplish the destinations of restoration. In the South African setting, rehabilitation is alluded as offender rehabilitation. The procedures, which is followed from the time of admission until the arrival of condemned offenders is called ORP (Department Correctional Service: Unit Management Policy: 2006: 1).

The study inspects the present approaches of restoration in recuperation in the DCS and to develop excellent practices within the female offender's restoration way. The important point of this study is pre-trial, trial and post-trial. However, for the purpose of this study, which is the identification of governance model of the application of the offender rehabilitation path, these steps were chosen assessment, rehabilitation, reintegration and human resources. The rehabilitation of female offenders has over time raised so many worries, with most people of society retaining the opinion that the correctional system is not always doing well concerning the rehabilitation procedure of female offenders. The outlining of the effect of rehabilitation path, in addition to the guidelines made in this study can assist the DCS to broaden programmes geared toward the treatment of female offenders. This study can assist society to apprehend its function in the integration of the female offenders into the community through figuring out the vital of female offenders' rehabilitation rights. The community will not only gain the expertise as to why they must accept the female offenders from correctional. However, they will also recognise how vital it is to communicate with female offenders while they are still inside the correctional centre and also take precise care of their children, if they have. If each person can understand the functioning of correctional services, then human beings will understand the system of rehabilitation of female offenders, that it is a method which entails both community and the DCS.

One of the factors of the correctional system is to rehabilitate offenders. It is crucial to understand how the rights that female offenders have an impact on the rehabilitation technique. The role players in the correctional system must understand the rights that

female offenders have, while imprisoned and endeavour to monitor them consistently. That may offset the counteraction of significant problems, for instance, starvation strikes; high pace of irresistible sicknesses and breaks, therefore, prompting female offenders targeting programmes that final results of their advancement. By concentrating on formative initiatives, female offenders can have the choice to live fruitful lives after their discharge, with a view to thusly lower packing in female offenders focuses, the excessive recidivism rate and, specially, female offenders in the country.

## **1.5 OBJECTIVES OF THE STUDY**

According to Scott (2007: 2), penology study which is multidisciplinary largely dealt with “the justifications, characteristics and effectiveness of penal institutions”. Its aim is and will be to establish the system of instilling moral values into female offenders either by reforming or rehabilitation. The important point of the study is to examine the effect of ORP in female correctional centres in South Africa.

### **Objective 1:**

To examine the theoretical concept of female offending.

### **Objective 2:**

To describe the concept of female offender rehabilitation and functioning of the South African DCS.

### **Objective 3:**

To identify the standards required for the treatment of female offenders in correctional facilities in relation to ORP.

### **Objective 3:**

To examine the concept of ORP and its application in the rehabilitation of female offenders in South Africa.

### **Objectives 4:**



To determine the effect of ORP on the rehabilitation of female offenders.

## **1.6 RESEARCH QUESTIONS**

### **Research questions 1:**

What are the specific female crimes and their causes in the South African Criminal Justice or correctional facilities?

### **Research question 2:**

What are the rehabilitation programmes currently being offered to female offenders in South African correctional facilities?

### **Research question 3:**

To what extent are the current rehabilitation programmes addressing the needs of female offenders?

### **Research question 4:**

What is the effect of the ORP on the rehabilitation of offenders especially female offenders?

## 1.7 CHAPTER LAYOUT

The study is broken down into the following six chapters, which have been systematically prepared to address areas in a quest to solve the research questions:

**Chapter 1** sets out the premise of the study and the reasons for conducting it. The strategies utilised to embrace the study are too sketched out in this chapter.

**Chapter 2** covers the history of female criminality, the females experience before, during and after imprisonment. It also covers the effects of female imprisonment and the status of female offenders worldwide.

**Chapter 3** begins with the framework of female offender's rehabilitation, the programmes that the DCS offers aim at the rehabilitation of female offenders as well as role players in the rehabilitation process. The philosophy and impact on incarceration is also discussed. The health, physical and mental health of incarceration is outlined.

**Chapter 4** speaks about the females as special needs offenders in the correctional facilities. The challenges, which are faced by female offenders in accessing justice and gender-specific health care need, is also outlined in this chapter. After reading through the chapter, the reader will have an understanding of why it is important to acknowledge gender, specific issues of female offenders, and the importance of environment as well as sexual abuse.

**Chapter 5** presents the overview of the female offender's rehabilitation path in the South African correctional system. The correctional system in post-apartheid South Africa and an overview of the offender rehabilitation path is also discussed.

**Chapter 6** provides a summary of findings of the research project as well as conclusions. Finally, it is hoped that the recommendations presented will have a positive impact on the day-to-day female offender's rehabilitation path in South Africa.

## **1.8 DEFINITION OF KEY CONCEPTS**

### **1.8.1 Rehabilitation**

Rehabilitation involves an endeavour to decrease the offending impact on the conduct of the offender. Sechrest, White and Brown (in Masters, 1994: 6) concur that any arranged mediation that is pointed at diminishing assist criminal, movement by an offender constitutes rehabilitation. The lessening of offending conduct can be interceded by personality, behaviour, abilities, attitudes, values and other variable.

### **1.8.2 Discrimination**

Discrimination alludes to the unequal treatment of people. The Oxford English Reference Dictionary (Pearsall & Trumble, 1996: 405) characterises discrimination as the troublesome treatment, which is based on preference related to race, colour, age, gender, etc.

### **1.8.3 Recidivism**

Recidivism is the act of a person repeating an undesirable behaviour after they either have experienced negative consequences of that behaviour or have been trained to extinguish that behaviour. It is also used to refer to the percentage of former prisoners who are rearrested for a similar offense (Pearsall & Trumble, 1996: 405).

### **1.8.4 Offender**

Any individual, whether indicted or not, who is confined in custody in any correctional centre or who is being exchanged in custody from one correctional centre to another correctional centre (Correctional Services Act, 1998). In South Africa the word 'offender' has replaced the term 'prisoner'.

### **1.8.5 Correctional centre/s**

A place established under the Correctional Services Act 111 of 1998 for the reception, detention, confinement, training or treatment of persons liable to detention (Correctional Services Act, 1998). This term supplanted the word 'prison'.

## **1.9 RESEARCH METHODOLOGY**

Research design means a plan for conducting research, which usually includes specification of the elements to be examined, and the procedures to be used (Sproull, 1995:133). It is important to be clear about the role and purpose of research design before examining the types of the design. We need to understand what research design is and what it is not. More importantly, we need to know where design fits into the whole research process from framing a question to finally analysing and reporting data. Criminal justice research process serves many purposes which require explaining, exploring, describing and applying (Maxfield & Babbie 2008:18). Before data collection or analysis can commence, research needs a design or a structure. A research design is not just a work plan. The research design function seeks to ensure that the evidence obtained enables the reader to answer the initial question as unambiguously as possible. Every one of these angles were considered during the time spent directing this research.

The following are the sources which were used in this study to depict the effect of rights on the rehabilitation of female offenders: official archives, books, paper articles, diaries just as both worldwide and national rules, for example, Universal Declaration of Human Rights, the United Nations Standard Minimum Rules for the Treatment of Prisoners, Correctional Services Act, White Paper on Corrections, the Constitution of South Africa. The dissertation depended more on qualitative information to address the research question. The approach of gathering the information is through perceptions and narrative admission. The source of data for this study was found from published documents. These included rare literatures in terms of books, academic

publications, and newspapers. The DCS annual reports, books, paper articles, Universal Declaration of Human Rights, the United Nations Standard Minimum Rules for the Treatment of Prisoners, Correctional Services Act, White Paper on Corrections, the Constitution of South Africa, were also useful towards the identification of the governance model to implement the ORP in the female correctional facilities. Denscombe (1998: 207) clarifies that qualitative research is an umbrella concept covering an extensive collection of patterns to guide social research, which evolved from a huge collection of orders, for instance, human technology, social humanities and social brain research. In qualitative studies, the researcher considers social wonders while the exploration the researcher turns into the number one studies device and manage over the elements of the benchmark organisation with the intention to forestall counter clarifications; see anything that is being watched and to reveal the goals (Welman and Kruger, 2001: 8).

Practically all the qualitative techniques share certain highlights (Payne and Payne, 2004: 175): "The centre concern is to search out and decipher the implications that individuals bring to their very own activities, instead of depicting any regularities or factual relationship between factors. They treat activities as a major aspect of an all-encompassing social procedure and setting, instead of something that can be separated and examined in segregation. They use non-agent, small sample of individuals, instead of working from huge delegate tests to distinguish the wide compass of national examples. They centre on the detail of human life. Instead of beginning with a hypothetical theory, and attempting to test it, they explore the information they experience and enable plans to rise up out of them (i.e., utilizing inductive, not deductive, logic)". This current research met the above desires for qualitative research; consequently, the qualitative technique was followed as it gives a basic method for social affair data. Rehabilitation of female offenders shapes an indispensable piece of the correctional system.

Welman and Kruger (2001: 46) assert that the population being examined in research is associated with the study object and can be people, groups, organisations, human products and activities or even the situations to which they're uncovered. The main point was on female offenders in South African correctional centres. According to Payne and Payne (2004: 204), "Sampling is a technical accounting devise to

rationalise the collection of information, to choose in an appropriate way the restricted set of objects, persons events and so forth from which the actual information will be drawn". Payne and Payne (2004: 204) clarify that the way toward sampling includes choosing a subset of individuals or social marvels that will be contemplated from a pool to which they have a place as dictated by foreseen strategies; how much variety is accepted to be known to man; the degree of accuracy required in appraisals to be made about the universe, which is the premise of information from the example. They were chosen through purposive sampling. Wellman and Kruger (1999:196) consider this sort of sampling as the most significant sort of non-likelihood sampling. The researcher chose the sample dependent on the rationale for the research, searching for the individuals who "have had the most legitimate encounters identifying with the wonder to be researched" (Kruger, 1988:150). The researcher utilised objective testing to gather data explicitly identifying with female offenders and the variables that could contribute or alleviate such events. Sarantakos (2000:156) portrays sampling in qualitative research as moderately restricted, considering immersion and not in all cases delegate, which clarifies the general utilisation of non-probability sampling. Mittman (2001:7) referenced the accompanying exact information assortment instruments: mail, phone overviews, phone interviews, face-to-face meetings, assortment and examination of reports, documented hunt, managerial information records, perception field notes, and so on. Wright and Crimp (2000: 32) notice that research information can be gathered in two different ways: Primary data (collected from first-hand source) and secondary data (collected from studies). Data can be arranged by alluding to how it was gathered to be specific (Bless & Higson- Smith, 1995: 99).

The dissertation data that is accumulated relies upon on data (files) accrued from distinctive research. The facts that are accumulated are crucial to female offenders. The custodians, officials and administrators, legitimately chargeable for female offenders demonstrate the record hotspot for the study. The hypothetical sampling method might be utilised to collect information intending to hypothetical troubles approximately the operating of the referenced elements. Primary and secondary data were applied for the exposition. Data collection is separated among data collected from reported sources and records from perceptions. Archived assets are the overwhelmed piece of the research. Data assortment is prepared by the legitimate person who is accountable for giving the relevant documentation. Therefore, analysing

secondary data was adopted using qualitative method. As a study based on systematic review, the criteria for inclusion led to the choice of information, from penology academic-books or courses, journal articles, conference proceedings, thesis and dissertations. LeCompte and Schensul (1999:97) characterise data analysis as the procedure a researcher uses to diminish information to a story and its understanding. After gathering the information and double checking it, the analysis starts (Taylor, 1994: 9). Two ways of doing qualitative data analysis, for example interpretive analysis, which includes the portrayal of the attributes, procedures, exchanges and settings that are identified with the marvels that are being examined, and social constructionist examination, which includes the noteworthy of social materials from which specific expressions, writings or occasions have been built. This research was analysed by methods for interpretive analysis. This was done by posting every one of the findings of the research and portraying how they are identified with the wonder being contemplated.

## **1.10 SUMMARY**

This chapter introduced the study by presenting the background of the study from which the problem statement was developed. The reason for the research is to increase the value of the current information on criminal justice system, explicitly correctional system. The fundamental point of the research is to investigate the rehabilitation path process that should be tailed to guarantee female inmates are exposed to restoration and advancement programmes as indicated on their faculty improvement plan as it is right now applied in the Branch of Remedial Administrations, with the target to recognise any deficiencies and to grow best practices to improve administration conveyance. The next chapter presents theoretical and historical philosophy of female offenders in South Africa.

## **CHAPTER 2**

### **THEORETICAL AND HISTORICAL PHILOSOPHY REGARDING FEMALE OFFENDERS**

#### **2.1. INTRODUCTION**

Prior to the development of the all-female correctional institutions, females were housed in separate units within the male correctional centre and receiving less if any service. The conditions in these units were horrendous and were characterised by excessive use of solitary confinement and violent acts of physical and sexual abuse by both the male offenders and the male guards (Fletcher, 1993: 67). At Auburn State Prison in New York, females were housed together in an attic space where they were unmonitored and received their meals from male offenders (ibid). In many cases, these men would stay longer than necessary to complete their duties. To no surprise, many correctional related pregnancies resulted from these interactions.

The chapter begins with the introduction to the South African Criminal Justice System. The effects of female imprisonment as well as the status of females in correctional is also discussed. It is vital to consider the reasons behind female offending and what their insinuations are for the treatment of offenders within the different correctional systems. In general, the chapter explores the history of female criminality.

#### **2.2 SOUTH AFRICAN CRIMINAL JUSTICE SYSTEM**

South Africa has been characterised by high level of crimes, recidivism and overburdened Criminal Justice System (Marqua-Harries, Stewart & Padayachee, 2019: 2). Government has considered crime, poverty and HIV/AIDS as high priority in its strategic plan. Since the inception of democracy, several attempts have been made to suppress or to reduce the level of crime through implementation of mechanisms and programmes using need-based model approach (Kruger & Landman, 2008:3). This approach has been stated in the 1996 National Crime Prevention Strategy, on which DCS' policy documents, the 1998 White Paper on Security and Safety were published (Pelser & Rauch, 2001: 2). However, imprisonment in South Africa, via the



South Africa Police Service (SAPS) is still the most prominent element of Criminal Justice System where analysis of each category of offender can be processed.

The Criminal Justice System aims at combating, preventing and reducing crime in society (Schonteich, 2002: 56). This Criminal Justice System works toward the establishment of a system inspired by human rights and in line with the Constitution of the country, which axes the government programme on the principle of “Batho pele” (People first). The South African Criminal Justice System or penal system moved from a punishment system toward focusing on notions of the rehabilitation of inmates (Dissel & Ellis, 2002: 21). To map out the vision from the change of regime, the DCS published the White Paper in 1996 and 2005 where fundamental rights of all prisoners should be respected. As a matter of fact, the gender aspect should be always the centre of the agenda, since gender is a prominent predictor of criminality and its indicator of rights (Steyn & Booyens, 2017:67). But the challenge of the South African Criminal Justice System is to deal equitably with the number and the gender of offenders who are processed. Over the years strategic documents have been developed to deal with the scourge of crime in the country. These includes, amongst others, National Crime Prevention Strategy 1996 and the 1998 White Paper on Safety and Security.

### **2.2.1 National Crime Prevention Strategy 1996**

As part for the first address of President Mandela’s vision of South Africa’s growth and development, the National Crime Prevention Strategy (NCPS) 1996 took his roots in his responses to Parliament in February 1995 (Rauch, 2001:1). It was a product of a multi-disciplinary team of experts, civilian and state member who aimed at the establishment of strategies to tackle crime at his roots. In fact, and against the old process on the crime in South Africa, this strategy was as managed by an interdepartmental committee associated with national government departments, civil society (Rauch 2001:2; Singh, 1999: 3). The vision of the document prioritises, since then, the fight and the prevention among others socio-economic challenges of the country.

The key areas addressed in the NCPS 1996 were “re-engineering the Criminal Justice System, reducing crime through environmental design, community values and education and transnational crime fight” and intentionally aims to tackle, among many objectives, the violence against women and children (Pelser & Rauch, 2001: 2). The first obstacles towards the implementation of this strategy were the NCPS was the launch of the "1996 Police Plan" by SAPS National Commissioner George Fivaz at that time (Rauch, 2001:3). After the cabinet restructured, a shift in the management of safety and security sector was observed and moved the unit of Crime Prevention Division of the SAPS Head Office in 1999 (Pelser & Raunch, 2001:2).

Around 2000, three core ministries, the Correctional Service, Justice and Safety and Security, managed the NCPS (Singh, 1999:11). In fact, the collaboration between the three departments was not smooth and the NPCCS did not receive much attention as at the beginning of the democratic era (Omar, 2010:3; Singh, 1999:11). Therefore, the ineffectiveness of the implementation of some of projects stated in the 1996 NCPS, pushed the change of regime to shift the administration of the secretariat of crime and safety; from three core ministries to the Ministry of Police, under the name of the National Crime Combating Strategy (NCCS) in 2000; and later to the National Planning Commission (NPC) under the Presidency, with the aim of strengthening projects stated in the 1998 White Paper on safety.

### **2.2.2 1998 White Paper on Safety and Security**

According to Pelser and Rauch (2001), White Paper focuses on three important areas: Law enforcement, crime prevention and institution reform. Crime prevention, as it is related to the topic of the dissertation aims at the multi- sectorial involvement to deal with the offenders matters and facilities where they live. In South Africa, the criminal justice system is divided in six parts: the police (the South African Police Service or SAPS), National Prosecuting Authority, the presiding officer and the judiciary (the courts), the Department of Justice, which in one ministry in the new government with the DCS and Minister of Social Development.<sup>1</sup> The 1994 and 2005 White Papers on

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<sup>1</sup> <https://www.gov.za/faq/justice-and-crime-prevention/how-does-criminal-justice-system-work>

Corrections in South Africa outlined only the mission of the DCS, which is the focus on the “sharing of the responsibility in rehabilitation of the offenders” (Fourie, 2017:1). In addition, the 1995 and 2005 White Papers encountered challenges, such as “state of DCS facilities, overcrowding and the needs of special categories of offenders”, of which women are part (Artz, Hoffman-Wanderer & Moulton 2011: 3).

### **2.3 THE HISTORY OF FEMALE CRIMINALITY**

According to Steyn and Booyens (2017: 1), “the best predictor of criminality is gender”. However, little is known about women before, during and after their incarceration. Women are then vulnerable in a community, and even in correctional facilities they are subjected to social risks (discrimination, violence, drugs, stigmatisation etc.). The findings of Huebner, DeJong and Cobbina (2010) revealed that females are more likely to recidivate owing to issues such as drug dependent, have less education. According to the White Papers 1996 and 2005, females are among the special categories at high risks. The understanding of this situation calls to a “formulation of effective and humane responses to female’s crimes in females in Correctional centre” (Artz, Hoffman-Wanderer & Moulton, 2011: 4). In most of literature, females’ needs in facilities are not being well addressed” (Corke, 2019). “Out of a 90-page White Paper document”, Artz, Hoffman-Wanderer and Moulton (2011:3) observed that only few paragraphs are related to female offenders and mother – child in mates. Mallicoat (2014: 462) pointed that little has been understood on female criminality owing to aspects such as facility management dominated by males despite the option of separating women and men correctional facilities.

As the number of incarcerated females is increasing and as correctional systems have become more punitive, some correctional agencies have begun to treat female offenders more like male inmates (Miller, 1986: 89). However, in most correctional centres there are differences in the way females and males are treated. One major difference is that most jurisdictions have several facilities to house male offenders and

only one or two dedicated to female offenders. There are fewer female facilities because more men than women are incarcerated (Miller, 1986: 89). Some differences are easy to identify. For example, the physical plants of male and female facilities are usually not the same. Male facilities housing maximum and medium security inmates typically will be large sprawling correctional surrounded with highly visible security such as two or more fences and multiple rows of razor ribbon. Conversely, those housing similarly classified females normally will be smaller and have less visible external security. Other differences, such as the provision of more privacy for female inmates, are more difficult to see (Miller, 1986: 89).

Society's beliefs about people's worth will determine how they are dealt with by the Criminal Justice System. In the same manner, how society views females help to determine how they will be treated in the Criminal Justice System. When they committed offenses, they were treated very harshly under the law (Clear and Cole, 2000: 98). In Colonial America, females were tied on dunking stools and submerged in water for minor offenses such as gossiping. As the society and the legal system began to accept females as contributing members of the community with the same civil rights as men, their treatment changed (Morton, 2004:3). In the 1980s and 1990s, for example, many jurisdictions began to crack down on crime by passing legislation mandating longer sentences for several offenses and making incarceration mandatory for certain crimes (Morton, 2004:3). One example of this trend was the passage of federal and state laws making correction sentences mandatory for a person convicted of possession and or sale of illegal drugs. The implementation of this legislation caused a dramatic increase in the number of females in correctional centres their arrest and conviction for drug offenses climbed (Morton, 2004:3).

### **2.3.1 The Colonial Years- Age of Neglects and Abuse**

Prior to the American Revolution, crime, for the most part, was not considered a major social problem (Clear and Cole, 2000:98). Institutionalisation of offenders, male and female was limited to housing them for a brief period prior to trial. Punishment for those convicted of a crime was swift, harsh, and frequently involved in corporal punishments such as whipping, branding, or executing- even for those offenses that we would now

regard as relatively minor (Clear and Cole, 2000:98). One of the best-known examples of extreme punishment in the early colonial period occurred in Salem, Massachusetts, where females who were considered witches were burnt at a stake (Clear and Cole, 2000:98). In 1692, some 200 people, most of whom were middle-aged females, were arrested and charged with witchcraft. Several were tortured and 20 people, three-fourths of whom were female, were burnt at the stake or killed by other means. Another severe punishment used during the formation of the colonies was banishment (Clear and Cole, 2000:98).

Gora (1982: 76) recognises two significant ways of thinking that have given recorded clarifications of female crime. The earlier school, the traditional school of thought, is found in the compositions of researchers traversing a time of roughly 63 years, beginning from the mid-1900s up to the early piece of the 1970s. Gora (1982:77) asserts that craft by Thomas, Lombroso, Pollak, Cowie and Slater, Freud, Konopka, and Vedder and Somerville as having a place with the customary way of thinking. This school respected the ethology of female crime as being established in mental and physiological elements. The traditional school of thought additionally perceived the commitment of passionate variables to female culpability. The second school of thought, sex job hypothesis, focused on those social and social components, specifically, sex-job socialization, are important in clarifying female crime (Gora, 1982: 77). The school of thought are examined in more detail beneath.

### **2.3.1.1 The Traditional School of Thought**

During 18th and 19th centuries, females were more commonly convicted of crimes than they are today. Their crimes appear to have been determined more by their socio-economic situation than by any innate sex differences. Contemporaries reacted very differently to female offenders (Dastille, 2011: 289). Male correctional regimes emphasised discipline and deterrence while female correctional developed individualised programmes of "moral regeneration". Biological explanations of crime grew increasingly popular during the latter years of the 19th century. They were found particularly plausible in explaining female crime long after they had been discredited

in relation to men (Dastille, 2011: 289). For twentieth century, the main cause of crime was the influence of psychiatry on mental inadequacy. As a result, many female offenders were reassessed as "mad" rather than "bad". Penal policy continues to be dominated by the belief that female offenders are likely to be mentally disturbed or inadequate (Dastille, 2011: 289).

The late 19th century broadcasted examination concerning the purposes behind female bad behaviour. Cesare Lombroso's work, *The Female Offender* (1895), was the essential undertaking at forming a book on females and bad behaviour (Dastille, 2011: 289). According to Lombroso, criminals are a consequence of the mistake or inability to progress likewise as other (non-criminal) individuals. This frailty of punks to propel causes them to become "atavistic". According to Dastille (2011: 289), atavism happens when a human trademark returns after a couple (human) periods of non-attendance. Lombroso and Ferrero acknowledge that atavism was the explanation behind female criminal direct. Eventually, the offenders become rough. According to Lombroso's view, culprits are rougher than non-evildoers are, and they (the punks) include a lower rung of the transformative ladder when diverged from non-crooks (Dastille, 2011: 289).

Lombroso's debate that female criminals included in lowering level on the formative scale than male criminals did and, subsequently, they should be imagined offenders and a portion of the time even monsters. As showed by Lombroso and Ferrero in criminal females, typical female characteristics were superseded by "strong interests and genuinely sexual affinities, much solid quality and an unparalleled information for the beginning and execution of underhandedness". Lombroso highlighted that physical characteristic is the one thing that female offenders depend on. He also mentions that those females characterised by greater cranial melancholies, greater and heavier jawbones, greater cheekbones, moles and shagginess were typically criminally inclined. The above qualities were masculine properties and, from now on, they should not be accessible in a female (Lombroso). Females ought to be "delicate" in constitution. According to Lombroso, a deviation from this standard showed regular criminal inclinations in females (Klein, 1976: 62).

Lombroso's work on female offense set up the structure created by William Isaac Thomas. Thomas joined mental and social causes into Lombroso's discussion on the bad behaviours put together by females. In his dispersion, unadjusted youngster, Thomas saw female blame as an ordinary response to certain social conditions. Thomas concentrated on the association between social controls and the direct of individuals. Thomas acknowledged that the behaviour of individuals is liable to the circumstance(s) in which they get themselves (in Gora, 1982: 77). Thomas' approach to manage speculating was as per the reason of what later was known as significant interactionism. Thomas fought what that standard society was experiencing through his opinion of social perplexity, and that the effect of social control on female had reduced, subsequently, realising criminal females (Klein, 1976: 59). Thomas attributed the purpose behind female bad behaviour to the prerequisite for vitality and involvement concerning the females (Gora, 1982: 78).

Sigmund Freud further settled the relationship between human physical make-up and bad behaviour. In particular, he set up the association between mental characteristics, regular qualities, social fundamental segments, and bad behaviour. Freud underscored a significant need on the socialisation of people; fighting that socialisation was the choosing segment as for whether an individual transitioned into a lawbreaker or not. Freud explains that socialisation makes an amicability between the tendencies and the drives of individuals. Unseemly socialisation destabilised this equalisation and this, in this way, realised culpability or abnormality. Freud used treatment to follow the ethology of female criminal direct to early youth damage. He attributed the explanation behind female bad behaviour to a sexual eccentricity in the female gangsters. Freud insinuated this as "penis envy", doing combating that the affirmation of the non-appearance of a penis or the proximity of an "inadequate" or "unacceptable" sexual organ, the aching and inconsequential undertakings to get a penis and the negative emotions delivered owing to these futile undertakings achieved females doing infringement, particularly those females who were not capable discredit these negative sentiments through socialisation. The "need" in female science pushed them to need to take after men via doing bad behaviour. Natural in Freud's conflict is the explanation that bad behaviour is the space of folks (Klein, 1976: 61; Gora, 1982: 78).

Freda Adler and Rita Simon are parts of creators who shared this estimation. Adler and Simon were women's extremist researchers who inspected female at fault in their books, *Sisters in bad behaviour: The climb of the new female criminal* (dispersed in 1975) and *Ladies and bad behaviour* (in like manner circulated in 1975). These women's extremist experts saw that the colossal amounts of females entering the work power since the mid-1970s had been liable for the extending amounts of females who were doing bad behaviour (Dastille, 2011: 290). Cowie and Slater (referred to in Gora, 1982: 78) point out the qualification in the rate and kind of heretic acts that are executed by youngsters and young women reflect their natural beautifying agents, particularly their hormonal adjustment and inherited creation.

These makers fight that female liable gatherings will when all is said and done derision social controls and that they show masculine traits. However, non-criminal females show polite characteristics (Dastille, 2011: 290). The masculine and female characteristics recognised by Cowie et al join imperativeness, forcefulness, adventure, insubordination, deficiency, subordinate nature, and narcissism. They acknowledge that the more "masculine" a female, the more noticeable her tendency to commit crime. Clyde Vedder and David Somerville (in Gora, 1982: 78) buttress that the explanation behind female bad behaviour is introduced in the separating of the family unit and the consequences of this fizzling for the individual. They prescribe treatment to address this glitch inside the family (Dastille, 2011: 290).

### **2.3.1.2 Sex Role Theories**

Not at all as if the advocates of the "traditional" school of thought have the sex role theorists, the sex job and the socialisation of females assumed huge jobs in their criminal conduct. Categorisation of the perspectives of various researchers into the customary and sex job ways of thinking has revealed insight into the various manners by which researchers have seen the ethology of female wrongdoing. Fundamentally, the customary way of thinking contended that the reasons for female crime might be clarified using physiological, mental, social and enthusiastic elements, while the sex job way of thinking battles that an assessment of the sexual orientation jobs of females



is basic in the comprehension of the reasons for female culpability(Campbell, 1993: 76).

### **2.3.2 Females and crime**

Criminology has been transformed by the study of females and crime. The subject has now been gendered. Such a statement is optimistic at best, even in the mid-1990s. Nevertheless, it is certainly true that from very modest beginnings, working females and crime had great impact and a profound one in some places (Heidensohn 1995: 211). Prostitution remains an important source of income for poor females (Miller, 1986: 76) as does the sale of drugs. Considerable effort has gone into studies of female homicides, most of whom kill their spouses or partners. Other forms of violent behaviour by females have received relatively little attention (Campbell, 1993: 76).

Globally, females are less likely to commit crimes than men. Females offending patterns are different from men, as are their pathways to crime. Criminologists who seek to understand female's involvement in crime commission concentrate first on explaining the gender gap in offending, and then on the specific reasons behind females' violation of the law. There is also a body of literature on how female offenders are perceived by the media and the public. Around the globe, females are consistently arrested less than men are, and even self-report delinquency studies, which tend to flatten the more marked stereotypes about crime, find that girls still report offending less than boys do. The most recent international self-report delinquency study results, covering 30 countries, show that in most property and violence crime clusters, boys commit about twice as many offences as girls, except for shoplifting, for which the difference in prevalence between the sexes is minimal. The gender gap is greater for violent offenses (Junger-Tas, 2012).

Females are also generally arrested for drug crimes and less serious crimes than men, such as theft and fraud. In the relatively rare circumstances, female commit serious or violent crimes. They are much more likely than men who commit similar crimes to

appear in the media for these crimes or to be caught by authorities, because these crimes are seen as abnormal for females to commit. The formalisation of criminal justice institutions is also perceived to influence the numbers of female detected. In some countries, arrest data are poorly gathered and are not disaggregated by sex (Barberet, 2014:138). Criminologists have developed several theories that explain why females commit fewer crimes than men, which is termed the gender gap in crime commission. At the same time, they have developed theories that explain why female do commit the crimes they do, establishing different causes than for men's criminality. These include both individual-level theories as well as macro-level theories that seek to explain differences in female's and men's crime rates, using the nation-state or regions of the world as units of analysis (Barberet, 2014:138).

## **2.4 FEMALE CRIMINALITY**

According to the 2013 statistics from National Institute for Crime Prevention and The Reintegration of Offenders (NICRO), female offenders represented 2.2% of the total population in Correctional centre, incarcerated for crimes such as, economic crimes (44.80%), aggressive crimes (35.71%), narcotic crimes (11.74%) and for sexual crimes (0.90%) (Jules-Macquet (undated, probably 2014). These statistics are less than those committed by men; but their aspects positively inform why females are committing them. Therefore, the importance of these statistics is in the drawing of gender patterns, which could explain in micro-criminological terms the reason women's offence (Sanchez, 2019).

Despite the high percentage of economic crimes, female criminality factors can be social, cultural, psychological, and economic factors. Sanchez (2019) found that the reasons of female's criminality are related to females' active role in society and in the family. Their "ambitious and materialistic mentality is important vector of female criminality" (Negi & Negi, 2017: 64). In presence of factors, such as poverty and abuse, females aim to support their socio-economic situation and start to depend on illegal activities to survive, which makes violence normal (Artz, Hoffman-Wanderer &

Moult, 2011:18). Research indicates that today the Criminal Justice System is full of females incarcerated for non-violent crimes resulting in the rise of female criminality; a consequence of their economic vulnerability and of public health addiction issues owing their drug-related crimes (Mallicoat, 2014: 4).

There is a difference between men and women or female criminality, despite the common cause of crimes. In terms of economic vulnerabilities, Covington (2001) reported that the descriptive information of females in the criminal justice system are characterised by their poverty, family dysfunctional (single mothers or were in foster care placement) and lack of education. In fact, the prevention of recidivism calls for respect of factors, statics and dynamics, such as “offender’s gender, criminal history, age at the time of arrest or prior mental health problems” (UNODC, 2018:9)

## **2.5. FEMALES’ EXPERIENCES BEFORE, DURING AND AFTER INCARCERATION**

There is a logical pattern between female incarceration cycle and female criminality, which gender, poverty and social standing. Discussing the incarceration of females calls to the description of female’s trajectories to incarceration, which is their identities (Dastile, 2011: 62). In general, the experience of females in their pathway to incarceration and their release from correctional facilities is characterised by penalisation measures, which affect them owing to their employment difficulties, lack of economic resources and minimal access to education (Ackermann, 2016:109). The understanding of the outside and inside of female’s lives that would help in the process of sentencing and rehabilitation.

### **2.5.1. Females’ identity before incarceration**

The needs expressed by their identities of incarcerated female is less understood and studied in order to deal more effectively with their detention and incarceration. Artz, et al. (2012: VI) report that the demographic state of the female offenders in South Africa

were adults, coloured, married or living for a long period with a partner and mother. As for their childhood, females' detainees grew up with a single parent, in a poor neighbourhood and have been abused physically and sexually while child. These results confirmed and related to US findings where the females in the Criminal Justice System are poor, undereducated and unskilled, and they are disproportionately women of colour (Covington, 2002: 2). The foregoing conditions are favourable factors to push female in criminality.

Besides general demographic and childhood features, the socio-economic indicators and the state of alcohol and drug use lead positively to the situation of female criminality. Artz, Hoffman-Wanderer & Moul (2011: 28) report that female offenders in most of South African correctional facilities did not finish secondary school, were sole financial supporter or had no work before their incarceration and were using alcohol and drugs prior to Correctional centre. Females present a special challenge as offenders because their needs and interest are different from those of men. Socially, female come from situations where they are already 'imprisoned' as a result of lower wages, inadequate housing, and unequal opportunities for education and employment. Jules-Macquet (2014:89) reports that among sentenced and unsentenced women, regarding the types of crimes committed a huge percentage of them committed, most economic crimes, or aggressive crimes, and other at less percentage narcotic crimes, and sexual crimes. Female offenders need a special social reintegration during rehabilitation programs. They are arrested and incarcerated most for "property and drug offenses". Therefore, it is necessary to consider the indirect impact of past experiences, such of abuse or substance abuse in case of female offenders (Ackermann, 2016:109).

### **2.5.2 Females experience during incarceration**

Incarceration calls to mind the criminal justice, which is materialised by the state of imprisonment. According to Stewart and Padayachee (2019:34), imprisonment is an act of depriving transgressors of their liberty to "achieve the goals of retribution,

incapacitation, deterrence and rehabilitation". The number of Correctional centre dedicated only to females in South Africa are only eight, while 91 facilities having a section or female inmates (Artz, Hoffman-Wanderer & Moulton 2011: 3). The proportion of females in South African correctional centres is estimated at 2.3% in 2011, with a high-level rate of white women (Muntingh, 2013:54). These trends do not differ from one country to another. Therefore, challenges met in while they are incarcerated are similar.

According to UNODC (2008:7), female offenders are facing varied challenges, which are affecting their rights. Females are subjected to "sexual or physical abuse opening up to mental healthcare needs, to high level of drug or alcohol dependency, and last not least to post-release victimisation and marginalisation even by their families. Females are generally incarcerated in a correctional facility designed by and for men, thus are subject to a uniformity that does not respond to their needs. Corke (2019: 108) found that females need are addressed in criminal justice speeches, and Correctional centre as a form of punishment enacts disproportionate harm upon women. As matter of fact, imprisonment of females made them victims, unstable in their family life, and affected by substance abuse and mental health problems.<sup>2</sup> The reality is that most female offenders' problems cannot be solved when they are in the Correctional centre.

### **2.5.3 Females' recidivism in South Africa**

According to Singh (1999:22), the number of incarcerated females and those who effectively reintegrate the communities and families, after serving their sentence, is completely disproportionate. The term recidivism could mean the state of an offender who failed to be in the community, failed to escape new arrest and conviction and who did not master the rehabilitation programmes during previous incarceration (Schoeman, 2002: 38). The type of crime, the time of first conviction, the social

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<sup>2</sup> Read more: Prisons: Prisons for Women - Problems And Unmet Needs In The Contemporary Women's Prison - Children, Health, Abuse, and Offenders - JRank Articles <https://law.jrank.org/pages/1805/Prisons-Prisons-Women-Problems-unmet-needs-in-contemporary-women-s-prison.html#ixzz6qQcUBmW3>

bonding (family, employment) and the age of release in the Correctional centre coupled with the failures of rehabilitation programmes incline female offenders to recidivism (Deschenes, Owen, & Crow, 2006 : 9). In South Africa, the proportion of recidivism (male and female) is estimated between 55 % and 59% (Schoeman, 2002: 40).

The type of crimes strongly affects the recidivism of female offender. In general, criminal history tend to create a strong risk to recidivism. Cronje (2017: 72) affirms that the economic crimes in South Africa, leads to reoffence than sexual and violent offences as reported in countries with strong economy. Based on the seven groups of variables leading to reoffence, the economic variables could be linked to lack of employment or constructive activities (Schoeman, 2002:43). In the midst of paucity of data on recidivist women, Jules-Macquet (2015: 12) reports that theft or attempted theft is the most crimes leading female offender to recidivism in South Africa. The lack of information on the different crimes leading to recidivism or their scarcity foresees difficulties to the rehabilitation implementation programmes. Against all advocacies based on few evidence on the type of crimes leading most to female reoffence, the DCS facilities lacks gender-sensitive rehabilitative programmes responding to socio-economic criminal history (Qhogwana, 2017:62).

In general, several studies revealed that males have a tendency toward recidivism than females, but risk of reincarceration among females is not excluded especially in the cause of the cumulative convictions over the life course (Sivertsson, 2016: 61). Huebner, DeJong, and Cobbina, (2010: 228) and Sivertsson (2016: 61) point out the conviction over substances abuse (drug crimes). For this crime, probabilities are very high that the time of first conviction and the age of release may lead to recidivism. The fact is women convicted for drug abuse and at large extend with mental health histories struggle for employment or for financial, housing, or social support from their extended family upon release from Correctional centre (Huebner, et al., 2010: 228). However, the texts from the obligation or mandate of the DCS do not accompany policies and practice. All of articles wish than enact the job of the DCS. The solution should be to

draw actions from international rules (Bangkok and Mandela Rules) to implement the country's White Papers.

With the advent of democratisation, the country adopted a new Constitution and Bill of Rights, wherein Correctional centres are called facilities and centres and aim more to the change of offender's behaviours than to punishment. The rehabilitation ideal is built on the paradigm on the crime dealing with "an array of psychological and social factors", the mastering of factors and the identification of the process of corrections for each offender with the aim of individualised treatment (Fitz, 2013:36). The process of rehabilitation and reintegration of reoffenders face barriers sometimes from institution or from individuals' circumstances (Crowley, 2019: 08). Therefore, an improvement in the offender rehabilitation programming is one of the ways to avoid a high recidivism rate in South Africa.

#### **2.5.4 Female's release experience**

Finding accommodation on release is perhaps the biggest problem-facing female ex-offenders. The difficulties are fourfold: housing situations may deteriorate as a result of imprisonment, a significant minority leave correctional homeless or face "hidden" homelessness – that is, they have no accommodation of their own and live in other peoples' homes; few females report receiving any help in finding accommodation; and accommodation after release is both changeable and unstable (McIvor 2004:162). Females who manage to retain their homes face a different set of difficulties. Housing benefit, although available to offenders who are tenants and likely to be in custody for less than 13 weeks, maybe be operated differently from one local authority to another and not all females are aware of their entitlements. In addition, other utilities such as water charges may still need to be paid. However, retaining accommodation is not the end of the matter. Females continually report vandalism and/ or burglary of their properties during which all of their belongings may be lost (Morris et al. NACRO 2001).

After two decades of research on females' imprisonment, there is now a considerable consensus about the problems and difficulties faced by female at the time of release and for the need for a change to release procedures. Two main points of debate remain. First, the emphasis in the penal critique has been on the need to provide help to female by concentrating on the practical problems and difficulties, which they face. Second, the biggest debates about changes to release procedures are likely to be around the structure within which release procedures might operate. There is considerable consensus about the need to involve a whole range of agencies working within the community, the question is one of how to organise this (McIvor 2004:162).

### **2.5.5 Female offending and incarceration in South Africa**

The focus in South Africa correctional centres is on the majority male population, which is nearly 98% of the offender's population (Dastille, 2011: 288). In addition, that leads to neglecting the needs of incarcerated females. The phenomenon of incarcerated mothers is explored focusing on both the issue of children who are allowed to stay with their mothers in correctional centres, as well as in the same way as the remainder of the world. There are a set number of concentrates on female culpable in South Africa and female offenders who are detained in South African correctional focuses have been are as yet agreed little consideration within in South African criminology. The low number of female offenders and inadequate "topic" on female culpable in South Africa has been distinguished as the purposes behind the scarcity of writing on female culpability in the nation (Dastille, 2011: 288).

Contrasted with people, female culpable and detainment in South Africa are moderately inconsistent with female offenders establishing around 2.2% of the correctional populace of South Africa. In any case, inquire about recommends that the quantity of females in South African correctional focuses is rising. The report of the Legal Inspectorate of Detainment facilities for the time of 1 April 2005 to 31 shows that there were 3 525 females in South African restorative focuses when contrasted with 3 369 of every 1996 (Dastille, 2011: 293). What's more, the quantity of female offenders in South African restorative focuses expanded from 3 406 out of 2006 to 3 703 before the finish of February 2011. Even though this is not a noteworthy contrast, it reflects



an expansion in the quantity of indicted female offenders in South Africa. The development in female correctional populace is conventional to South Africa, however, is steady with universal patterns in female detainment (Haffejee, Vetten and Greyling, 2006b).

Haffejee et al. (2006b) call attention to that in July 2006, there were 240 working correctional in South Africa while, of these 240 correctional, eight were female-just correctional and 72 housed predominantly men, however had an extra, separate space for female. Haffejee et al (2006b) saw that there was an expansion in the quantity of female offenders in correctional facilities in South Africa somewhere in the range of 1995 and 2005; despite the fact that they do call attention to that, this ascent was equalled by the ascent in the detainment of men. Dastille (2011: 294) brings up that note that the rate increment in insights, as referred to above, are impacted by the little base number. Though they are negligible in number, female offenders in South Africa are additionally underestimated in research and open discourse on detainment and related issues, "with the exception of ... as moms of infants in a correctional facility (ostensibly, the infant is of more prominent open intrigue), or as ladies who have slaughtered harsh accomplices" (Haffejee et al., 2006b).

## **2.6 THE EFFECTS OF FEMALES' IMPRISONMENT**

Female offenders frequently feel the impacts of detainment long after their discharge from Correctional centre . Carlen (1990: 17) sees that "a female's understanding of detainment vitally influences her possibilities on discharge ... over and over again that experience is harming and weakening". A horde of issues emerges from the detainment of females, especially within the families. Family unsteadiness regularly goes before the detainment of certain females and detainment may, intensify this precariousness. The non-attendance of a mother in view of detainment may affect individuals from her family, particularly her youngsters who may encounter outrage and disdain because of their mom's imprisonment and her resultant non-appearance from the family. Hostility, wrongdoing, substance misuse, poor school grades, and psychological wellness issues are a portion of the negative conduct changes that the

offspring of imprisoned females shows owing to their agony of partition from their mothers. It is likewise accepted that there is an improved probability that these youngsters will be imprisoned, misuse, and disregard their very own children (Carlen, 1990: 17).

The detainment of mothers as a rule brings about their youngsters being thought about by more distant family individuals despite the fact that this frequently implies an absence of access to the emotional well-being and social administrations, which would have been accommodated these children on the off chance that they were cared for in government-controlled cultivate homes. In any case, the dread of losing authority of their youngsters regularly implies that female detainees are not set up to give up the consideration of their children to the state preceding their imprisonment (Sarri, 2009: 301–303). On their discharge from Correctional centre, female ex-offenders are regularly anxious to be brought together with their youngsters and other relatives yet are unconscious of the enthusiastic thrill ride (outrage and tension) and strife, which their mothers experience when their mothers come back to them.

The feeling of departure that they felt when their mothers were detained and additionally, the disarray as respects how to respond to their mothers' arrival home since they may have moved their expressions of love for their mothers to the individuals who dealt with them during their mothers' non-appearance fuels these contrary sentiments with respect to the children. The way that most female "guilty parties are discharged with nothing aside from the apparel they are wearing, and a transport ticket" exacerbates the encounters of female detainees after detainment (Sarri, 2009: 309). The following are a portion of the difficulties that ex-female offenders confronted when coming back to the community:

### **2.6.1 Unemployment**

One of the most noteworthy post-detainment encounters is the trouble in verifying work after their imprisonment. The fundamental explanation is that when they go to chase for a vocation, they state they are lawbreakers and they do not enlist them. Making

more occupations for those that originate from Correctional centre will help in limiting the exclusive requirement of joblessness from ex-female offenders (Sarri, 2009: 309).

### **2.6.2 Stigma and discrimination**

Female previous guilty parties frequently experience shame considering their criminal records, particularly when they need to reveal this data to others, for instance, when searching for an occupation. The disgrace that some female ex-offenders experience is gruesome. This is additionally reflected in their being denied employment by most citizenry. The shame that comes from not being acknowledged by certain relatives and society frequently brings about some female ex-offenders returning to their old propensities by associating with the sort of individuals with whom they associated before they were detained. This reception of old propensities and communications with old companions, in any event, when they are an inappropriate group, improves the probability of recidivism among females (Sarri, 2009: 309). One of the significant reasons some female ex-offenders return to their old companions (who may have assumed been critical in the wrongdoings they committed) is the way that they treated by these individuals. It requires significant exertion with respect to those previous female guilty parties who did not return to their "old" friend network after imprisonment to do as such (Sarri, 2009: 310).

## **2.7 THE STATUS OF FEMALES IN CORRECTIONAL CENTRES WORLDWIDE**

World Female Detainment Rundown shows that in excess of 714,000 females and young ladies are held in correctional organisations all through the world, either as pre-preliminary detainee's/remand guilty parties or having been indicted and condemned (Walmsley, 2017). Figures for five nations are not accessible and those for China are deficient. The full absolute is accordingly even higher in excess of 200 000 female offenders are in the USA (around 211 870). The nations with the following most elevated aggregates are China (107,131 in addition to an obscure number of ladies and young ladies in pre-preliminary detainment and 'regulatory confinement'), Russian Federation (48,478), Brazil (about 44,700), Thailand (41,119), India (17,834),

Philippines (12,658), Vietnam (11,644), Indonesia (11,465), Mexico (10,832), Myanmar (9,807) and Turkey (9,708). The female correctional population levels in Brazil, Indonesia, Philippines and Turkey have risen sharply in the two years since the previous edition of this list was published; by contrast, they have fallen substantially in Mexico, the Russian Federation, Thailand and Vietnam (Walmsley: 2017).

In around four-fifths of correctional systems, female offenders constitute between 2 and 9% of the total correctional population. Just 19 systems have a higher percentage than that (Walmsley, 2017). The jurisdictions with the highest proportions are Hong Kong-China (20.8%), Laos (18.3%), Macau-China (15.4%), Qatar (14.7%), Kuwait (13.8%), Thailand (13.3%), Myanmar (12.3%), United Arab Emirates (11.7%) and South Sudan (10.9%) (excluding three very small jurisdictions\*). Women and girls make up 6.9% of the global correctional population. In African countries, the proportion of women and girls in the total correctional population, at 3.4%, is much lower than elsewhere. In the USA women and girls make up 8.4% of the total correctional population (6.3% if the US figures are excluded), in Asia 6.7%, in Europe 6.1% (5.1% excluding Russia) and in Oceania 7.4%. There are also considerable variations between countries, regions and continents in the proportion of the national population that female correctional population constitute best expressed for comparison purposes as the female correctional population rate per 100,000 of the national population (Walmsley, 2017).

The lowest levels are again in Africa where the overall rate per 100,000 of the national population is 3.2. In Asia the rate is 6.2, in Oceania 11.3, in Europe 12.1 (7.7 excluding Russia) and in the Americas 31.4 (14.6 excluding the U.S.A.). The highest female correctional population rates are in the USA (about 65.7 per 100,000 of the national population), Thailand (60.7), El Salvador (58.4), Turkmenistan (about 38.2), Seychelles (34.8), Russian Federation (33.5), French Guiana (32.4), Macau-China (31.3), Rwanda (29.6), Greenland (28.5) and American Samoa (27.3). The number of women and girls in correctional centres worldwide has increased by some 53% since about 2000, when the total was estimated at approximately 466,000. This rise cannot be explained in terms of global population growth (United Nations figures indicate that

the global population rose only by 21% between mid-2000 and mid-2016) or growth in the total number of offenders (the worldwide male correctional population has increased by around 20% since 2000). The female correctional population has risen in all continents since 2000. In Africa, the rise has been somewhat less than the increase in the general population of the continent and in Europe, the increase in offender numbers has been like the general population increase (Walmsley, 2017).

By contrast, rises in the female correctional population in the USA, in Asia and in Oceania have been respectively about three, four and five times the increases in the general population of those continents. The number of women and girls in correctional centres has risen particularly sharply in some countries: notably in central America Guatemala (now more than five times the level at 2001) and El Salvador (now ten times the level at 2000); in South America – Brazil (four and a half times the 2000 level); and in south eastern Asia – Cambodia and Indonesia (both more than six times the level at 2000). Comparison of the latest figures with those that were available two years ago suggests that the worldwide female correctional population may still be increasing at a faster rate than the worldwide male correctional population. Two years ago, the increases since 2000 were about 50.2% for female offenders and 18.1% for male offenders; they are now about 53.3% and 19.6% respectively (Walmsley, 2017).

## **2.8 SUMMARY**

The main factor, which is contributing to both marital and family breakdown, is imprisonment. The linkages between offenders and the outside world are very much important to maintain. The family of the female offenders are faced with the task of sustaining the relationships and acting as a link to the world outside the correctional centre. Children of female offenders' experience diminished life chances and an increased likelihood that they will become an offender at some point during their own lifetime. Imprisonment can drain families financially, contributing to an intergenerational cycle of poverty and crime (and imprisonment). The conception of offenders as people unattached to anyone or anything can be replaced by a realisation

that there are far-reaching ripple effects when a person is sent to correction. Often, innocent and overburdened family members suffer for the crimes of their loved ones. The next chapter presents a female offenders' rehabilitation framework.

## CHAPTER 3

### A FRAMEWORK ON FEMALE OFFENDERS REHABILITATION

#### 3.1 INTRODUCTION

In the presence of crimes and high rate of recidivism, responses of the South African Criminal Justice System reveal to be one set of possible actions (Muntingh, 2005: 1). Herbig and Hesselin (2012:29) argue that blaming offenders and ineffective rehabilitation and treatment of offenders would be apportioned without discussing efficiency and/or relevance of the Correctional centre programmes to which they were subjected. All this information is stated in the *White Paper on Corrections in South Africa*, which is the final document to break the past archaic penal system and the welcoming of freedom; characterised by the migration from Correctional centre to correctional centres of rehabilitation.

Herbig and Hesselin (2012: 29) assert that the offender rehabilitation path presents a framework on how the White Paper or policies in general from the DCS must be put into practices. In fact, “the achievement of this vision is possible only if “vital services to offenders, such as change of the offending behaviour and the human development are respected”.

This chapter aimed to describe the rehabilitation process of female offenders as stated in the DCS strategies. In a structural and logic way, this study investigated female offenders’ assessment in terms of treatment of offenders, in relation to specific crimes, to reduce recidivism (Herbig & Hesselin, 2012: 28). To reach this target, the DCS put into place seven correctional programmes, which are need-based programmes to combat female offenders’ behaviour.

### **3.2. FEMALE OFFENDER REHABILITATION AS A RIGHT**

To determine the influence of constitutional rights on the rehabilitation of offenders, it is important to understand how the concept of rehabilitation originated as a component of corrections. Punishment has a lengthy evolutionary history. Yet imprisonment as a form of punishment has developed only over the past 250 years. Various efforts were made to prevent people from reoffending, and these generally became known as rehabilitation. Rehabilitation is defined as the process of internal change brought about by external agents (Pollock, 2007:87). Sechrest, White and Brown (1979: 4) define rehabilitation any planned intervention that reduces an offender's criminal activity, whether that reduction is mediated by personality, behaviour, abilities, attitudes, values or other factors. From this definition, it can be deduced that rehabilitation is aimed at ensuring that offenders stop their offending behaviour.

Problems such as low self-esteem among offenders, overcrowding, violence and human rights violations exacerbate the hardship experienced by those in Correctional centre. The introduction of the concept of rehabilitation offers offenders a sense of personal dignity and facilitates the provision of educational skills that will prepare them for life in society after their release. However, an offender cannot be rehabilitated unless they want to be rehabilitated. In the South African context today, rehabilitation within the framework of human rights has become a strategy of the South African DCS (DCS, 2005: 11), at least as far as stated policy.

The White Paper on Corrections in South Africa (2005:3) stipulates that corrections and rehabilitation are the key concepts in the strategic direction of the DCS. However, the conditions within which the correctional system operates will determine whether they genuinely allow for the rehabilitation of offenders. The uniqueness of the rehabilitation process sets demands on all parties involved to ensure that offenders are indeed rehabilitated. Because of their regular contact with offenders, the role of correctional officials, as rehabilitators, cannot be overemphasised. In some instances, offenders develop a trust relationship with officials, which is vital for successful rehabilitation. Offenders are eventually returned to the community, which is where the effectiveness of rehabilitation really matters.



Because rehabilitation is a vital aim of the correctional system and one of the stated obligations of the state, it is important that offenders are not denied their right to rehabilitation (Omar, 2010: 21). Imprisonment limits the freedom that a person enjoys while living in a free society. This limitation carries a strong social message, which indicates the state's power over individuals. Placing an offender in custody does not end with their being kept away from society; it also involves methods of ensuring that the offender is rehabilitated and will be successfully reintegrated into society. The main objective of incarcerating offenders remains to ensure safety and security of the society as well as to rehabilitate them. Fundamentally, the effectiveness of the correctional system lies in the way it achieves these objectives (Omar, 2010: 21).

### **3.2.1 Specific rights contained in the Constitution Act 108 of 1996**

All rights in the Constitution Act 108 of 1996 are meant for every citizen of the country and were entrenched to ensure human dignity, equality and freedom for enjoyment by everyone. Because this study is based on the rights that have a direct bearing on the rehabilitation of offenders, only those rights that have such a bearing will be discussed. The mandate of the DCS is currently drawn from the 1996 Constitution of South Africa (incorporating the Bill of Rights).

#### ***Life***

Section 11 of the Constitution posits that 'everyone has the right to life'. Although this appears very simple on the face of it, it is in fact the most important of all human rights. Without life, no other rights can apply. Unless one is alive, there is nothing to rehabilitate.

#### ***Equality***

Equality is guaranteed in section 9 of the Bill of Rights. It is clear from the Constitution that every citizen of South Africa should be treated equally and that no-one should be discriminated against on the grounds mentioned in subsection 3. Mubangizi (2004) cautions that equality does not necessarily mean that all people should be treated uniformly. Instead, it requires that those issues that are alike be treated alike, and

those issues that are unlike be treated unlike. The Constitution of South Africa, like the Universal Declaration of Human Rights (articles 2 and 7), guarantees equality to everyone, including offenders, subject to the limitation's clause. This equality should also prevail within the correctional system during the implementation of offender rehabilitation programmes (United Nations Economic and Social Council, 2003). Everyone in Correctional centre should have equal access to facilities, including jobs, education, library services, exercise and accommodation. Failure to provide equal opportunities for rehabilitation will lead to negative attitudes towards the rehabilitation process which in turn leads to the ineffectiveness of the correctional system.

### ***Human dignity***

Section 10 of the Bill of Rights asserts that “everyone has inherent dignity and the right to have their dignity respected and protected”. The dignity of every person is viewed as important, which is why the Constitution postulates that it should always be respected and protected. In view of South Africa's history of apartheid, which undermined the dignity of the large majority of the country's citizens, the right to dignity is important in ensuring that everyone gets the respect that they deserve (Devenish, 1999). Such undermining of the dignity also extended to the correctional system where offenders were seldom respected during incarceration. The dignity of offenders must never be sacrificed, even during the implementation of rehabilitation programmes. This section of the Constitution echoes article 1 of the Universal Declaration of Human Rights, which prohibits any violation of human dignity.

### ***Freedom and security of the person***

The Constitution, as indicated in section 12(1), guarantees the freedom and security of every person. It prohibits anyone from depriving another person of their freedom without justification. It also ensures that every person is protected from any cruel, inhuman or degrading punishment, which is in line with the provisions of article 5 of the Universal Declaration of Human Rights. Within the correctional context this section implies that the DCS is obliged to ensure the safety of offenders. It is mandated to rehabilitate offenders in a secure environment so that they can change their offending behaviour. A safe environment will motivate offenders to participate in rehabilitation

programmes, which will not be the case if their security is constantly under threat. The DCS must also ensure that maintaining discipline does not constitute cruel, inhuman or degrading treatment, as this would impede rehabilitation.

### ***Slavery, servitude and forced labour***

Section 13 of the Bill of Rights determines that “no one may be subjected to slavery, servitude or forced labour”, and protects any person from performing forced labour. This provision is in line with article 4 of the Universal Declaration of Human Rights. The correctional system must provide offenders with meaningful labour that will contribute to their successful reintegration into society. Offenders will be more intensely focused on the kind of labour that they perform while imprisoned if it has meaning and can help them sustain their lives. From the Constitution, forced labour is not an acceptable means of punishment; hence the correctional system cannot force offenders to perform labour unless it is for a good cause and will eventually lead to their rehabilitation. In addition, work may form part of their negotiated sentence plan.

### ***Privacy***

In terms of section 14 of the Bill of Rights “everyone has the right to privacy, which includes the right not to have their person or home searched; their property searched; their possessions seized; or the privacy of their communications infringed”. The Constitution therefore requires that everyone’s privacy be respected and implies that no one can search or seize another person’s property without their consent unless if, according to Section 36 of the Constitution such search and seizure is reasonable and justifiable in an open and democratic society. Privacy is a basic human need, essential for the development and maintenance of a free society and a mature and stable personality. It is profoundly cherished as a right by persons; both in relation to intrusion by the state and as far as other people in the community are concerned (Devenish, 1999). The implications of section 14 of the Constitution are also in line with article 12 of the Universal Declaration of Human Rights. Invasion of privacy often occurs in dormitories, during searches and during general interaction with staff. Infringements of the right to privacy must be minimal and offenders should be allowed to communicate with whomever they wish, whether by mail, telephone, or orally, without their privacy being infringed. Therefore, the correspondence between offenders and

their family members is important and can sometimes motivate the offender to participate in the rehabilitation programmes. For this reason, it should always be respected (Fisher, 1990).

### ***Freedom of religion, belief and opinion***

Section 15 of the Constitution offers every South African citizen protection to practise their religion without any interference. The right to attend religious services of one's choice and the equality of all religions are also guaranteed. In similar vein, article 18 of the Universal Declaration of Human Rights avers that everyone can worship or to teach their religion. Offenders should be encouraged to worship, as religion forms an important part of personal identity (Ahdar & Leigh, 2005). Religion and rehabilitation can never be separated, as both attempts to improve human behaviour.

### ***Freedom of expression***

Section 16 of the Constitution guarantees freedom of expression for every citizen, provided it does not promote hatred among other races, ethnicity, genders or religions, and it gives everyone the opportunity of free speech. The implications of this section are in line with those of article 19 of the Universal Declaration of Human Rights. Within a correctional system, as long as the application of this right does not lead to propaganda for war, incitement of imminent violence or advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm, such freedom has to be promoted. Offenders will therefore have a say in what works for them and what they require from rehabilitation programmes. Rehabilitation requires offenders to be trusted enough to make suggestions about what they regard as important in their lives.

### ***Assembly, demonstration, picketing, and petition***

Section 17 of the Bill of Rights determines that “everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions”. If it does not result in violence or disturb other people in the enjoyment of their rights, section 17 provides every citizen with the right to assemble, demonstrate, picket and to hand over petitions to express their opinion. This section is in line with article 20 of the Universal Declaration of Human Rights. Offenders can express their dissatisfaction if it does not lead to problems within the correctional centre. This normally happens through the complaints’ procedure and visits from interests’ groups, such as Independent Correctional centre Visitors (Landman, Luyt & Du Preez, 2005).

### ***Freedom of association***

Like article 20 of the Universal Declaration of Human Rights, section 18 of the Constitution guarantees the right to freedom of association, which entitles everyone, including offenders, to support a political party and religion of their choice without being restricted by anyone or anything. According to Palmer (2001), freedom of association does not extend to offenders becoming members of gangs, as gang activities threaten the running of the correctional centre from a security perspective. Offenders must be allowed to associate with anything that will have a positive influence in their rehabilitation process. Therefore, from a rehabilitation point of view, association is limited to positive association.

### ***Health care, food, water and social security***

As indicated in article 25 of the Universal Declaration of Human Rights, everyone is entitled to adequate health care, food, clothing, housing and medical care. Section 27 of the Constitution of South Africa also guarantees basic needs to every South African citizen. The DCS as an organ of state has an obligation to make health care, food, water and social security available to offenders. The effectiveness of rehabilitation programmes is enhanced when the above needs have been met first, as these are basic needs. A healthy offender who has enough food and water is more likely to participate in rehabilitation programmes than an offender who does not. Failure to

supply effective health care services and food will have a negative impact on the effectiveness of rehabilitation.

### ***Education***

Section 29 of the Bill of Rights stipulates that “everyone has the right to basic education, including adult basic education; and to further education, which the State, through reasonable measures, must make progressively available and accessible”. In addition, “everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable”. To ensure the effective access to and implementation of this right, the state must consider all reasonable educational alternatives, including single-medium institutions, considering equity, practicability, and the need to redress the results of past discriminatory laws and practices.

Dlamini (1994) sees education and culture as being closely related because education is the means whereby culture is transmitted from one generation to the next. It is the responsibility of the state to provide enough education to its citizens in the language that they understand. Educational activities should not discriminate against other citizens, since they are all equal, as indicated in article 26 of the Universal Declaration of Human Rights. Plaatjies (2005) emphasises that educators within DCS can play an important role in teaching offenders alternative life skills. Education can contribute to the rehabilitation of an offender because it helps to instil new knowledge, skills and attitudes that can benefit the offender after release.

### ***Access to information***

In section 32 of the Bill of Rights it is stated that “everyone has the right of access to any information held by the state; and any information that is held by another person and that is required for the exercise or protection of any rights”. The importance of the right to access information led to the promulgation of the Promotion of Access to Information Act 2 of 2000, which guarantees access to any information that is held by the state or any other person to protect or exercise other rights. Offenders are therefore also entitled to this right (Palmer, 2001). If there is any information that

offenders believe to be important, they should not be denied access to that information. Offenders must have access to any information that can support rehabilitation. The right to information enables the offender to participate in decision-making that affects the rehabilitation process.

### ***Just administrative action***

According to section 33(1), (2), “Everyone has the right to administrative action that is lawful, reasonable and procedurally fair. Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.” The importance of the right to just administrative action also led to the enactment of the Promotion of Administrative Justice Act 3 of 2000. Burns (1998) explains that in terms of section 33 of the Bill of Rights, individuals are protected from the abuse of power, since every action must be reasonable and fair. Burns (1998) further maintains that the administrative justice clause has significant implications. It promotes the principle of lawfulness, the principle of procedural fairness and the principle of justifiability and reasonableness when administrative actions are taken. It requires that significant reasons for any administrative action must be furnished. The section requires that while the action is being performed, the principle of legality is always to be applied. It is important for DCS to ensure that, when taking decisions, they are not in conflict with the provisions of this section, which means that these decisions should be fair and reasonable. For offenders to come to terms with decisions affecting them, there should be a valid reason warranting that decision. Offenders should be given an opportunity to come to the fore in instances where their right to just administrative action has been violated, and they should be given an acceptable reason for this violation.

### ***Rights of detained persons***

Section 35(2)(e) of the Bill of Rights stipulates that “everyone who is detained, including every sentenced prisoner, has the right to conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment.” Furthermore, section 35(2)(f) accentuates that offenders have the right to

communicate with their spouse or partner, next of kin, chosen religious counsellor and chosen medical practitioners.

It should be emphasised that the offender is detained under conditions that consider their human dignity. The offender must also be allowed to communicate with their family members. Everything that an offender needs in order to be rehabilitated must be made available. Cachalia et al. (1994) report that it is generally accepted knowledge that an offender's rights to adequate nutrition, reading materials and medical treatment as well as proper clothing, housing, adequate food and medical care, protection against assault, religious right and legal rights have a positive impact on the offender's physical, mental and psychological wellbeing.

When it comes to offenders communicating with the outside world, "with the decline of faith in the rehabilitative capacity of prison itself, contact with the outside world as a means of reducing the debilitating effects of institutionalization has come to be seen as perhaps the most important rehabilitative strategy in the Correctional centre context" Livingstone & Owen, (1993:144).

### **3.2.2 Implications of the Correctional Services Act 111 of 1998**

The Correctional Services Act 111 of 1998 can be easily identified because of the following most important features which are different from those of preceding Acts (South African Department of Correctional Services, 2005b: 52):

- The inclusion of offenders' rights.
- Specific recognition of the rights of women and children.
- Clear policy regarding the use of force and separation of offenders.
- Programmes for the development, treatment and support of offenders.
- Promotion of community involvement in correctional matters.
- Programmes for monitoring offenders after their release.
- Promotion of partnership between the public and the private sector towards the development of correctional centres.



Chapter 3 of the Act sets out the general requirements which ensure that all the offenders are detained under conditions that recognise their human dignity.

### **3.2.3 Implications of the White Paper on Corrections**

The 2005 White Paper on Corrections stipulates that corrections and rehabilitation are the key concepts in the strategic direction of the Department of Correctional Services. However, the conditions within which the correctional system operates will determine whether they genuinely allow for the rehabilitation of offenders. The uniqueness of the rehabilitation process sets unlimited demands on all parties involved to ensure that offenders are indeed rehabilitated. Because of their regular contact with offenders, the role of correctional officials as rehabilitators cannot be underestimated or over-emphasised. In some instances, offenders develop a trust relationship with officials, which is vital for successful rehabilitation. Offenders are eventually returned to the community, and it is there that the effectiveness of rehabilitation really matters. The White Paper is underpinned by the following values and rights which are entrenched in the Constitution. Among other things, they ensure that every offender is treated in a humane manner that makes their rehabilitation possible ((South African Department of Correctional Services, 2005b: 52):

- Section 9: equality
- Section 10: human dignity
- Section 35: rights of detained persons
- Section 27: right to health care services, food, water, etc.
- Section 12: freedom and security of the person
- Section 28: rights of children
- Section 29: religious freedom
- Section 41: intergovernmental relations
- Section 195: values and principles governing public administration.

### **3.2.4 Other international standards on the treatment of female offenders**

To ensure the protection of citizens against violations of their rights by individuals, groups or nations the United Nations drew up the Universal Declarations of Human Rights and other documents which prevent any violation of human rights. It was not by accident that these important documents included the rights of offenders (Stern, 1998: 191). In addition to the Universal Declaration of Human Rights, there are some other important documents that promote human rights for offenders. The United Nations Standard Minimum Rules for the Treatment of Prisoners is the most comprehensive human rights instrument addressing the treatment and rights of offenders. The document consists of two parts with part 1 being the rules of general application and part 2 encapsulating the rules that are applicable to the special categories of offenders. *The Standard Minimum Rules for the Treatment of Prisoners* applies to everyone regardless of race, colour, gender, language, religion, political affiliation, national or social origin, property, birth or other status (United Nations, 1984: 3).

The religious beliefs of offenders should always also be respected when applying the rules because they may help to curb the negative behaviour among offenders. To ensure the effectiveness of rehabilitation programmes, every offender must participate. Discriminating offenders on grounds such as race, for example, will only lead to offenders of certain races benefiting from the rehabilitation programmes. It should always be considered that all the offenders at some stage will have to return to society. To prevent them from re-entering the correctional system, they should all be rehabilitated in a way that they no longer resort to crime to maintain their lives. The SMR contends that under no circumstances may people be detained in the same facilities. The same applies to sentenced and unsentenced prisoners, youth and adults. The status of the offence must also be considered (Fields, 2005: 577). Rehabilitation requires every offender to participate in programmes that best suit their requirements. Separation of offenders will not only prevent certain categories from victimisation, but it ensures that they access programmes that were specifically designed for them. This separation cannot be viewed as discrimination since it best suits the objectives of the correctional system, which includes the rehabilitation of offenders.

The history of the penal system indicates that female offenders have not been fully recognised as a result of the population of female offenders not being as large as that of males and as a result of the way in which the correctional system operates (Salomone, 2004: 34). Because of the growth in the female offender population over the years, certain adjustments had to be made to ensure the effective rehabilitation of women. Female offenders encompass all the socio-economic classes, races and backgrounds and it is important that while they are in Correctional centre they are prepared to reintegrate successfully into their community. In addition, they should also learn some sound work skills that will prepare them for occupation after their release, like their male counterparts (Pollock, 1998: 143). To produce programmes that will ensure the effective rehabilitation of female offenders, the demographics and the history of the female population as well as different life factors that have an impact on their offending must be understood.

Freedman (1981: 53) makes the following recommendations regarding the treatment of female offenders:

- Men and female offenders can never be detained in the same facilities; so, separate facilities must be built for female offenders. As indicated in the Standard Minimum Rules for the Treatment of Prisoners, men and women should never be detained in the same facilities, and women require special accommodation from the correctional system. Rehabilitation programmes developed for women will be implemented successfully if female offenders are detained in facilities that suit their requirements. Female offenders will find it comfortable to be detained in a situation where males do not disrupt them.
- Only female correctional officers must be responsible for the day-to-day running of the female facilities because men are regarded as a 'disruptive influence'. Furthermore, only females will best understand the needs of other females. In implementing the rehabilitation programmes, female officials will ensure that these

programmes are fit for females. Men should never be allowed to have access to the female facilities to avoid complications in the rehabilitation process.

- Female's sentences must be imposed in a manner that enables them to undergo programmes that will allow them to become productive citizens after their release. Only rehabilitation programmes that are guaranteed to be effective in the rehabilitation of female offenders must be applied. When sentencing a female offender, rehabilitation must be the main purpose of the sentencing. Female offenders must be treated in a manner that will prevent them from committing further crime. They should gain as much knowledge and acquire as many skills as will help them after their release.
- Because of differences in physical appearance and physiological make-up, men and women should be treated differently. Rehabilitation programmes must be designed in a manner that female offenders will not find it difficult to participate in them. Programmes that are believed to be too hard for females should never be used; rather, female offenders should have their own programmes developed for them.
- Special training programmes must be designed for women in every institution. Moreover, female offenders must have different programmes from male offenders. The same applies to training programmes. The state must ensure that female offenders participate in training programmes that will ensure their rehabilitation. Female offenders must be provided with the special skills that will ensure that they reintegrate successfully into the community, for example knitting and sewing.

Even if women have committed their crimes and they must pay for them, the correctional system must consider certain aspects that are unique to women when dealing with them behind bars. Even though female offenders represent a smaller number, the correctional system must provide equal services and programmes for them like they do for men (Dale, 1991: 56). Because some female offenders are

detained with their children, it is the responsibility of the state to provide all the essentials for the children ranging from clothes to study materials.

As indicated in the Universal Declaration of Human Rights and the Standard Minimum Rules for the Treatment of Prisoners, discrimination based on gender is prohibited. Female offenders therefore also have the full protection of their human rights, and the correctional system can never violate them.

According to Bloom (1999: 23), the following are the guiding principles to be followed when designing female programmes within the correctional institution:

- When it comes to equality of women it does not mean that they should have access to those rehabilitation programmes designed for men; rather, they should have programmes that are relevant to their gender.
- These kinds of rehabilitation programmes must not be 'women only' programmes designed for men.
- Female offenders must be empowered through the promotion of their self-esteem.
- All the issues that are specifically related to females must be addressed in safer situations which are supportive and confidential.
- The level of security for female offenders must depend on rehabilitation programmes for such offenders, must ensure public safety and offer the required rehabilitation programmes.
- The culture among female offenders must be promoted and all the cultural resources must be used.

### **3.3. REHABILITATION PROGRAMMES**

#### **3.3.1 Anger management programme**

According to Howells et al. (2005: 296), “anger management interventions with violent offenders are a common form of rehabilitative activity”. The objective of this programme is to make them aware of the cause and symptoms of anger and how to deal with the facility centre. For its link to reactive violence, anger is considerable variable change during offender’s rehabilitation (Suter & Byrne, 2000:2). The programme aims is to implement only and compile “plan to deal with and manage future anger response behaviour. The DCS targeted by this programme all sentenced offenders who are serving sentences of 24 months and longer. The goals of this programme are achieved through an education programme through cognitive-behavioural therapy (UNODC, 2018: 28).

#### **3.3.2 Crossroads correctional programme**

This programme aims at the implementation of basic behaviour modification techniques after changing the offending behaviour. Contrary to the anger management programme, crossroads programme works on causes and consequences of the abuse of alcohol and drugs and of criminal behaviour (South African Department of Correctional Services 2005b:52). While built for offenders sentenced up to 24 months and more, this programme informs offenders about sexually transmitted infections and treated them. Therefore, this programme is ideally presented to inmates identified as they are admitted to the system.

This programme equips offenders with the skills and knowledge for a responsible, law-abiding and productive citizenship reintegration (Motshekga, 2014: 42). Some of the training subjects in the crossroads programme are on causes of criminal behaviour, consequences of criminal behaviour, and last but not least alternatives to criminal behaviour. The religious care committee of the Correctional centre is giving these programmes. In correctional facilities, the crossroads programme is run by external

partnerships, such other government departments, private sectors, non-governmental, faith-based and community-based organisations (Motshekga, 2014: 42).

### **3.3.3 Preparatory programme on sexual offences**

The South African Department of Correctional Services 2005b:52 said this:

The main objective of the preparatory programme on sexual offences is to involve sexual offenders in a correctional programme addressing their sexual offending behaviour through the acquisition of the relevant knowledge and skills.

The inconsistency in definition of rape from legalists and academician brings doubt on its statistics. The *Sexual Offences and Related Matters Amendment Act of 2007 (SOA)* considers sexual offences and related act, sexual assault, compelled sexual assault and compelled self-sexual assault, rape and compelled rape, incest, bestiality and sexual acts with a corpse, and last but not least compelling or causing children to witness sexual offences, sexual acts or self-masturbation; exposure or display of pornography (Government Gazette, 2007:12-16). However, the reality is that in comparison to other countries, such as Kenya or India, South Africa is high on rape and sexual offences.

This programme revealed to be important in the context of South Africa owing to high statistics of rape and high percentage of sexual offenders (Procter, 2015). The Act targets offenders sentenced to 24 months and above in relation to the needs and risks identified in the offender's Correctional Sentence Plan (The DCS (n.d.:12). The statistics from the Minister of Police on 21 September 2019 in front of the Parliament, which are published by the Institute for Security Studies, are silent on the gender or categories of offender victims of rape and sexually assaulted matter. <sup>3</sup>

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<sup>3</sup> <https://citizen.co.za/news/south-africa/crime/2178462/factsheet-south-africas-crime-statistics-for-2018-19/>

### **3.3.4 Pre-release programme**

The South African Department of Correctional Services (2005b:52), asserts that *“the objective of the pre-release programme is to prepare offenders for successful reintegration into society by providing them with skills and information to enable them to cope with possible challenges they may have to face after their release”*. In the USA in all programmes in the correctional facilities (academic education, job skills training, vocational education, and more) could not alone prepare offenders in their reintegration in the society (Shand, 1996:37). Therefore, this programme is addressed to all offenders before their release from the South African community centre.

The pre-release programme goals are several; for example: prepare offenders for successful reintegration into society, restore relationships, and last but not least teach offenders to take responsibility for their own behaviour (South African Department of Correctional Services 2005b:52). In the USA system, “preparation for release was an important part to provide programmes to prepare inmates for the community transition” (Seiter & Kadela, 2003: 362). Programmes offered include education and vocational programmes, religious services and other counselling programme, Literacy Training and Education, open Correctional centre, Vocational Skills Training, cognitive-behavioural functioning, substance abuse, psychosocial dysfunction, and the development of new attitudes. This programme is less applied or put into practice owing to the sentence period of offenders currently, that is much longer than in the past (Seiter & Kadela, 2003: 365).

### **3.3.5 Substance abuse correctional programme**

The objective of this programme is to help participants to the understanding of the negative consequences of substance abuse (South African Department of Correctional Services 2005b:52). Statistics revealed that “the consumption of substances in South Africa is twice the world norm; and the country is considered as one of the drug capitals among the top ten narcotics and alcohol abuse centres of the world”. In Correctional centre, substance use among prisoners plays a big role as class categorisation in and out of the Correctional centre (Sifunda,



Reddy, Braithwaite, Stephens, Bhengu, Ruiters, & Van Den Borne, 2007:3). This programme targets all the offenders sentenced for “24 months and longer, and in needs and risks of substances abuse on offender’s Correctional Sentence Plan” (South African Department of Correctional Services 2005b:52).

The stigmatisation of drug-using offenders and prisoners in the community; the negative attitude towards them affect the substance abuse treatment (UNODC, 2008b: 11). The appropriate treatments offenders are behavioural treatments, which is composed of cognitive therapies, contingency management and motivational therapies aiming at decision-making skills, behavioural changes, and motivation to participate in treatment and in non-drug-related activities (Chandler, Fletcher, & Volkow, 2010:2). The success of this treatment depends on one side of the involvement of community-based agencies at the rhythm of throughcare and aftercare (UNODC, 2008b :58).

In the case of behavioural treatment, Bartollas (2002: 312) asserts that conduct treatment utilises positive and negative fortifications to empower alluring conduct and simultaneously dishearten bothersome conduct. Behavioural therapy suggests handling that instigates fresh conduct through fortifications (prizes and discipline), job demonstrating and other dynamic types of educating. Furthermore, behavioural therapy does not just plan to change the criminality of the offender, yet it likewise focuses on specific issues that are related with the criminal’s way of life. These issues incorporate verbal control and legitimisation, absence of social abilities, for example, discussion, powerlessness to control outrage and disappointment.

In the American situation, those who complete this treatment and at the door of release are less subjective to recidivism. But challenges are in the cooperation and coordination of two disparate cultures of the Criminal Justice System, that is dealing with punishment and protection; and the drug abuse treatment systems to against individual addiction (Chandler, Fletcher, & Volkow, 2010:7). DCS strategies to overcome these challenges are reported in the 2013 – 2017 version of the National

Drug Master Plan (NDMP) (Jules-Macquet, 2015). The implementation of this Master plan required the concurrence of different institutions and NGOs with a mandate of five years evaluation.

### **3.3.6 Restorative justice orientation programme**

*“The main objective of this programme is to orientate offenders in respect of restorative justice and to prepare them for further intervention through restorative justice programmes.”* (South African Department of Correctional Services 2005b:52). The concept of restorative justice orientation programme addresses issues of the victims (hurts) and offenders (needs) with the aim of healing them and meeting their common ground and the view of the community (Saymour, 1999:45). The foundation of the restorative justices is that crime disrupts social connections among individuals and community members and causes impairment.

Over the time, scholars and academics have moved towards the differentiation of what is and what is not restorative justice programme, by benchmarking any programme on a continuum of restorative justice. In South Africa, the concept towards restorative justice programmes was introduced around 1992 with the diversion of children from Criminal Justice System. This is an initiative of an Inter-ministerial Committee united under the name of family group and composed of steppingstones project, Durban Assessment, reception and Referral centre, etc. In all provinces, the restorative justice programme established victim-offender conferencing (VOC), which aimed at the creation of an environment where victims and offenders expressed their concerns, as response to six key questions to “restorativeness” (Saymour, 1999:45).

The South African Department of Correctional Services uses this programme for sentenced offenders as well as probationers, and all categories of offenders. The 1994 Truth and Reconciliation Commission is the historical example of the restorative justice programme in south Africa. Department of Correctional Services adopted this

programme as key strategies in May 2000 and the pillar of the offender rehabilitation programme (Bailey & Ekiyor, 2005: 25). In South Africa, three types of restorative justice practice have been identified: victim-offender mediation, victim-offender conferences and family group conference.

In respect of offenders, victims and communities, the DCS set objectives to meet their concerns during the implementation of restorative justice process. According to Bailey and Ekiyor (2005: 26), restorative justice programme works on offenders' behaviour to control re-offending, while facing up their sentences, digesting the "extent of harm; and taking steps to correct things as far as possible". In the case of victims, Bailey and Ekiyor (2005; 26) speak of the DCS strategies to be in line with international declaration (UN Declaration) and national acts (Correctional Services Act of 1998). This can be done using the Victims-Offender Dialogue (VOD). Since the advent of democratisation, the involvement of communities in the cycle of offenders was deemed to be important as a bridge for their reintegration in the society. Therefore, the DCS strategy on restorative justice is built on the principle of *Ubuntu* which considers the basic community needs and a consideration of crime as "harm to the community in need of repair or healing. This programme is realised by many meetings during all phases of criminal process (Daly, 2016:27).

### **3.3.7 New beginnings orientation programme**

In the country's first democratic government, correctional facilities have changed to places where punishment is replaced by the new beginnings programme characterised by human rights and dignity (DCS, 2020:37). The programme targets to empower all offenders to be aware of their needs and risks, which facilitated the migration from "offenders' transition into and adjustment to the correctional centre" (DCS n.d. :18). These programmes serve as orientation programme for newly incarcerated person. The programme aims at equipping offenders with self-esteem, decision-making, guard against gangsterism, etc.

### **3.4 ROLE PLAYERS IN THE REHABILITATION PROCESS**

The International Declaration of Vienna on crime and justice stated that

It is important that development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all the link between the Department, the community and other state departments is crucial in the fight against crime, reparation of relationships and the rehabilitation of offenders (United Nations, 2000: 5).

There are different role players that are engaged with the procedure of rehabilitation to be effectively within the correctional system.

#### **3.4.1 Offenders**

According to the dictionary of terms and legal definitions, there can be an alleged offender who is a person charged with a specific criminal offense(s) by a law enforcement agency or court, but has not been convicted and criminal offender, an adult convicted of a criminal offense (Girgenti, 1992:33). Offenders are categorised in South Africa using the needs-based rehabilitation approach and are children in detention (under 18 years), young offender (between 18-25 years), female offenders, offenders with disabilities, elderly offenders, offenders with mental illnesses, first offenders, offenders with long sentences or life sentences, detained offenders who are foreign nationals (DCS, 2005). In this study, female offenders have been investigated than the other categories.

According to Jules-Macquet (2015), women constitute 24.6% (4 810) of the total offenders in South African prisons, with 82.16% of adult female offenders. KwaZulu-Natal Province revealed to have the highest number of females incarcerated. From the other source (Claire, 2017:27), females incarcerated in South Africa are decreasing since 2000 and their facilities centres are estimated at 2.6% and there exists 22 prisons for female inmates over 243 prisons in the country.

In the context of South Africa and sentenced and unsentenced women offenders 44.80% of women of them committed economic crimes, and 35.71% aggressive crimes (Steyn & Booyens, 2017: 35). Consequences are huge since female offenders must live far away from his family, and the DCS concentrate few me or training to them (DCS, 2005: 81). The type of economic crimes is theft and shoplifting and domestic violence and abusive relationships have been reported in the case of aggressive crimes (Jules-Macquet, 2015: 5). Regarding the high level of aggressive crimes, Artz, Hoffman-Wanderer and Moulton (2011:3) deduced from this the long period during which women in South Africa are serving compared to other countries; why not the type of rehabilitation programmes to establish. Besides their criminal profile, females in correctional facility centres are poor, undereducated, unskilled and come from poor area (Covington, 2002: 2; Stey & Booyens, 2017:2). The most challenges were outlined in the White Paper document from 2005 focusing on the presence of mother-child relationship.

Jules-Macquet (2015:6) reports the specific social reintegration needs that differ from male offenders. Since the DCS strategies aim at avoiding recidivism, the need-based rehabilitation programmes have been established. Therefore, DCS offender rehabilitation programme is built on need and risk assessment and rehabilitation process. Base on the need and risks model of rehabilitation programmes, researchers advocated for gender-responsive programmes, while classifying female offenders (Qhogwana, 2017: 62). The female offender's classification deduced from the studies of Simpson, Yahner, and Dugan, (2008) and Artz, Hoffman-Wanderer and Moulton (2011) is as follows:

- **Street women:** This category included women living out their home owing to domestic violence, dropping out of school and delinquency.
- **Harmed and harming women:** These women have a history of childhood trauma.
- **Drug connected women:** This group is composed of women drugs dealer.
- **Battered women:** Different from street women, this group is related to women who were exposed to the domestic violence they faced in their lives.

- **Other women:** For this group, criminality was mostly related to a need to live a secure and comfortable life, which women were unable to afford.

This categorisation of female offenders underscores the need of gender sensitive programmes. Despite the special needs of female offenders, there are few specialised programmes available in South Africa designed to meet these needs.

### **3.4.2 The correctional staff**

The transformation of prison into a facility centre started together with political changes in country around 1990. At that time the prisons service was under the Department of Correctional Service than the Department of Justice. The Prisons Service was separated from the Department of Justice and renamed the DCS (Pieterse, 2017: 16). Despite the change of the institution name, jail is a dangerous place for correctional officers. The job of correctional staff is led by the need-risk approach as they are dealing with drug offenders, gang, murderers, mental health offenders, in some cases rebels of terrorist (Ferdik & Smith, 2017: 42). In brief, the role of correctional officers is “acts of surveillance, teaching, support, reinforcing positive behaviour and enforcing consequences for negative behaviour” (UNODC, 2018: 59).

Correctional staff roles are multi-faceted and important for the effective rehabilitation and reintegration of prisoners (Prais & Sheahan, 2019:59). Their roles are twofold assistance and policing in the correctional facilities (UNODC, 2018: 59). In view of the tasks entitled for the correctional officer and its contact with sentenced offenders needs some basic knowledge of the behavioural sciences and further education and training to “advancing health, welfare, safety and security inside correctional institutions” (Mateto, 2012: 149). Bartollas (2002: 258) affirms that the work of correctional officials is not a simple one, as it requires physical and enthusiastic stamina.

As a major aspect of empathetic treatment, the correctional staff should accommodate essential needs of offenders, for example, nourishment and attire. The arrangement of these administrations will prompt offenders to concentrate more on their

rehabilitation programmes. They are the most important asset of a correctional system as they are liable for achieving the strategic framework. Officials are liable for managing offenders via doing sentence requests of the courts.

According to Coyle (2009), their roles are:

- *to treat prisoners in a manner which is decent, humane and just;*
- *to ensure that all prisoners are safe;*
- *to make sure that dangerous prisoners do not escape;*
- *to make sure that there is good order and control in prisons; and*
- *to provide prisoners with the opportunity to use their time in prison positively so that they will be able to resettle into society when they are released.*

In the correctional facilities, correctional officials play twofold roles: that of rehabilitation and surveillance of the prisoner. These tasks require them to possess “interpersonal skills, distinct training and education and professionalism” (Mateto, 2017: 246), which are lacking in view of crimes rate and recidivism in South Africa. Therefore, the need concertation work between from the Prison Department, the Parole Board, the parole department and the community (Hamin & Hassan, 2012: 331).

### **3.4.3 The community**

The DCS arrests offenders with the goal that they can turn out to be productive members of society to their locale. Birzer and Roberson (2004: 37) accentuate that inside a rehabilitation approach, offenders are appointed to programmes, which were intended to set them up for rearrangement or reintegration into the community. As per the South African Yearbook (2003/04:451), the Sub-directorate of Community Involvement encourages the contribution of network individuals in correctional issues. The Sub-directorate intends to advance duty regarding offenders’ executives and

crime anticipation, share obligation regarding offender rehabilitation and reintegration of offenders into the community just as expand the utilisation of open and private gatherings.

The DCS underpins community participation in correctional issues through the accompanying methods (Bailey & Ekiyor, 2006: 27):

- The DCS drafted a community support arrangement that blueprints the rules for community association, which are in accordance with the departmental rehabilitation methodology;
- The DCS energises more prominent community interest as methods for lessening offenders, subsequently advancing great connections among community members.
- It offers backing to the both offenders and victim.
- It offers support in all exercises planned for coordinating offenders into the community.
- The DCS guarantees dynamic contribution in the meaning of offender's commitments.
- It offers offenders open doors for regret, absolution, compromise and for offenders to present appropriate reparations.
- The DCS plans to guarantee that connections are established for effective reintegration of offenders.

#### **3.4.4 Victims**

According to Lucas (2001: 6), "restorative justice is understood as a "conflict between individuals resulting in injuries to victims, communities and the offenders themselves; where peace between the parties, repair the harm caused by crime, are considered; this not to the exclusion of any of them". The restorative justice reform started in 2001 and its presence in the White Paper of 2005, projects several programmes on offender rehabilitation and reintegration, while neglecting even forgetting the side of victims.



The course of time, the Criminal Justice System demises victims' roles and the role of punishment is taken by the state, where victims lost their importance (Oosthuizen, 2009: 24). This situation creates an impetus of new models of justice system. This justice system is the restorative, which in South Africa started with the child criminal justice and developed over years to other categories as state in the *Handbook of Restorative Justice*. In the development of these systems, the response was his focus on the needs or lack of attention of victims of crimes. This system has three different processes: victim-offender mediation (conciliation); restorative conferencing; and circles. This is done at each at different stages of the Criminal Justice System.

Victimisation and the restorative criminal system present the clear pictures of the offender rehabilitation process in all his facets. Among all processes in the restorative criminal system, the victim-offender mediation needs detailed information as it is considering the ORP needs-risks approach and from all stages during any rehabilitation programmes and on the dialogue process between victim and offender (UNODC, 2020: 40). In South Africa, victim-offender mediation is used as an alternative, a complement and a sentence and the decision to be adopted is made by the prosecutor (Eriksson, 2009: 2).

### 3.5 SUMMARY

Strategies of the DCS have as approaches to be applied in the publication of the White Paper or policies, which follow the offender rehabilitation path. Therefore, the DCS is “*mandated to place offenders in a secure, safe and humane environment, and ensure that rehabilitation and successful reintegration programmes are implemented*”. These jobs must be executed by several institutions and individuals such as the offenders, the correctional staff and other stakeholders. However, these tasks impel the DCS a permanent review on how its vision is being put into practices and that in line of the White Paper (2005) which uses the needs-risk approaches to respond to crimes and recidivism. In practice, “DCS evaluations should include a specific analysis of policies, programmes and data that reflects the conditions and needs of incarcerated women”.

## **CHAPTER 4**

### **FEMALES AS SPECIAL NEEDS OFFENDERS IN THE CORRECTIONAL SYSTEM**

#### **4.1 INTRODUCTION**

Arising from their gender status, females are considered a vulnerable group in correctional centres. Although such vulnerability differs from country-to-country females' challenges in accessing justice on an equal basis with men in many countries, they are disproportionately victimised from sexual or physical abuse prior to imprisonment and they require a high level of mental healthcare, often as a result of domestic violence and sexual abuse. In addition, females face extreme distress imprisonment, which may lead to mental health problems exacerbated by existing mental disabilities, sexual abuse and violence against women in prison. Females also have high likelihood of having caring responsibilities for their children and families, gender-specific healthcare needs that cannot adequately be met as well as post-release stigmatisation, victimisation and abandonment by their families (Atabay 2014:07).

This chapter presents the challenges that female offenders face in accessing justice. Sections covered include challenges faced by female offenders in accessing justice, history of victimisation and mental healthcare needs and gender-specific healthcare needs as some of the major sections of the chapter.

#### **4.2 CHALLENGES FACED BY FEMALE OFFENDERS IN ACCESSING JUSTICE**

Although all individuals living in poverty face immense challenges in accessing justice in many countries worldwide, the difficulties female offenders face are intensified by many factors directly related to their gender. A large majority of female who are detained not only do not have the economic means to hire a lawyer, but they are very often illiterate and unaware of their legal rights. This places them in a particularly

vulnerable position, at risk of signing statements that have serious legal implications and of being open to coercion (Atabay 2014:08). At the very least, the lack of legal representation can lead to immense delays in the criminal justice process, and fewer chances of defendants being considered for bail, for example, considering female is caring responsibilities for their children and others.

Recognising that certain groups are more vulnerable when involved with the Criminal Justice System and should therefore be entitled to additional protection, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems include specific provisions on the implementation of the right of female to access legal aid. Female offenders are also vulnerable to sexual abuse and other forms of violence in detention, which may be used to force them to confess to offences they have not committed. In some societies, the interrogation by men is likely to intimidate females who have hitherto had scant contact with unrelated men. This also contains a threat of sexual abuse, whether such a threat is realised. There are numerous reports of illiterate and poor female signing statements (often with a thumbprint), the contents of which they do not understand. In some systems where there is over-reliance on confession as evidence, uncorroborated confessions can form the basis for conviction (Atabay 2014:07). Non-resident foreign national females are especially vulnerable during this whole process, owing to language barriers, lack of any social networks to assist them in most cases, even less awareness of legal rights in a foreign country and extreme vulnerability to abuse (Atabay 2014:07).

#### **4.3 MENTAL HEALTH-CARE NEEDS**

Widespread domestic violence against female and their sexual abuse prior to imprisonment have been documented in countries worldwide. Females who are admitted to correctional are more likely than men to suffer from mental disabilities often because of domestic violence, physical and sexual abuse. Imprisonment generates new mental health problems or exacerbates existing ones. In most communities' female are carers, sometimes the sole carers, of their families and the sudden change

of their role from caregiver to “criminal” and isolation from loved ones usually have an intensely adverse effect on their mental well-being (Atabay 2014:08).

Consequently, research in some countries has found that mental disabilities among female offenders are more common compared to male offenders, and that female offenders are much more likely than men to harm themselves or to attempt suicide, which highlights the need to provide appropriate mental health services oriented to the gender-specific needs of female offenders. Female offenders’ mental health is likely to deteriorate in correctional centres, which are overcrowded, where differentiation of offenders based on a proper assessment is not made and correctional programmes are either non-existent or inadequate to address the specific needs of female. The harmful effects on mental health are exacerbated when females do not feel safe, if they are supervised by male staff and feel at risk of further abuse (Atabay 2014:07).

#### **4.4. GENDER-SPECIFIC HEALTH-CARE NEEDS**

Female offenders, typically from economically and socially disadvantaged backgrounds, and many females in low-income countries suffer from a variety of health conditions, which may be untreated in the community. In many countries, female face additional discrimination and barriers in accessing adequate health-care services in the community owing to their gender. Therefore, female offenders often have greater primary healthcare needs than men. Their condition may become worse in correctional owing to the absence of adequate medical care, lack of hygiene, inadequate nutrition and overcrowding. In addition, all females have gender-specific medical requirements and need to have regular access to specialists in female’s health care (Atabay 2014:10). In many countries’ worldwide, health care in female offenders encompass a large number of children living with their mothers, as well as the medical care of pregnant females and nursing mothers, with which most correctional services are not equipped to cope.

#### **4.4.1 Substance dependence**

Many female offenders worldwide need treatment for substance dependence, though only a minority have access to treatment programmes. In addition, it is increasingly recognised that female have distinctive needs in relation to substance dependence treatment, though few programmes offer specialised services for them. When drug dependence is untreated in a correctional centre, the likelihood of re-offending is high, either on drugs charges or owing to theft or illegal sex work, often to finance the addiction. Studies indicate that females with substance abuse problems are more likely than men to have experienced physical and/or sexual abuse are. A history of violent assault can increase the risk of substance use and post-traumatic stress disorder or other mental health problems (UNODC, 2014).

It has been reported that rates of post-traumatic stress disorder among female in substance abuse treatment range from 30 to 59 per cent. Some findings have indicated that the odds of female with coexisting psychiatric disabilities being returned to correctional within 12 months of release were increased by 58 per cent in comparison to females with only a substance addiction (compared to 40 per cent in men). Drug-dependent former offenders are also at a higher risk of death resulting from overdose compared to the general population. For example, according to research carried out in the UK, in the week following release, offenders were 40 times more likely to die than the general population. In this period, immediately after release, most of these deaths (over 90 per cent) were associated with drug-related causes. In Australia, where former offenders have death rates ten times that of the general population, with over half of these deaths being heroin-related, females appear to be especially susceptible (UNODC, 2014).

Female ex-offenders were 27 times more likely to die an unnatural death than their counterparts in the general population were. Research findings have suggested a need for further investigation into the gender-specific needs of substance dependent female offenders and the design of appropriate programmes to match, and work in the area of gender and drug abuse has been carried out by UNODC. Research has

consistently pointed to the need for a greater emphasis to be placed on promoting appropriate aftercare treatment for offenders regardless of their gender. It is clear that the high proportion of substance dependent female offenders, the absence of gender-specific, or even standard treatment programmes in most correctional, coupled with the particular difficulties they face after release put female at a high risk of reoffending, while continuing with their substance abuse, possibly with tragic results (UNODC: 2014).

#### **4.4.2 Safety in correctional centres**

In many countries, females are sexually abused and humiliated by law enforcement officials, including in correctional officers. Such abuse can range from subtle humiliation to rape. The former can include verbal abuse, improper touching during pat-down searches, frequent and unnecessary searching and peeping on offenders during showers and in living areas (UNODC, 2014). Rape may take place in the form of sexual services which females' offenders are forced to provide in return for access to goods and privileges or to enjoying their most basic human rights. Sexual abuse of females by male offenders may take place with the complicity of correctional guards. Females who have been charged with or convicted of crimes against morality, as well as lesbian, bisexual or transgender women are at particular risk. Recognising the vulnerability of female to sexual abuse, the United Nations Standard Minimum Rules for the Treatment of offenders prohibits any involvement of male staff in the supervision of female's offenders.

However, this rule is not applied in many countries, sometimes owing to lack of female correctional staff; in other cases, because of concerns for equal employment opportunities and in some cases because mixed gender staffing is seen as a component of the normalisation of correctional life. Unfortunately, this policy can bring with it a high level of real risk for female offenders, especially when male staff are employed in positions where they have responsibility for the direct supervision of female offenders. As has been noted by experts, even when there is no actual sexual

abuse “when male officers treat female with disrespect, it has a different impact than having female officers act disrespectfully to male offenders (UNODC, 2014).

Disrespect towards females by male officers is more likely to be sexual in content or implication, and in females who were traumatised by sexual abuse perpetrated by males, it is more likely to be experienced as a “re-traumatisation.” The mere presence of male officers in the housing units where there is female’s toilet, who shower, undress and sleep can constitute a re-traumatisation. The deprivation of privacy that is inherent in incarceration becomes much more of a deprivation than is necessary to accomplish the proper goals of incarceration (UNODC: 2014). Previously traumatised females who might choose to avoid the gaze of males in order to create a safe place are forced to live in a situation where male officers are constantly present and might intrude on their most personal and private activities at any moment. The females can develop a generalised fear, and this situation is quite likely to make her symptoms and disability worse and more long-lasting.” Torture and abuse of offenders in custody, immediately after arrest, is more common than during the period of imprisonment. In some countries, where offenders spend their pre-trial detention in police custody, this period of vulnerability is extended.

During this time, females are at particular risk of sexual abuse, including rape, which is used as a tool to coerce and control them and to force them to make confessions. Thus, in countries, where such practices are common, females may be suffering from both the effects of any previous violence and the trauma resulting from their treatment in police custody by the time they are admitted to prison. In these circumstances, prison authorities often fail to protect the human rights of prisoners under their care, with their lack of response to complaints by female offenders about sexual abuse in previous custody, their failure to carry out a medical examination and provide the vital legal and psychological support needed by the females. When complaints of sexual abuse or other forms of violence are ignored, the likelihood of custodial violence passing undetected by state authorities is increased, contributing to the lack of protection for women victims of such violence in correctional. Rape and other forms of sexual violence have devastating effects for the victims and are prohibited by



international law. Such acts may constitute torture, and there can be no question of the social reintegration of female offenders in prisons where they are sexually abused and where they do not feel safe.

#### **4.4.3 Accommodation and family contact**

The small number of female offenders worldwide and the resource implications of building sufficient female correctional to ensure that females are imprisoned close to their homes, give rise to a situation in which females may either be housed in annexes of male correctional, close to their places of residence, or in female's correctional, which are most often situated at a long distance from home. Being placed in annexes of male correctional may entail safety risks for the females. It also means that the special needs of female offenders may not be considered, as the regime in the correctional centre will be determined by the needs of the majority male offenders. Most states have a combination of female's correctional centre and separate wings for females in men's correctional, which means that, in practice, many females are imprisoned a long distance from their homes, which reduces the possibility for family contact. The situation can be particularly problematic in large countries, where huge distances need to be covered to reach female in correctional centre (UNODC, 2014).

#### **4.4.4 Pregnancy and women with children**

##### **4.4.4.1 Mothers in correctional centres**

Research from many countries has revealed that when fathers are imprisoned, generally the mother continues to care for the children. However, when mothers are imprisoned, the family will often break up, or as mothers are more often the sole or primary carers within a family, alternative carers will need to be found, which may include state welfare services/institutions. This results in large numbers of children being institutionalised in state care. Research has also indicated that the children of imprisoned parents are at greater risk of future incarceration themselves. In the UK, for example, it has been estimated that of the 150,000 children who have a parent in

correctional centres, 75 per cent will go on to commit a crime (UNODC, 2014). In many cases, this is sadly a part of the continued cycle of institutionalisation, since it is likely that the mothers themselves will have spent at least part of their childhood in state care. One study shows, for example, that in the United Kingdom “more than a quarter of women (offenders) had been in care as a child”.

#### **4.4.4.2. Pregnancy and Childbirth**

Pregnant women rarely receive adequate ante- and post-natal care in correctional centres. Correctional centre health-care services in most countries worldwide are under-resourced and understaffed. Their capacity may be limited to trying to cope with serious health concerns in prisons, such as HIV, TB or malaria epidemics. A correctional centre is generally vastly overcrowded, and hygiene is poor. The dietary requirements of pregnant women may not be considered or catered for by correctional authorities, while the food provided may be insufficient to cover the nutritional requirements of pregnant women (UNODC, 2014). Particularly in low-income countries, the delivery of babies may be carried out in a correctional centre, in unhygienic conditions, by staff with inadequate medical expertise, resulting in health complications. In some countries, body restraints, such as shackles, are used on pregnant women during transfers to hospitals, gynaecological examinations and birth. This practice violates international standards, including the Bangkok Rules. Moreover, shackling during labour may cause complications during delivery such as haemorrhage or decreased fetal heart rate. If a caesarean section is needed, a delay of even five minutes may result in permanent brain damage to the baby (UNODC, 2014).

#### **4.4.4.3 Women with children in a correctional centre**

One of the most difficult challenges involving the imprisonment of females is the question of how best to deal with females with babies. The separation of females from their children owing to imprisonment has a traumatic and long-term effect on the mothers and their children. Children are a life-sustaining force for many offenders and breaking the bond between the mother and child is punishment of the worst kind for

the mother. In addition, children often traumatised and unable to comprehend the reasons for separation are likely to suffer from acute emotional and developmental problems, as well as being at risk of inadequate care in under-resourced state institutions or by alternative carers. Correctional centres, on the other hand, do not provide an appropriate environment for children to grow up in. Health services in a correctional centre, which are usually not geared towards children's healthcare needs, are inadequate to cope with the needs of babies and small children in a large majority of countries (UNODC, 2014).

Most often, children in correctional cannot mix and communicate with children outside correctional. Mothers are usually not allowed to spend enough time with their children. The harsh, punitive environment of a correctional centre can permanently damage the psychological and mental well-being of children. In most countries, mothers can keep their babies with them in correctional up to a certain age, which differs from country-to-country, typically ranging from the age of one to six, but sometimes even longer (UNODC, 2014). This, in effect, means that worldwide large numbers of children spend some of their most formative years in prison, probably with life-long psychological consequences. During the separation, mothers may not see their children again or they may lose track of them, sometimes owing to the cost involved in arranging visits to the correctional, other times owing to the rejection of the mother by the relatives taking care of the children or because the custody of the child might have been taken away from the mother. Given that a large percentage of female in correctional are mothers, this means that the consequences of their imprisonment stretch well beyond the harmful effects on themselves, but encompasses many children as well, increasing the possibility of their future incarceration (UNODC, 2014).

#### **4.4.5 Post-Release Reintegration**

All offenders face a range of difficulties during post-release reintegration. Resources and attention allocated to their social, psychological and health needs in preparing them for release and following imprisonment are generally very inadequate. Collaboration between correctional authorities and civil, social and health services is often lacking. In addition, after releasing former offenders suffer from discrimination in employment and education, owing to their criminal record and stigmatisation. Although many problems female face during re-entry into society are like that of men, the intensity and multiplicity of their post-release needs can be very different. Females are likely to suffer discrimination after release from correctional owing to social stereotypes. Their families might reject them, and, in some countries, they may lose their parental rights. If they have left a violent relationship, females will have to establish a new life, which is likely to entail economic, social and legal difficulties, in addition to the challenges of transition to life outside prison (UNODC, 2014).

#### **4.5 THE IMPORTANCE OF ACKNOWLEDGING GENDER**

To create appropriate services and treatment for females in the Criminal Justice System, we must first acknowledge and understand the importance of gender differences as well as the gender-related dynamics inherent in any society. “Despite claims to the contrary,” comments one expert, “masculinist epistemologies are built upon values that promote masculinist needs and desires, making all others invisible” (Kaschak, 1992:99). Females are often invisible in the many facets of the correctional system. This invisibility, in turn, can act as a form of oppression. Where sexism is prevalent, frequently something declared genderless or gender neutral is, in fact, male oriented. The same phenomenon occurs in terms of race in a racist society, where the term “race neutral” generally means white (Kivel, 1992:105). The stark realities of race and gender disparity touch the lives of all females and appear throughout the criminal justice process (Bloom, 1999:205).

Understanding the distinction between sex differences and gender differences is vital. While sex differences are biologically determined, gender differences are socially constructed—they are assigned by society and relate to expected social roles. Gender differences are neither innate nor unchangeable. Gender is about the reality of women's lives and the contexts in which females live. "If programming is to be effective, it must take the context of female's lives into account" (Abbott and Kerr, 1995:7). A process where correctional intervention is rendered to offenders is called rehabilitation (Cullen and Gendreau, 2000: 112). This is irrespective of whether the mediations, which can be, rendered resource the lower of recidivism relies upon in large part with nature of the valuation and restoration and development packages, which are rendered to offenders. The influence of acknowledged programme likewise has to be envisioned after the programme has been rendered to determine if the want/weak spot changed into tended to, or if there's a in addition requirement for referral. A proper report with that impact ought to be produced and the result need to be unmistakably embraced (Cullen and Gendreau, 2000: 112).

#### **4.6 THE IMPORTANCE OF AN ENVIRONMENT**

The development of effective gender-responsive services should provide for an environment that understands the realities of female offenders' lives and addresses the participants' issues. This environment should comprise such integral elements as appropriate site selection, staff selection, and programme development, content, and material (Covington, 2001:401). The culture of corrections (i.e., the environment created by the Criminal Justice System) is often in conflict with the culture of treatment. The corrections culture is based on control and security, and therefore discourages females from coming together, trusting others, speaking about personal issues, or forming bonds. Females who leave a correctional centre are often discouraged from associating with other females who have been incarcerated. Treatment, however, is necessarily based on concern for the females' safety and on the need to assist them in making life changes. One way to alter the corrections aspect of treatment is to apply relational theory on a system wide basis.

If females in the system are to change, grow and recover, they must be involved in programmes and environments that foster relationships and mutuality. We therefore need to provide settings that enable females to experience healthy relationships both with staff and with one another. A pilot project in a Massachusetts correctional facility found that females benefited from being in a group in which members both received information and had the opportunity to practice mutually empathic relationships with others (Garcia Coll and Duff, 1996:401). Females also need respectful, mutual, and compassionate relationships with correctional staff. In a study done in Ohio, young women in detention reported their need for respect from correctional staff (Belknap, Dunn, and Holsinger, 1997:63).

Finally, females will benefit if relationships among staff and between staff and administration are mutual, empathic and respectful. Research work with trauma victims has shown that social support is critical for recovery, and the lack of that support results in damaging psychological and social disruptions. Trauma always occurs within a social context, and social wounds require social healing (Bloom, 2000:66). The growing awareness of the long-term consequences of unresolved traumatic experience, combined with the disintegration or absence of communities for individuals in the criminal justice system (e.g., neighbourhoods, extended families, occupational identities), has encouraged corrections researchers and practitioners to take a new look at the established practice and principles of the therapeutic milieu model. The term “therapeutic milieu” refers to a carefully arranged environment designed to reverse the effects of exposure to interpersonal violence. The therapeutic culture contains the following five elements, all of them fundamental both in institutional settings and in the community:

- Attachment: a culture of belonging;
- Containment: a culture of safety;
- Communication: a culture of openness;
- Involvement: a culture of participation and citizenship; and
- Agency: a culture of empowerment (Haigh, 1999:52).

Any teaching and reorientation process will be unsuccessful if its environment mimics the dysfunctional systems female offenders have already experienced. Rather, programme and treatment strategies should be designed to undo some of the prior damage. Therapeutic community norms are consciously designed to be different: safety with oneself and with others is paramount, and the entire environment is designed to create living and learning opportunities for everyone involved staff and clients alike (Bloom, 2000:88).

#### **4.7 SEXUAL ABUSE**

The patterns of sexual abuse and coercion established in the early days of female's imprisonment are perpetuated even in the contemporary era. The harm of the abuse itself is compounded by using four precise problems: *the incapability to escape one's abuser; ineffectual or non-existent investigative and criticism strategies; loss of worker responsibility (either criminally or administratively) and very little public challenge*. The report bluntly asserts that the "findings indicate that being a female in correctional can be a terrifying experience"(Bloom, 2000:88).

#### **4.8 SUMMARY**

Incarcerated females have a greater statistical likelihood of experiencing physical and sexual trauma. The resulting pain often helps to drive them into the most frequent convictions for females: substance abuse and property crime to support addictions. Without programmes that specifically target female's abusive pasts and show them what healthy relationships look like, female prisoners' risk being trapped in a habitual revolving door of recidivism. Programmes such as Celebrate Recovery are helpful because they target prisoners' addictions and behaviours, as well as the hurts that frequently underlie them. Volunteers facilitating female's programs can expect female participants to be verbal and open to sharing their thoughts and emotions than men. Females are also more comfortable with seeking the support of others around them. They want somebody to hear them. They want somebody to love them. The next

chapter provides an overview of the offender rehabilitation path in the South African correctional system.



## **CHAPTER 5**

### **AN OVERVIEW OF THE OFFENDER REHABILITATION PATH (ORP) AND FEMALE OFFENDERS IN THE SOUTH AFRICAN CORRECTIONAL SYSTEM**

#### **5.1 INTRODUCTION**

This chapter traces the origin and the development of female offender's rehabilitation path in South Africa. The chapter begins with the background on the correctional system of South Africa. It is important to understand the reasons behind female offenders' rehabilitation path and what their implications are for the treatment of offenders within the different correctional systems. In general, the chapter aims to explore the concept of the overview of the offender rehabilitation path in the South African correctional system.

#### **5.2. AN OVERVIEW OF THE OFFENDER REHABILITATION PATH**

The focus in the ORP is rehabilitation of offenders throughout the different phases of serving an imprisonment sentence. It starts with the 'Admission' and 'Assessment phases', where a Case Administration Officer (CAO) formulates the Correctional Sentence Plan (CSP) that contains all the rehabilitation programmes that the offender should attend during their sentence (DCS Offender Rehabilitation Path: Presentation to the Portfolio Committee, 2006:16).. The ORP provides direction to all correctional officials as well as to the offender, within the framework of unit management which should serve as the vehicle for reaching rehabilitation goals. As part of rehabilitation, female offenders should be subjected to rehabilitation programmes, which should result in rehabilitation and successful re-integration into the community after release, according to the White Paper on Corrections in South Africa (Republic of South Africa, Ministry for Correctional Services, 2005:62).

The ORP requires that all personnel need to be orientated and retrained on the ORP, that the new approach of the ORP be marketed to offenders, that its implementation

be monitored and evaluated, and external partnerships strengthened to promote corrections as a societal responsibility (DCS Offender Rehabilitation Path: Presentation to the Portfolio Committee, 2006:16). Criminogenic factors should be addressed during the time that female offenders serve their sentence to enhance the rehabilitation process. When these factors are left unattended, it increases the risk factors for them that can lead to recidivism. The assessment phase in the ORP is therefore crucial, since it is the period during which time the offender's criminogenic factors should be identified by the case admission officer and referred to the relevant officials for appropriate action.

The criminogenic factors should therefore guide the CAO and all other officials involved in the correctional sentence plan (CSP) concerning the scheduling and referring of the offender for necessary intervention. The rehabilitation model, according to Robinson (2005:5), "assumes that positive change can be brought about by subjecting offenders to particular interventions, programmes with the right intervention, offenders can be brought into line with a law-abiding norm."

According to White Paper on Corrections in South Africa (Republic of South Africa, Ministry for Correctional Services, 2005:88): "unit management is the desired method of correctional centre management and an effective method to facilitate restorative rehabilitation". Rehabilitation and unit management complement each other when both are fully implemented, as stated in the White Paper. The current situation in the DCS, however, is that neither rehabilitation nor unit management is implemented successfully and, given the nature of the challenges and hindrances indicated by this study, the future of both rehabilitation and unit management in DCS is questionable. In turn, the ineffective implementation of unit management implies that rehabilitation towards female offenders is compromised.

### 5.2.1 Assessments

Assessment is the way towards social occasion and examining data from numerous and assorted sources so as to build up a profound comprehension of what understudies/individual know, comprehend, and can do with their insight in light of their encounters; the procedure comes full circle when evaluation effects remain utilised to advance ensuing learning. Practically speaking, unwavering quality is destined to be accomplished through organised evaluation, and semi-organised meetings and surveys are presently accessible which improve dependability to a satisfactory degree. In any case, solid appraisal of indicative classifications has not settled the concern of legitimacy. This needs to be done in contradiction of the foundation of a more noteworthy accentuation on civil rights, noticeable and operational conduct and improvement programmes, and more noteworthy endeavours to diminish reoffending in a nation where criminality, while at the same time beginning to balance out and moderate to some degree, is as yet rife (Herbig and Hesselink, 2012:29).

Assessment inside the correctional services alludes to the affirmation hazard evaluation, which decide the offender's dangers and the extensive needs appraisal which centre on the recovery and improvement needs of the offenders. The exposition looks at whether the division has adequate structures set up to guarantee that female offenders' punishments are effectively directed, evaluations, need-based mediations are recognised timeously and the assets accessible to guarantee administration conveyance(Correctional Service Act, Act 111 of 1998: 6). The results for evaluations are as per the following:

- On affirmation, an offender must be educated immediately of their privileges.
- The suitable actions are considered to guarantee that offender sentence is administrate as needs be.
- Each condemned offender is exposed to an appropriate hazard evaluation at the earliest opportunity before admittance to decide her desires in the accompanying zones - security, instructive, social, and wellbeing dangers.

- Each condemned offender is exposed to a legitimate direction and enlistment as quickly as time permits before admittance to guarantee that they are completely mindful about the guidelines and guidelines of the inside.
- Each condemned offender with a punishment of lengthier than two years is evaluated inside 21 days before admittance to decide on restoration desires (Correctional Service Act, Act 111 of 1998: 6).

The study looks at whether the office has adequate structures set up to guarantee that sentences female offenders are effectively administrated, evaluations and need based mediations are recognised timeously and the assets accessible to guarantee administration conveyance(Correctional Service Act, Act 111 of 1998: 6). The result that is estimated is as per the following:

- Rights of offenders;
- Sentence administration;
- Security risk classification;
- Orientation and induction of offenders; and
- Comprehensive Risk Assessment of Offenders (Correctional Service Act, Act 111 of 1998: 6).

#### **5.2.1.1 Rights of female offenders**

In addition to Chapter 2 of the Constitution of the Republic of South Africa of 1996 which states that every citizen of the Republic should have their rights promoted and protected at all times, the Correctional Services Act (Act 111 of 1998: 6), further states that every offender should enjoy their rights at all times. Law enforcement, courts and correctional services must ensure that the sentenced person's right to human dignity is always respected, as indicated in the Bill of Rights. Even in the implementation of rehabilitation programmes, the process must never violate the human rights of offenders.

### **5.2.1.2 Sentence administration**

The verdict organisation of offenders is an incredibly pressing piece of correctional services wherein it ensures that sound regulatory techniques are settled inner time. The correctional service shows records beyond emotions of each condemned detainee ought to be checked on admission. At some point of moves just as each time any such detainee shows up earlier than the case management committee and the parole board as much as assure that their information is efficiently recorded. At the off danger that records, for instance, his previous conviction is not always available at some point of appraisal; the profiling of the offender could be off base. The thesis appears at whether the formerly stated files are available while female offenders are exposed to assessment. The thesis investigates what tools in place that the department use to get such information.

### **5.2.1.3 Admission risk classification**

It is evident that other offenders suffer from self-hurt or become forceful or even build up some type of dysfunctional behaviour (Wright 2003:4). Scientist comprehends remedial suicide as an overwhelming concern that requires attention (Liebling, 1999:326-333). The Correctional Services Act (Act 111 of 1998: 6.5) emphasises that soon after admission, each offender must be exposed to a security classification that determines the nature of risk. During classification, it will be determined whether offenders are on any type of treatment and whether they are not experiencing any ailment that may place other inmates in danger. From this process, it can also be determined whether offenders need any mental help.

### **5.2.1.4 Orientation and induction of female offenders**

The process suggests that offenders must be protected from their fellow inmates from any form of abuse (Van Zyl Smith, 2005:21). Few scientists have discovered that defenceless offenders are not constantly shielded from hurt (Ngubeni, 2002: 16, 18, 21; Steinberg 2004). At the point when new offenders are admitted in correctional centres and they have not yet been assigned to any programme, they can be exposed

to different types of dangers. First time offenders are often deceived by career criminals because of their vulnerability.

The DCS must not allow an offender to join criminals, as this hampers the rehabilitation efforts of the department. The direction and acceptance procedure of offenders as referenced in Correctional Services Act (Act 111 of 1998: 6) shows that every single new admission must be given composed data about the principles and guidelines of the inside, and they should peruse or compose these standards must be disclosed verbally to them. The demonstration likewise indicates that the offenders must recognise and affirm the data recorded as a hard copy. The exposition looks at whether female offenders are officially orientated upon admission about the restorative focus. The thesis additionally inspects what direction and acceptance programmes are accessible to female offenders throughout affirmation and how they affirmation to such data.

#### **5.2.1.5 Comprehensive risk assessment of female offenders**

Exact and significant evaluation of criminogenic needs variables not just associated with the significant results of meta-examinations, however, shapes the establishment for treatment-arranging and basic leadership relating to hazard and security, and at last restraint from abnormal conduct (Herbig and Hesselink, 2012: 29). Appraisal ought to be the initial phase in the advancement agenda of an offender, and the requirements of the female offenders ought to be blended with the vital assets to guarantee greatest help (Holtzhausen, 2012.).

To convey viably on its centre business, the division has embraced a necessities-based way to deal with restoration. Needs-based intercessions are sorts of mediations that explicitly offset the causal variables with the special offense profile of the individual offender (The White Paper on Corrections in South Africa, 2005: 61). The point of profile-based recovery is to impact the offender to embrace a helpful and proper standards and worth framework, elective social cooperation alternatives, and to create life, social and professional aptitudes which will prepare the offender to work successfully without coming back to crime. The division had created three evaluation

devices to recognise need-based mediations for female offenders. The assessment tools are as per the following:

Right off the bat, is the Comprehensive risks and needs assessment tool (G 303 A) which must be led inside 21 days after affirmations. This appraisal is just important to an offender that is carrying out a punishment of two years and that is only the tip of the iceberg. The case assessment officer is mindful to direct the appraisal. The evaluation is a far-reaching appraisal on the offender recovery and improvement needs (Case Management Committee Training Manual: Directorate: Corrections, 2011:8). The needs are categorised as follows:

- Segment A: Wrongdoing and Guiltiness
- Segment B: Training, Sports, Entertainment and Business
- Segment C: Profound Consideration, Social and Enthusiastic Prosperity
- Segment D: Security
- Segment E: Rundown of Dangers and Necessities
- Segment F: Mark and Affirmation.

After the assessment is finished together, the case assessment officer and the offender must close the evaluation. When the evaluation has been concluded, the CAO ought to have adequate data accessible to profile the offender. The offender profile is gathered after the G 303 A is concluded (Case Management Committee Training Manual: Directorate: Corrections 2011:8). CAO should then profile every single offender with a sentence longer than two years. Information from Affirmation Hazard Appraisal, inside and out Evaluation, and Security Hazard Arrangement is joined in offender profile involves offenders' needs, dangers, mediations and projects. The CAO will then set the information on the Correctional Sentence plan. Thirdly, when the profiling has been directed, the Case Assessment Officer would then be able to submit it to the Case Management Committee (CMC) to draft the Correctional Sentence Plan (CSP) of the offender. The Correctional Sentence Plan is draft for all offender's sentence to two years or more.

The Correctional Sentence Plan of an offender determines the necessities as far as the accompanying classifications:

- Security arrangement for reasons for safe guardianship;
- Wellbeing needs;
- Instructive needs;
- Social and mental needs;
- Strict needs;
- Explicit advancement program needs;
- Work assignment;
- Assignment to a jail; and
- Needs in regard to reintegration into the community.

The CMC Director must aggregate the Correctional Sentence Plan and the offender must be available when such arrangement is incorporated (Case Management Committee Training Manual: Directorate: Corrections, 2011:8). The female offenders should likewise support and comprehend the improvement plan and the director should then affirm such arrangement. The arrangement diagrams about what and when distinguished projects must be rendered to an offender. The dissertation analyses whether the evaluation devices as referenced above are set up and whether these apparatuses do give the fundamental data to legitimize need base intercession. The exposition additionally analyses whether every single female offender do have Correctional Sentence Plan, which is qualified for one, and whether the recognised projects are condensed to female offenders. The dissertation additionally investigates what number of recovery and advancement programmes the DCS needs to restore for female offenders.

#### **5.2.1.6 Proposition on assessment of female offenders**

The theme, assessment, as a major aspect of the exploration question looks at whether every female offenders that are conceded in restorative offices are exposed to prerequisite specified that they are expeditiously advice about their privileges and whether the SAPS 69 and SAP 62 are accessible when offenders are appraisal. The



thesis likewise investigates what procedural rules exist to get such reports. Whether these appraisals are led according to endorsed and inside the necessary time allotment. The nature of the evaluation is likewise dependent upon assessment base on the competency level of the Case Appraisal Official and the earth where such appraisal is directed. Whether female offenders are officially orientated upon admission about the correctional centre. The thesis likewise analyse what direction and acceptance programs are accessible to female offenders during admission and how they affirmation to such data, whether the evaluation apparatuses as referenced above are set up and whether these devices do give the fundamental data to legitimize need base intercession. The thesis likewise looks at whether all offenders do have Correctional Sentence Plan, which is qualified for one, and whether distinguished projects are rendered to offenders. The thesis likewise investigates what number of restoration and improvement programs the Division need to restore female offenders. The human asset factor is likewise being considered as far as proportions.

### **5.2.2 Rehabilitation**

Rehabilitation entails an attempt to reduce the offending effect on the behaviour of the offender. According to Sechrest, White and Brown (in Masters, 1994: 6), any planned intervention that is aimed at reducing further criminal activity by an offender constitutes rehabilitation. The reduction of offending behaviour can be mediated by personality, behaviour, abilities, attitudes, values and other factors. The following are the results of this sub issue:

- Offenders approach appearance, literacies and phones to remain in interaction with their kin;
- Offenders approach asset to remain side by side with current issues;
- Rehabilitation focus foundation must be adequate to accommodate the quantity of offenders to go to rehabilitation programmes;
- Offenders approach adequate/satisfactory rehabilitation programs and
- Work openings is, the extent that practicable, gave to hold prisoners dynamic to an ordinary working day.

### **5.2.3 Case Management**

Case management is characterised by method of arranging development for offenders over the correctional system (Luyt, 1999: 127). Enos and Southern (1996:26), in any case, connect case the board to the encouraging group of people or helping system that was a piece of western culture's social past. The South African rehabilitation condition alludes to the help the unit the executive's staff and administrators gives to offenders to guarantee that their mediation is extracted timeously. Case management looks at whether there are adequate observing instruments accessible to guarantee that these necessities-based mediations are extracted inside the necessary stage allotment to guarantee administration conveyance. The results for this sub issue are as per the following:

- Offenders approach a successful inward grumblings and solicitations strategy dynamic safety efforts are conformed to;
- The inside devours adequate staff accessible to solidify restoration programmes to an offender;
- The inside devours adequate team accessible concurring division the executive's standards to guarantee Case Management Administration in the Units; and
- Limitation of pleasantries because of a corrective procedure or generally is managed in a reasonable and fair way that does not unfavourably influence the pride of offenders by the CMC.

### **5.2.4 Placement**

The placement of offenders begins when the perpetrator has done postulated least punishment period. The case management committee is responsible for the developing of sentence plans. The case management committee has notion works on role of offenders. Hazardous and existence verdicts remain alluded again to courtroom a quo (Luyt, 1999: 127). The intention of foundation for release and reintegration may be characterised as guaranteed inmates effectively integrate back to the community after release. The DCS must also have measurable budget to help poor female

offenders upon their release on parole and put support systems in place (Department of Correctional Service: Preparation for Release Policy: 4: 3: 5).

### **5.2.5 Human Resources**

The DCS must ideally create and adjust its hierarchical structures, authoritative culture, human resources necessities, and organisations with other significant government offices, with its rehabilitation goals (White Paper on Corrections in South Africa 2005: 53). The compelling usage of the ORP relies upon different abilities. Human resources, improvement of authorities and employment execution assume essential jobs in the achievement of the restoration procedure.

### **5.3 REHABILITATION OF FEMALE OFFENDERS**

According to Sechrest, White and Brown (1979: 4), rehabilitation is a deliberate intervention that reduces a perpetrator's criminal interest, whether that discount is mediated by personality, behaviour, competencies, attitudes, values or other elements. From the definition, it may be deduced that rehabilitation is geared toward making sure that offenders forestall their offending behaviour. With the problems that variety from low among offenders, overcrowding, violence and all other troubles associated with the correctional machine, life may be difficult for absolutely everyone who unearths themselves in such a scenario. The advent of the idea of rehabilitation gives offenders a sense of personal dignity and guarantees that they are furnished with academic abilities to prepare them for society after launch. However, a wrongdoer cannot be rehabilitated unless they want to be.

The idea of rehabilitation of female offenders recognises the fact that reoffending may be decreased not only by using punitive measures, but also with the aid of ensuring that offenders undergo programmes with a purpose to eliminate the issues that caused them offending in the first place. South Africa has one of the maximum noteworthy crime and recidivism charges on earth. Albeit widely acknowledged that crime is a complicated and multi-nodal social marvel, it is far undeniably causally related to South

Africa's recorded and contemporary socio-political situations, destitution and joblessness, just because the ineffectual restoration and remedy of offenders (Herbig and Hesselink, 2012: 29). Fruitful rehabilitation relies upon at the form of remedy presented, yet moreover at the situations underneath which it is conveyed. The available evidence proposes that, in large part, packages conveyed in community settings produce desired outcomes over those conveyed in foundations. Problems of authoritative opposition and staff notion might also be tended to earlier than actualising packages in correctional (Howells and Day, 1999: 4). Numerous meanings of "rehabilitation" proliferate will in general mix around three issues, which are as follows:

- The intercession is arranged or expressly embraced, not risk or accidental event;
- The intercession focuses for change some viewpoint about the offenders that is thought to cause the offenders guiltiness, for example, their frames of mind, psychological procedures, character or emotional wellness, social connections to other people, instructive and professional abilities, and work; and
- The intercession is expected to make the offenders less inclined to violate the law later on that is, it lessens "recidivism". We should take note of that recovery does exclude mediations that try to subdue criminal inclusion through explicit prevention—that is, use discipline to make offenders excessively frightful of authorizations to recidivist (Cullen and Gendreau, 2000:116).

Rehabilitation analyses whether there are adequate mediations (recovery and improvement programmes) accessible for offenders to address the culpable conduct and to upgrade them to act naturally adequate.

The results for this sub-issue are as per the following:

- Offenders approach appearance, letters and phones to remain in interaction with the kin (emotionally supportive network);
- Offenders approach asset to remain side by side with current issues Correctional centres framework must be adequate to accommodate the quantity of guilty parties to go to restoration programmes;
- Offenders approach enough restoration programme; and
- Work openings is the extent that practicable gave to hold offender's dynamic to an ordinary working day.

#### **5.4. CASE MANAGEMENT**

As indicated by Luyt (1999: 128), case management is an on-going procedure of staff association to encourage the ideal transformation in offenders to advance safety and to lessen reoffending. As indicated by Luyt (1999: 127), case management is a method for arranging the development of the offender over the restorative framework. This implies that the examination might have the option to add to singular offender counteraction and general offender avoidance. The motivation behind case the board is to guarantee that every single distinguished mediation according to Correctional Sentence Plan is concentrated inside the necessary time span. Case management must guarantee the steadiness and coherence of the recovery procedure of offenders by authorities. The G 303 D and the 303 E are important checking apparatuses that the DCS have accessible to guarantee that intercession is solidified timeously.

The privilege of each offender to individual respectability and protection is dependent upon the constraints sensibly important to guarantee the security of the network, the wellbeing of restorative authorities and the sheltered care everything being equal. (Correctional Services Act, Act 111 of 1998: 26).

To accomplish the destinations alluded to over the middle administration must guarantee the accompanying:

- Offenders have the chance to raised grumblings and solicitation all the time;
- Offenders are exposed to train if the upset the great request of the middle;
- Offenders get motivating forces for good conduct;
- The administration should likewise guarantee that they kept dependable information premise to security related episodes to recognise patterns and hazard timeously and gather an anticipation system appropriately.

Case management analyses whether there are adequate checking apparatuses accessible to guarantee that these necessities-based intercessions are solidified inside the necessary time allotment to guarantee administration conveyance(Correctional Services Act, Act 111 of 1998: 26). The results for this sub-issue are as per the following:

- Offenders approach a compelling inward protest and demands methodology;
- Dynamic safety efforts are agreed to;
- Limitation of pleasantries because of a disciplinary procedure or generally is directed in a reasonable and fair way that does not unfavourably influence the pride of offenders by the CMC; and
- The Case Management Committee/Unit supervisors has adequate measures set up to guarantee that the recognized projects agreeing the CSP are rendered in due time.

## **5.5. THE PLACEMENT/ REINTEGRATION OF FEMALE OFFENDERS**

The DCS, as a major stakeholder of the criminal justice cluster, is endowed with managing all offenders in its charge for the term of their sentence. An indistinguishable piece of this obligation is to guarantee that the offenders is come back to the community in a capable way and at the most fitting phase of their sentence. This must be done in the offender's own enthusiasm as well as in light of a legitimate concern

for the State and the community (Tolstrup, 2002:39). Arrangement on parole/under correctional supervision essentially infers that:

- An offender has the chance to finish the rest of her verdict under observation and in organised conditions inside the community;
- It shapes some portion of the all-out restoration program in amending insulting conduct;
- It is an impetus for consistent great conduct and considerable verification of recovery;
- It is viewed as a guide to the social re-joining of the offender; and
- It is a system to deal with the hazard the guilty party may posture to the network.

The situation of offenders looks at whether offenders that are discharged/reintegrated are restored and created the need-based mediation plan that were ordered upon affirmation and what kind of aftercare the office is giving to such wrongdoers. The results for this sub-issue are whether every single female offender has effectively, determined discharge dates and that there is no offender in authority after the lapsed date of their sentence and each condemned offender that are discharged are taking part in a pre-discharge programme(Tolstrup, 2002:39).

## **5.6 HUMAN RESOURCES**

The White Paper on Correction in South Africa (2005) requires every single restorative authority to be "rehabilitators", consequently something other than security authorities. This is in accordance with universal patterns that preparation ought to prepare remedial authorities to comprehend treatment just as security viewpoints (Tolstrup, 2002:39). Luyt (1999:147-149) concurs and portrays the various desires as far as the conduct of the remedial team to the wrongdoers, which are politeness, approaching offender with deference, to demonstrate initiative, to recognise potential in offender, to impart well and to add to the shared objectives of the group. HR look at whether there are adequate assets and procedures accessible to guarantee that they satisfy their order. The results for this sub-issue are as per the following:

- The restorative focus has a proper maintenance procedure set up for the different classifications of faculty required to convey on the recovery command.
- Personnel Development Plans (PDP) are built up all authorities and estimated in like manner.
- Satisfactory measures are set up to guarantee successful checking of consistence and restorative staff is fittingly prepared to guarantee that these measures are completely executed Luyt (1999:147-149).

## **5.7 SUMMARY**

The objectives of the study were to look at the programmes offered to female offenders by DCS, which begins with the functions of affirmation until the arrival of condemned inmates. The main goal is the appraisal of female offenders analyse whether or not the office has adequate structures set up to guarantee that female criminals' verdicts are effectively governed, evaluations, need-based mediations are distinguished timeously and the assets accessible to guarantee administration conveyance. Restoration looks at whether there are adequate intercessions (rehabilitation programmes) accessible for female criminals to discourse their culpable conduct and to upgrade them to act naturally adequate. The reintegration of female offenders looks at whether offenders that are discharged/reintegrated are restored and created concurring their need-based mediation plan that were assembled upon affirmation and what kind of aftercare the division is giving to such offenders. In cases where the executives inspect whether there are adequate observing devices accessible to guarantee that these necessities-based mediations are rendered inside the necessary time span to guarantee administration conveyance and HR inspect whether there are adequate have adequate assets and procedures accessible to guarantee that they satisfy their order. The next chapter presents the findings and conclusions.



## CHAPTER 6

### FINDINGS AND CONCLUSIONS

#### 6.1 INTRODUCTION

The history of the correctional system in South Africa shows that correctional facilities were regarded as dumping sites for unwelcome citizens. But the recent changes have ensured that correctional systems are no longer characterised by severe punishment directed at offenders, such as hard labour and torture, which are in fact a violation of human rights. In those dark days even, racial segregation was prescribed by legislation, and it was ensured that it was enforced around the country. The issue of human rights did not exist within correctional centres. However, with the inception of the new democracy in South Africa in the 1990s, changes started to take place and the penal system that used to operate under the Department of Justice became the independent DCS (Morodi 2004:1).

As globalisation has pushed females into the labour market, it has also made them more capable of committing crimes. Nowadays females can be seen performing tasks and duties that were historically earmarked for men such as underground mining and military special forces. Worldwide, there has been an increase in the incarceration of female offenders. The recent Worldwide Correctional centre Report reveals that from 2000, there has been a 53 per cent leap in the imprisonment of females. As opposed to males, most females are often incarcerated for less serious crimes such as property crimes or drug-related crimes.

The population of female offenders is rising faster overall than general population growth, which rose about 21 percent over the same time. For example, in the US, though the overall imprisonment rates have stabilised, the number of females in correctional has increased. Of the 714 000-world female offender's population, some 212,000 are from the US. Worldwide, it was uncovered that the female offender's population has also risen in the Americas, Asia, and Oceania at three, four, and five times the rate of regional population growth, respectively. In underdeveloped countries

around the globe, there is a link between criminalisation and abuse. A girl growing up in a refugee camp might be pressured to exchange sexual favours to avoid homelessness. In some instances, supporting a child as a single parent means serving as a drug mule for an abusive boyfriend. As economic exploitation deepens, the line further blurs between victim and perpetrator, especially when females are picked up by police or framed for partners' offenses.

## **6.2 FINDINGS**

Most of female offenders struggle to adapt in a society, which can include family and community stigmatisation and ostracism, and in turn hampers their chances becoming productive citizen. Failure to deal with all these social issues leads them back to crime and ultimately leads to recidivism. The Criminal Justice Systems should prioritise the effective rehabilitation female offenders and their successful reintegration into the society. Such priority is also included in international human rights conventions, as well as the United Nations Standards and Norms in Crime Prevention and Criminal Justice.

Many female offenders, even after serving repeated correction sentences, fail to leave the life of crime and to reintegrate successfully into the community. Imprisonment is incapable of addressing the female's offenders' social integration issues. Even when effective correction programmes can help female offenders to adapt during detention, that progress is often lost when the offender is released because of lack of post-supervision. Therefore, effective crime prevention strategies must focus on the successful reintegration of female offenders into the community. In fact, adopting corresponding measures is arguably one of the best and most cost-effective ways of preventing female reoffending. The social and economic costs of the associated with ineffective reintegration of female offenders into the society are a major concern for correctional administrators and policymakers all over the world. Crime on its own also has social repercussions.

One key strategy in reducing the number of persons in correctional facilities is to provide effective rehabilitation programmes for female offenders and support their social reintegration upon release. Unfortunately, correctional overcrowding itself affects the ability of correction to offer meaningful rehabilitation programmes and tends to limit offenders' access to available programmes. The problem of recidivism of female offenders is another major concern. As uncovered in this study, several female offenders often go through the correctional system for less serious crimes, such as small property crimes, serving successive and relatively short terms of imprisonment. Although such crimes are of a less serious nature, their impact on communities, public safety and public confidence in the justice system is substantial. Most of these female offenders' behaviour can be linked to substance abuse and addictions, mental disorders, lack of job skills and other issues. Because females tend to serve short sentences, their access to treatment and other programmes during imprisonment, as well as to post-release services and supervision, is quite limited and they remain at a high risk of re-offending. As such, they not only constitute a real public safety concern, but also overpopulate correctional centres and have few opportunities to integrate into mainstream society. It is therefore important to prioritise repeat offenders when offering social reintegration programmes and when it comes to community supervision after they are released.

To prevent recidivism, there should be effective interventions, which are based on an understanding of the factors that place female offenders at risk and prevents them from successfully reintegrating into the society. While some risk factors cannot be changed (static) such as an offender's gender, and criminal history, age at the time of arrest or prior mental health problems other risk factors can be changed (dynamic) through interventions within or outside the criminal justice system.

Rehabilitation programmes vary according to the risk factors and the type of social reintegration challenges that they are designed to address. Of these programmes, many focus on specific challenges faced by female offenders, such as a low educational level and unemployment or drug use. Other programmes have been designed to deal with specific categories of female offenders, such as young female

offenders, repeat offenders, offenders with drug disorders, offenders with mental disabilities or sexual offenders. A range of socio-economic and personal challenges that tend to become obstacles to their social integration confronts most female offenders. Some of those challenges are a result of the female offender's social environment, family, peer group or low educational and skill levels. Some female offenders may have a history of social isolation and marginalisation, physical or emotional abuse, poor employment or unemployment, and involvement in a criminal lifestyle that began at an early age.

Many female offenders have serious skill deficits that make it difficult for them to compete and succeed in the community: poor interpersonal skills, low levels of formal education, illiteracy or innumeracy, poor cognitive or emotional functioning, or a lack of planning and financial management skills. Institutional and community-based programmes can address such dynamic risk factors by focusing on motivation, education, development of skills, employment, accommodation, interpersonal relationships, drug and alcohol treatment, mental health care and cognitive behavioural interventions.

The Nelson Mandela Rules asserts that for correctional administrators to be able to provide meaningful interventions, they must also consider the vast diversity of risks and needs among the correction population soon after admission. Offenders typically present a wide array of risk factors and needs, the full range of which must be addressed to prevent recidivism. However, the successful diagnosing, targeting and tackling of risks and needs among offenders depend on an effective assessment system to diagnose those needs and to measure change in the degree to which they are present.

There should be continuous assessment of offenders. Such assessment should consider risk factors as well as protective factors. Inmates' basic skills and education to plan future interventions must also be assessed, bearing in mind that a lack of basic skills is not necessarily related to recidivism but is related to other factors that are

known to be associated with offending. Those factors can include poor level of education, unemployment; social exclusion; and various psychological or cognitive factors linked to self-concept and attitudes to offending.

To effectively reduce re-offending, correctional programmes need to be well designed, target dynamic and characteristics target criminogenic characteristics be properly implemented address the diverse risks and needs of special categories of offenders include a plan for ongoing monitoring and evaluation. Carefully selecting and well-trained correctional officials must present correctional programmes. Ongoing training and consultation must be necessary for positive outcomes. All externally developed correctional programmes must be subjected to the Departmental Quality Assurance processes, while the DCS endorses internally developed correctional programmes.

Although the DCS is taking steps to improve the conditions under which female offenders are incarcerated, more needs to be done in this regard. The provision of adequate conditions of incarceration for female offenders can improve their health and reduce the tensions and fights that occur between offenders. By prioritising exercise for female offenders, many of the fights that break out in female correctional centres could be curtailed, as some of the aggression and idleness that lead to these fights can be channelled positively into exercise. The DCS also needs to place more emphasis on recreation for female offenders. The introduction of, or increase in, recreational activities may help to reduce the idleness that in turn leads to stress and aggression.

Correctional officials should be trained and monitored to ensure that they adhere to the DCS' regulations and standards regarding the treatment of female offenders. Correctional officials can increase the participation of female offenders in vocational skills training by helping them to recognise the relationship between the acquisition of skills and rehabilitation. This can be done by highlighting the link between skills and financial freedom, especially after release from correctional centre. If skills that translate into employment upon release are taught in female correctional centres, the offenders may be encouraged to participate more actively because unemployment is

one of the challenges that ex-offenders experience. Another way of motivating female offender could be to sell the items made in skills training centres and to give offenders a percentage of the sales (even if they would not have access to the money while incarcerated).

### **Research question 1:**

#### **What are the specific female crimes and their causes in the South African criminal justice or correctional facilities?**

It was uncovered in this study that gender plays a huge role in determining criminality. As shown in this study, statistics have proven that there is low percentage of females committing crimes. Studies also indicate that the Criminal Justice System is filled of females incarcerated for non-violent crimes resulting in the rise of female criminality because of their economic vulnerability and of their drug-related crimes. Females are also generally arrested for less serious crimes than men, such as theft and fraud and in the relatively rare circumstances female commit serious or violent crimes. There is also however little information known about females before, during and after their incarceration. Females are also more vulnerable in a community, even in correctional facilities as they are subjected to social risks.

This study also indicated that correctional systems treat females and males differently and as a result, there are several facilities dedicated to housing male offenders and only one or two dedicated to female offenders.

### **Research question 2:**

#### **What are the rehabilitation programmes currently being offered to female offenders in South African Correctional facilities?**

The study proves that even though they are programmes which are being offered by DCS towards inmates, some programmes are still less applied or put into practice owing to the sentence period of offenders, that is much longer than in the past. The DCS is "*mandated to place offenders in a secure, safe and humane environment, and ensure that rehabilitation and successful reintegration programmes are implemented.*" In this study, it was discovered that these jobs must be executed by several institutions and individuals such as the offenders, the correctional staff and other stakeholders.

However, these tasks call from the DCS a permanent review on how its vision is being put into practices and that in line of the White Paper (2005) which uses the needs-risk approaches to respond to crimes and recidivism. In practice, “DCS evaluations should include a specific analysis of policies, programmes and data that reflects the conditions and needs of incarcerated females.”

### **Research question 3:**

#### **To what extent are the current rehabilitation programmes addressing the needs of female offenders?**

The purpose of the programme is to help female inmates “learn to be mothers,” with a focus on meeting the female’s mental health needs. Other focus areas are relationships with family, transition to the community and parenting. In this study, it was discovered that management styles differ from those for men. Managerial characteristics deemed desirable are capacity to respond to expressions of emotions and ability to communicate openly with offenders. It was proved that use of alternatives to incarceration for female offenders can primarily work. Females deal with more mental health, abuse, medical, and medication issues; they are more often suffer grief, commonly over the loss of their children. The females and men are kept separated to focus on gender-specific issues without distractions from the opposite sex during treatment. The findings of this study reflect the perceptions of correctional administrators, staff, and female offenders that many needs of incarcerated females are different from those of men and require approaches tailored to their specific characteristics and situations. In addition to the development of more gender-specific programming, other issues were identified as requiring attention.

For instance, the rapidly growing female inmate populations, crowding leads to problems in screening, assessment and adequate housing. It was also discovered that, male officials are many as compared to female officials which result in female inmates lack the programmes which aid to assist female offenders’ needs. Although corrections administrators could identify programmes, they considered innovative and

programme administrators could list programme characteristics thought conducive to success, few outcome evaluations have been conducted so far. The survey described in this study is but a first step in the direction of improving the understanding of what works in treating females' offenders in Correctional centre, jails and community corrections to prevent recidivism.

#### **Research question 4:**

**What is the effect of the Offender Rehabilitation Path (ORP) on the rehabilitation of offenders especially female offenders?**

This study uncovered that for rehabilitation to be implemented successfully, the correctional and professional correctional officials should believe in its value and worth. Officials' negative attitudes towards rehabilitation could easily be transferred to females' offenders, who will adopt the same attitude. The attitudes of officials determine the success they have with effective rehabilitation programmes. If correctional and professional officials are expected to rehabilitate offenders, they should be aware of what rehabilitation entails and what they should do to be able to reach such a goal. It has been 12 years since the introduction of rehabilitation in correctional centres, and in this study, it was discovered that there are still officials who do not have a clear understanding of rehabilitation, or who are negative about the implementation or effectiveness of rehabilitation.

This study also indicates that they may know the concept but not be familiar with what it entails; others see it as a process of change to correct the mistakes that led to committing the crime. Furthermore, neither female offenders nor officials have a clear understanding of what their responsibilities are in the rehabilitation process and hence some are negative about rehabilitation. In addition, this study uncovered that some officials easily label an offender in a negative way and treat her accordingly, which undermines their role as rehabilitator. Criminogenic factors should be addressed during the time that the female offender serves her sentence in order to enhance the



rehabilitation process. When these factors are left unattended, it increases the risk factors for female offenders that can lead to recidivism. The assessment phase in the ORP is therefore crucial since it is the period during which time the offender's criminogenic factors should be identified and referred to the relevant officials for appropriate action. DCS has a responsibility to take certain measures and put certain factors in place before the vision and mission of the DCS can be fulfilled.

This study has shown that correctional and professional correctional officials cannot be expected to function as rehabilitators as stated in The White Paper on Corrections in SA (Republic of South Africa, Ministry for Correctional Services, 2005:114) when the means for doing so are not available. The shortage of human resources, for instance, has a direct impact on rehabilitation and unit management, because without officials the posts cannot be filled, and the work cannot be done. The shortage of professional correctional officials impacts on the presentation of programmes in that some of the programmes are not available, and decentralisation within the framework of unit management requires that a correctional centre be divided into different housing units. If the design and infrastructure of the correctional centre do not allow for this, the practical implementation of unit management cannot be reached. The available officials in the DCS can be regarded as ineffective in their rehabilitation of female offenders, despite their efforts, because of a lack of the specific skills and 'tools' that they require. If the DCS wants to create the ideal profile for the ideal correctional official, as discussed in Chapter 8 of The White Paper on Corrections in SA, (Republic of South Africa, Ministry of Correctional Services, 2005) as opposed to the current profile, attention should be given to the development of these officials in terms of training, tertiary qualifications, provision of resources and materials, including training on new ventures in DCS.

### **6.3 RECOMMENDATIONS**

Most of the correctional centres in South Africa are old and they do not cater for female offenders; they do not cater for the latest developments in corrections. As proven in

this research, history indicates that there are few female offenders in correctional centres. The increasing number of HIV/AIDS-infected offenders is one of the challenges that the DCS also must deal with. The same can be said about the increasing number of disabled offenders and offenders with mental illness. The growing number of these categories of offenders cannot go ignored.

The DCS must develop facilities that specially cater for the needs of these categories of offenders. The chances of these offenders being successfully rehabilitated within the current conditions are questionable. But if they are treated differently from other offenders, they can easily have access to educational and training programmes, medical services, social work services and psychological services, among others, that are specially made available to suit their needs. For example, though separation might be viewed by many as discrimination, detaining an HIV/AIDS-infected offender with other offenders, whether terminally ill or not, poses a threat not only to other offenders of being infected given the high level of sexual intercourse in correctional centres, but also to his or her own health. It is difficult for these offenders to receive relevant medical attention. The same applies to other categories of offenders. From this research, it was proven that the demand posed by these special categories of offenders is far more than the ordinary offenders. Since the DCS is in the process of developing new centres, it is recommended that the needs of female offenders be considered.

The DCS must develop facilities that specially cater for the needs of female offenders. Moreover, the DCS must develop a gender-sensitive risk assessment and classification system, considering female's backgrounds, such as experience of domestic violence, as well as their caring responsibilities, in their allocation and sentence planning process. The DCS needs to ensure that females sentence plans include programmes which meet their gender-specific needs. Offenders with mental disabilities should be housed in the least restrictive accommodation and receive treatment. Furthermore, DCS must ensure that correctional centre management is gender-sensitive, by taking affirmative action to counter-balance discrimination encountered by female offenders. There should be training of correctional services

management as well as officers on gender-sensitive rehabilitation programming. Psychologist can also play a significant role in the training and support of this programme.

The DCS must recognise the different needs of female offenders and provide them with programmes and services that will address these needs. Also, it needs to ensure that the multiple needs of females from ethnic and racial minority groups and foreign national offenders are considered in programming. Furthermore, the DCS must develop a reception area and induction programme for new arrivals, which provide a supporting environment, encourages and facilitates contact with families and friends and ensures that all new entries are fully familiarised with the correctional centre regime, including where to seek help when in need. Moreover, the DCS punishes females' offenders for self-harm and suicide attempts. The DCS must make sure that females offenders receive measures and rules that coordinate their specific needs for contact with their families and children. Take measures to compensate for the troubles in undertaking family visits. The DCS should also consider providing counselling for both female offenders and their families to help them cope with life after imprisonment and the possible absence of family members during this period.

The DCS must ensure that the development of children in a correctional centre is supervised by primary health-care providers and a correctional psychologist and monitored by specialists in child development. More importantly, the DCS needs to establish nurseries in correctional where mothers can spend time with their children, and which allow mothers to participate in correctional activities and programmes. The DCS needs to provide other facilities and activities for the children of imprisoned mothers and not treat children in correctional as inmates. The correctional officials should be made aware that, although the female offenders have committed criminal offenses, their human rights and dignity must still be protected. Female offenders also face difficulties in obtaining work after imprisonment because of their criminal records. Therefore, the DCS should consider giving them stipend on their release which will enable them to meet their basic needs for a few months while they seek employment. In addition, the DCS should make adequate provisions for females that will equip them

for their lives after incarceration and assist them to live meaningful lives after their release.

Based on crimes identified from South Africa inmates and from various publications, the female offenders' rehabilitations programmes, in relation to Bangkok rules would include:

- Empirical study on the similar topic and relation to ORP phases.
- Social functioning skills development, conflict manager;
- Anger management, trauma therapy and cognitive behavioural therapy; and
- Restorative justice services in all the correctional services as soon as there is a presence of female offender.

The DCS has a responsibility to take certain measures and put certain factors in place before the vision and mission of the DCS can be fulfilled. Correctional and professional correctional officials cannot be expected to function as rehabilitators when the means for doing so are not available. Even though the rehabilitation of offenders is a key policy of a correctional system, various problems stand in the way of executing rehabilitation programmes. These problems include lack of human resources, infrastructure and funding. Bhengu (2005: 1) supports this statement by writing that these problems lead to fewer than 28% of offenders participating in rehabilitation programmes which do not necessarily equip them with the necessary skill for jobs. The shortage of human resources, for instance, has a direct impact on rehabilitation and unit management because without officials the posts cannot be filled, and the work cannot be done. The shortage of professional correctional officials impacts on the presentation of programmes in that some of the programmes are not available, and decentralisation within the framework of unit management requires that a correctional centre be divided into different housing units. If the design and infrastructure of the correctional centre do not allow for this, the practical implementation of unit management cannot be reached.

Rehabilitation as one of the objectives of imprisonment must always be considered during the treatment of female offenders. By finding and treating those personality aspects which led an offender to committing their crime, recidivism can be prevented.

Female offenders must be provided with essential programmes aimed at their rehabilitation while they are detained. These correctional programmes must satisfy the following goals of a comprehensive programme designed by Cassella (Kratcoski, 2004: 201):

- The programme should include a complete, individualised assessment and treatment path.
- The treatment should assist an offender to accept responsibility for their offences and to understand and be aware of their patterns of offending (e.g., sequence of thoughts, feelings, events, circumstances and arousal stimuli).
- The treatment should assist an offender to learn to intervene in or break into their offence pattern and to call upon tools, methods and procedures to suppress, control, manage, or stop the behaviour.
- The treatment should provide re-education and resocialisation to replace antisocial thoughts and behaviour with prosocial ones; to acquire a positive self-concept and new attitudes and expectations of himself or herself, as well as to learn new social and sexual skills to help cultivate healthy relationships.
- In residential treatment, an offender needs a prolonged period to safely test his or her newly acquired insights and control mechanisms in the community.
- Each offender needs a post-treatment support group and continues post-release access to therapeutic treatment.

## **6.4 SUMMARY**

The purpose of this study was the identification of governance model to put into practices of the offender rehabilitation path in the female South African correctional facilities. Female offenders are one of the special categories of offender in the White Paper of 2005. In the line of the purpose, research questions and results of the study, A systematic review of publication government documents (Correctional Acts of 2011) were assessed in terms of policies and practices of rehabilitation, reintegration programmes in female correctional facilities. Three research questions were answered

in this study, one related to the type of female crimes in South African correctional centres, the second was about the policies on female offender rehabilitation programmes from the DCS strategies and the conclusion of the current status of female offenders and their gender sensitive rehabilitation programmes.

According to the statistics from NICRO, most of female offenders (less than male) in South Africa are incarcerated for economic crimes (44.80%), for aggressive crimes (35.71%), narcotic crimes (11.74%) and not least for sexual crimes (0.90%). With the advent of feminist criminology, females are considered as a vulnerable group and are challenged in accessing justice compared to men. In other terms, females are disproportionately treated for various offences as men are, which from sexual or physical abuse prior to imprisonment and face extreme distress in imprisonment.

As responses to any crimes and recidivism and after publishing the White Paper in 2005, the DCS strategies express in documents and policies with respect to its mandate. In fact, the DCS purpose is “*mandated to place offenders in a secure, safe and humane environment, and ensure that rehabilitation and successful reintegration programmes are implemented.*” In regard of that, the Correctional Acts from 2011 amended projects and organised programmes under the offender rehabilitation programmes. These programmes are eight and based on two main criteria: the sentenced period and the need and risks of the offender.

As the main crimes from females found from empirical studies are related to economic and aggressive crimes, this systematic review concluded as follows:

- In view of the crimes committed by females in South Africa, the social roles in the country and the community, female offenders are still in danger and rehabilitation programmes are needed for them
- Few empirical studies are conducted in relation to penological approaches in the South African context and the restorative approach for female offenders would be the best one.

- Correctional programmes in South Africa are lacking the details on gender-sensitive activities in line with specific rehabilitation programme

Incarcerated offenders are provided with the most favourable means for them to repent. Through educational, psychological, vocational and recreational programmes, offenders are offered opportunities for constructive and socially useful self-improvement. These opportunities can enhance their prospects for securing honest employment and succeeding as law-abiding citizens after their release to their communities. Even though rehabilitation programmes are offered within the correctional system, the responsibility lies with the offenders themselves whether they participate in these programmes since they are not compulsory. Although the correctional staff must closely evaluate each inmate and place them in suitable programmes, the offender remains an important role player in the process of rehabilitation. Furthermore, the community must also provide the necessary means of support when required by the offender. The support must continue even after the offender has been released back to the community. Nevertheless, achieving the objectives of rehabilitation requires team effort.

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## APPENDIX A: LANGUAGE EDITING CERTIFICATE

### EDITING AND PROOFREADING CERTIFICATE

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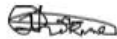
18 May 2022

#### TO WHOM IT MAY CONCERN

This certificate serves to confirm that I have language edited PA Goge's dissertation entitled, **"A PENOLOGICAL STUDY INTO THE IMPLEMENTATION OF OFFENDER REHABILITATION PATH (ORP) IN FEMALE CORRECTIONAL CENTRES IN SOUTH AFRICA."**

I found the work easy and intriguing to read. Much of my editing basically dealt with obstructionist technical aspects of language, which could have otherwise compromised smooth reading as well as the sense of the information being conveyed. I hope that the work will be found to be of an acceptable standard. I am a member of Professional Editors' Guild.

Hereunder are my contact details:



Dr Jack Chokwe (PhD)

Contact numbers: 072 214 5489

[jackchokwe@gmail.com](mailto:jackchokwe@gmail.com)

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## APPENDIX B: TURNITIN DIGITAL RECEIPT



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