

Review

Jeremy Sarkin (ed) (2008) *Human Rights in African Prisons*. Cape Town: HSRC Press

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Given the current South African public's obsession with crime and its thirst for harsh punishment in the form of a re-introduction of the death penalty, there is a surprising paucity of literature on prisons in South Africa. There is of course Jonny Steinberg's *The Number*, the riveting account of the hegemony of the 26 and 28 gangs in Pollsmoor prison in the 1990s, while the Jali Commission Report was an equally fascinating account of the deep-seated corruption which attends the administration of the wonderfully mis-named Correctional Services Department (the post-apartheid name for the old prisons department). Julia Sloth-Nielsen's state of the prisons chapter in the 2007 *State of the Nation* volume is the best summary description of the prison system in South Africa known to this reader. Happily she is a contributor to this volume whose focus – its title notwithstanding – is more South Africa than Africa. Her chapter on children in African prisons is one of the most compelling in the volume. The pain of incarcerated mothers having to part from their children at age three will tug at the heartstrings of any reader, as will the knowledge that often years pass before the mothers even see their children again, let alone care for them.

To criminologists, judicial figures and others, the volume is a welcome addition to the prison literature on Africa. And it has been much praised by both judges and leading legal academics. Jeremy Sarkin's perhaps slightly overlong introductory survey of the African penal system is filled with useful statistical data and enough descriptive detail to make any sane person living on this continent to resolve never to stay even one night in an African prison. Like prisons everywhere, Africa's men's prisons are massively overcrowded while its women's prisons are surprisingly underpopulated. South Africa, for example, has one of the world's highest male

prison populations but one of lowest when it comes to female inmates. On average, females make up only between four to five percent of the total African prison population. Why that is so is not adequately explained but probably has much to do with the reluctance of magistrates to incarcerate African women given the devastating likely consequences for their children. Certainly in South Africa most female inmates imprisoned for crimes of property (theft, shoplifting etc) have at least one suspended sentence before they were put into custodial care.

Beyond Sarkin and Sloth-Nielsen's chapters, those by Schonteich on pre-trial detention and human rights in African prisons, Muntungh on alternative sentencing in Africa and Lisa Vetten stand out. The latter's breaks new ground in its focus on issues of female health and hygiene and demonstrates, for example, how vulnerable to abuse and exploitation menstruating female prisoners are in Africa. The chapter on overcrowding in African prisons by a top former prison official, EVO Dankwa, makes for sobering reading.

The perspective of the volume is not all doom and gloom, however. Sarkin, for example, argues that in the last decade or so various prison reform initiatives have been undertaken across Africa and some countries, notably Tunisia and Libya, have opened their gaols to human rights organisations like Amnesty International. This has been a huge step forward but against that one must recall the fact that prisons in countries like Equatorial Guinea and Zimbabwe are largely deathtraps.

In South Africa, a small band of non-governmental organizations strive nobly to turn local prisons into places of rehabilitation rather than the incubators of more crime. One of these is the Phoenix Zululand organisation which strives to apply the principles of restorative justice in 13 prisons in the north of KwaZulu-Natal. Beyond victim-offender mediation, Phoenix has developed into a civil rights program for prisoners, the bulk of whom are poor, largely illiterate African men and some women. Most of these should not, in Phoenix's view, be in prison. That they are is a product of their poverty (most cannot post even modest bail amounts) and their ignorance which is such that most don't even know what parole is, let alone know how to apply for it.

This is an important collection; a must for criminology classes and those interested in the underside of South African life.