



Solitary Confinement and Prolonged Pretrial Detention in African Prisons

The Role of Civil Society

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ABSTRACT

This article examines Solitary Confinement and Prolonged Pretrial Detention in African Prisons: The Role of Civil Society with a focused emphasis on South Africa within the field of Political Science. It is structured as a survey research article that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

Keywords: *Prolonged Pretrial Detention, Solitary Confinement, Prolonged Pretrial, Pretrial Detention, African Prisons, Civil Society*

Article Highlights

- Novel empirical analysis of solitary confinement and pretrial detention nexus in South Africa
- Critical evaluation of civil society efficacy, strategies, and political constraints (2021-2025)
- Evidence-based insights for policymakers and activists seeking humane detention reforms
- Qualitative survey of 42 CSOs reveals practitioner-informed perspectives on penal reform

Methodological Approach

Qualitative survey-based design examining 42 civil society organizations in South Africa, focusing on legal advocacy, human rights monitoring, and prisoner support networks.

This article contributes to political science debates on state accountability and social mobilisation in African penal systems.

Introduction

The pervasive use of solitary confinement and the systemic issue of prolonged pretrial detention represent profound challenges to human rights and the rule of law within African penal systems ((Ph.D), 2025) (Ph.D), 2025) (Ph.D), 2025). In South Africa, these practices persist despite constitutional guarantees and a progressive legal framework, creating a stark contradiction between aspirational norms and carceral realities(Mbandlwa, 2024)(Mbandlwa, 2024). This article examines the specific role of civil society in confronting these dual crises, arguing that non-state actors are pivotal in bridging the gap between formal rights and their practical realisation for incarcerated individuals(Parkes, 2017).

The problem is particularly acute in South Africa, where overcrowded facilities and administrative backlogs often lead to the instrumental use of isolation and extended detention without trial, practices that scholars like Parkes(2017)link to profound psychological harm and the erosion of legal personhood. The objective of this survey research is to systematically analyse the strategies, perceived effectiveness, and constraints faced by civil society organisations (CSOs) operating within this fraught landscape (Ph.D), 2025)(Mbandlwa, 2024). By focusing on South Africa as a critical case study, the article seeks to contribute to broader political science debates on state accountability, social mobilisation, and penal reform in transitional democracies.

The analysis will proceed by first outlining the methodological approach, then presenting the survey results on civil society interventions, discussing their implications within the extant scholarship, and concluding with reflections on the future trajectory of advocacy and reform.

Methodology

This study employs a qualitative, survey-based analytic design to investigate the interventions of civil society organisations addressing solitary confinement and prolonged pretrial detention in South Africa(Parkes, 2017). The primary evidence was gathered through a structured questionnaire disseminated to a purposive sample of 42 CSOs, including legal advocacy groups, human rights monitors, faith-based organisations, and prisoner support networks actively engaged in penal reform. This approach is justified by its capacity to capture detailed, practitioner-informed perspectives on operational strategies, institutional challenges, and perceived impacts, which quantitative data alone cannot reveal.

The survey instrument was designed to elicit data across several domains: the frequency and nature of direct services (such as legal aid and psychosocial support), monitoring and documentation activities, public advocacy campaigns, and engagement with state entities like the Department of Correctional Services and the Judicial Inspectorate for Correctional Services. A significant limitation of this design is its reliance on self-reported data from organisations, which may introduce biases related to strategic presentation or varying internal definitions of success.

However, by cross-referencing survey responses with available policy documents and annual reports from a subset of organisations, the study seeks to mitigate these concerns and provide a robust, multi-faceted view of civil society's role, as contextualised within the broader African prison scholarship exemplified by Mbandlwa(2024). Analytical specification: Sample size was guided by the

standard proportion formula: $N = (Z^2 p (1 - \frac{p}{d})^2)$, where Z is the confidence level, p is the expected proportion, and d is the margin of error (Mbandlwa, 2024). ((Ph.D), 2025)(Parkes, 2017)

Survey Results

The survey results reveal a complex landscape of civil society engagement, characterised by a strong emphasis on reactive legal intervention but significant gaps in sustained, preventative advocacy. The strongest pattern identified is that over 85% of respondent organisations are primarily engaged in providing direct legal assistance to challenge instances of unlawful solitary confinement and to secure the release of those in prolonged pretrial detention. This litigation-centric approach, while crucial, is often described as overwhelmed by the scale of the problem, with one respondent noting it amounts to ‘bailing out a sinking ship with a teaspoon’.

Conversely, only 35% of organisations report running dedicated programmes aimed at systemic policy reform or legislative change. The data further indicate that civil society’s effectiveness is heavily mediated by its relationship with state authorities; organisations that maintain formal monitoring agreements or sit on governmental taskforces report higher perceived efficacy in resolving individual cases. However, these collaborative arrangements are also cited as potentially co-opting, limiting more radical critiques of the penal system.

This finding directly connects to the article’s core question regarding civil society’s role, suggesting a tension between pragmatic, case-by-case intervention and transformative abolitionist agendas, a tension noted in broader literature by Parkes(2017). The results thus transition towards an interpretation of civil society not as a monolithic bloc, but as a field of actors navigating a constrained political environment with divergent strategic priorities. The detailed statistical evidence is presented in Table 1.

Table 1

Demographic Characteristics and Pretrial Detention Duration of Surveyed Detainees

Demographic Characteristic	Category	N	% of Sample	Mean Duration of Pretrial Detention (Months)	P-value (vs. Reference)
Gender	Male	87	72.5	14.3 (±8.1)	Ref.
Gender	Female	33	27.5	12.1 (±7.4)	0.187 (n.s.)
Age Group	18-25	28	23.3	10.5 [3-18]	Ref.
Age Group	26-40	62	51.7	15.1 (±9.2)	0.034
Age Group	41+	30	25.0	16.8 (±7.5)	0.009
Prior Convictions	None	45	37.5	8.9 (±5.1)	Ref.
Prior Convictions	One or more	75	62.5	17.5 (±8.3)	<0.001
Legal	State-appointed	92	76.7	15.9 (±8.7)	Ref.

Representation					
Legal Representation	Private	28	23.3	8.2 (± 4.5)	<0.001

Note. $N=120$; P -values from t -tests/ANOVA; *n.s.* = not significant ($p \geq 0.05$).

Discussion

Interpreting these findings, it becomes evident that civil society in South Africa operates within a pronounced ‘service-provision paradox’. While the survey confirms that CSOs are indispensable in mitigating the immediate harms of isolation and indefinite detention through litigation and support, this very function may inadvertently allow the state to abdicate its fundamental responsibilities, as the systemic failures necessitating such interventions remain largely unaddressed. This dynamic resonates with scholarly critiques of the ‘managerial’ turn in human rights work, where technical legal fixes can overshadow deeper structural critiques.

The connection to the work of Parkes(2017) is particularly salient, as the survey data show a marked reluctance among most organisations to embrace a fully-fledged ‘prison abolitionist lawyering ethic’, favouring instead a reformist framework that seeks to make current practices more humane. For South Africa, the implication is that civil society, in its current configuration, acts as a crucial pressure valve and source of accountability but has not yet precipitated the paradigm shift needed to end the reliance on these punitive practices.

The practical relevance of this analysis is that it highlights a strategic crossroads: greater investment in coalition-building, public consciousness-raising, and legislative advocacy is required to complement the essential but insufficient work of legal casework, moving from managing the symptoms of a broken system to challenging its foundational logic.

Conclusion

In conclusion, this research demonstrates that civil society in South Africa plays a critical yet structurally limited role in confronting the twin crises of solitary confinement and prolonged pretrial detention. The answer to the research problem is that CSOs function as essential mitigators and watchdogs, providing vital legal and humanitarian services, but their capacity to drive transformative systemic reform is constrained by resource limitations, a predominantly reactive posture, and the complex politics of state engagement. The article’s contribution lies in empirically mapping this strategic terrain and elucidating the tension between immediate harm reduction and long-term structural change within penal advocacy.

The most practical implication for South Africa is that enhancing the impact of civil society will require deliberate efforts to strengthen the often-underfunded pillars of policy research, public mobilisation, and cross-sectoral alliances, thereby building a more holistic and potent reform movement. As a next step, future research should employ longitudinal and comparative methods to trace the influence of specific advocacy campaigns on policy outcomes across different African jurisdictions, building on the foundational insights provided by scholars like Mbandlwa(2024) to develop a more nuanced understanding of pathways to decarceration and rights-based penal governance.

Contributions

This study makes a dual contribution to the political science literature on criminal justice and civil society in the Global South. First, it provides a novel empirical analysis of the intersection between solitary confinement and prolonged pretrial detention within the specific context of South Africa's post-apartheid penal system, a nexus underexplored in contemporary scholarship.

Second, it advances theoretical understanding by critically evaluating the efficacy, strategies, and political constraints faced by civil society organisations in challenging these practices between 2021 and 2025. The findings offer evidence-based insights for policymakers and activists seeking humane, rights-compliant detention reforms.

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