

BUCKMUN XIII

SOCHUM

**Presidents: Laura Riveros - Colegio Santa María Juan Andrés Navarro- Colegio Bilingüe
Buckingham**

**Topics: Condemnation and prevention methods against sexual assault - Criminal's rights
when in a penitentiary institution and after being in one**

1. Opening Letter

Dear delegates,

It is an honor for us to introduce you to The Social Cultural and Humanitarian Committee of the thirteenth version of BUCKMUN. It is a privilege for us to be serving you as chair in this version, considering the high expectations we have for you. More importantly all the knowledge you will gain not only as delegates but as individuals of the world.

Throughout the sessions we expect to see each and every one of you grow, and in hopes of that, we as chair, will be open to any questions or insecurities any delegate may have, so that your experience in this year's version of BUCKMUN is as thrilling and invigorating as it can be. We are sure we will not only find partakers with amazing analytical, oral and critical thinking skills but rather people with good attitude and a constant will to help.

Bearing this in mind we wish for the best experience possible to everyone of you, optimistically you will take advantage of it as much as conceivable and make some of the most memorable moments.

We will be very attentive to any comment, question or suggestion;

Sincerely,

Juan Andrés Navarro & Laura Riveros

janavarrome@hotmail.com

lsriveros@csm.edu.co

2. Committee Introduction

The Social Cultural and Humanitarian Committee is the third commission of the General Assembly of the United Nations, non-governmental organization established in 1945. This commission is focused on issues regarding the fundamental human rights within the international community. SOCHUM is one of the six main committees of the United Nations and it was established after the universal declaration on human rights in order to protect and preserve the ideals of the very foundation of the declaration.

The third committee encourages the international community to enforce ideals of freedom and of basic human coexistence with such rights as the right to life, the expression of cultures, the freedom of political participation, the protection of children's rights, the development of women in society, the protection of ethnic and indigenous communities and the promotion of social development, among many others. SOCHUM accomplishes its goal by the realization of studies which promote the cooperation of the international community regarding humanitarian, social and cultural manners. This committee has the responsibility to deal with social development issues as youth, family, senior and disabled citizens rights, international drug control, criminal justice and crime prevention.

It is also in charge to monitor, protect and identify the countries or places where human rights are being violated for any reason. Is their job to propose viable solutions to the affected countries in order to ensure these violations come to an end and hopefully make sure it doesn't happen again. This committee is part of the United Nations deliberative, normative and representative body and we can say that it fundamental responsibility is to achieve harmony and dignity for human beings.

Over these 3 days of committee we will be working under the regular United Nation procedure.

3. Topic A: Condemnation and prevention methods against sexual assault

Introduction to topic A:

"Sexual violence is a threat to the right of all people to a dignified life and to the peace and collective security of humanity" - Antonio Guterres, UN secretary New York, May 19, 2017.

As we know sexual assault is a problem that have been present worldwide for many years. We talk about this topic the first thing that come to our minds is sexual violence against women and girls. And even though it is a fact that sexual assault seems like the daily bread for women, there are many cases in which men are involved in. One of the last surveys said that "20% of women and 4% of men have experienced some type of sexual assault since the age of 16, equivalent to 3.4 million female and 631,000 male victims" (Rape Crisis, 2019)



As it was mentioned before, this issue is not recent. It has been happening since decades ago but unfortunately to the moment it has not solved completely yet. There are organizations as the United

Nations or Human Rights Watch that try to regulate and supervise any law or proposition that countries all around the world have in order to defeat sexual assault. But to understand what the countries are trying to regulate, it is necessary to understand first the types of violence and the key concepts that need to be studied first.

- Violence: Is a behavior that involves physical force used to kill, damage or hurt someone or something. Is usually related with ill-intentioned thoughts that came from a natural force.
- Assault: Commit an act of physical damage to someone against his will.
- Sexual Violence: Refers to a sexual behavior that occurs without the victim's consent and is never the victim's fault. Different forms of sexual assault include attempted rape, unwanted sexual touching, the forcing to perform sexual acts, and penetration of the victim's body (which is denominated as rape) by any person regardless of their relationship to the victim, in any setting, including, but not limited to, home and work (Alternet n.d. page 149).
 - Rape is used as a legal term to define sexual penetration without consent. The FBI, in its Uniform Crime Reports, defines rape as "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sexual organ of another person, without the consent of the victim" (FBI: UCR. 2013)
 - When referring to force, it doesn't always mean physical pressure. Force can also mean emotional manipulation, psychological force, attempt of coercion and threatening.
 - Sexual Abuse is unwanted sexual activity, usually with perpetrators using some type of manipulation in order to convince the victim to feel pleasure. Abuse can involve force, threats or taking advantage of victims that are unable to give consent. Reactions to sexual abuse include shock, fear or disbelief (many of the victims don't even realize they are victims of sexual abuse). Long-term symptoms can be anxiety, fear, or PTSD (Post Traumatic Stress Disorder).
 - As mentioned in the sixth chapter of the *World Report On Violence And Health*, which focuses on sexual violence, Coercion can cover a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats. For instance, the threat of physical harm, of being dismissed from a job or of not obtaining a job that is sought. It may also occur when the person attacked is unable to give consent. For instance, while drunk, drugged, asleep or mentally incapable of understanding the situation.
- Homicide: includes all manners of killings of humans, though it does not always constitute a crime. Homicide can mean murder, manslaughter, killing in justified self-

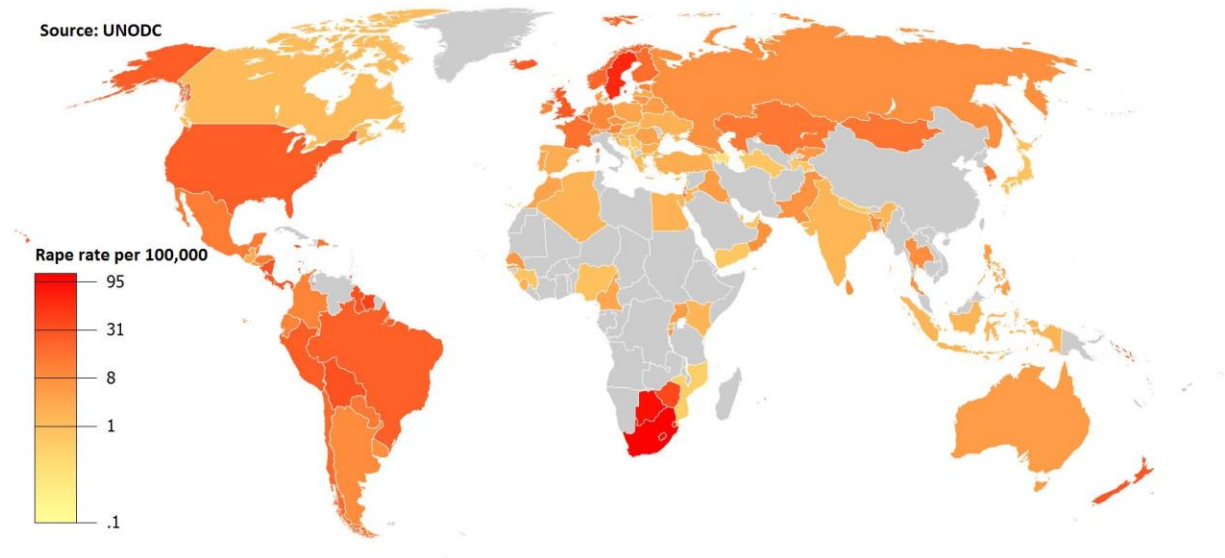
defense and more. Illegal killings represent the first two examples of homicide and are classified in different degrees that represent the gravity of the crime.

- Murder is the most serious criminal homicide. It is intentional and premeditated, meaning the killing happened according to a plan.
- Manslaughter means a killing that does not happen with a plan, meaning it is not premeditated. It can happen involuntarily, with negligent or reckless behavior, or voluntarily and by impulse.
- Stalking is the criminal activity that consists in the repeated following and harassing of another person. This is a particular form of criminal activity because it is normally composed by a series of legal actions that only become illegal, when the intentions are malicious, and they happen repeatedly over a period of time.
- Battering: The Dictionary of Cambridge defines **battering** as the act of hitting someone. It violates the right to have one's body left alone by others. It is normally only prosecuted as a crime in cases where the victim has suffered serious harm.

Historical context:

There is not a date to start the historical context on this topic because this has existed since decades ago. Investigators say that ever since humanity understood what sexual relations are, rape and sexual assault exist. We come from a very chauvinist society in which is not strange for men to be able to make decisions over women's bodies. Since the middle ages, for example, kings exchanged their daughters in order to make deals and gain more money and lands. At the time, these women were raped and abused almost in a daily basis by their new imposed partner. Even though this cultural acts have changed, nowadays in India for example, women are considered belongings from their husbands, this means they can do whatever with her, with or without her consent. For many years, girls as young as 8 years old have been obligated to marry and please man as old as 30 years old or more. Nonetheless it is accepted with the idea that there is a cultural justification, because since it was never seen as something wrong why should it be now?

The only thing that is known for sure is that sexual assault has been present for many years and will continue being in the years to come, but even worse than that is the fact that the countries have not make any transcendent contributions towards the eradication of this problematic. It exists in many countries despite the regulations that those implement. In 2012 UNODC posted rates of rapes per 10.000 habitants between 2010 and 2012:



Actual situation:

Condemnation:

This is the hardest part of this problem. Since each country has the liberty to choose which punishment to use against the sexual abusers. There are still 18 countries that condemn abusers with death penalty in which they are:

- Egypt
- Vietnam
- India
- Bangladesh
- Indonesia
- Thailand
- Iraq
- Kuwait
- Pakistan
- Palestine
- United Arab Emirates
- Syria
- Sri Lanka
- Iran
- North Korea
- Uganda
- Guyana
- China

There is another method of condemnation that is actually only used in Germany and consists of a voluntary incarceration. This method consists in a red of hospitals that have a voluntary program in which sexual assaulters can assist to receive free psychological therapy and they can stay interned until their treatment ends.

Another common method is the chemical castration, this method is used since 1944 and its main labor is to reduce the testosterone in men's bodies and by this reduce to probability of a rapist to relapse. Even though this is a less "cruel" punishment than the castration, people are against it mainly because there are many side effects that affect the person. Some of them can be osteoporosis, cardiovascular diseases, impaired glucose, depression, anxiety, anemia, among others. Although the countries know this side effects it is approved in more than 5 countries:

- Australia
- Poland
- United Kingdom
- Russia
- South Korea
- New Zealand
- United States, specifically in the states of: Texas, Florida, Iowa, Louisiana, Georgia, Oregon, Wisconsin, Montana and California.

There are other countries that use this method as a voluntary option in which they are: Argentina, France and Spain.

In many European countries, rapists after being castrated and condemned need to be guarded for the next 10 years and an international notification in the database of the country in order to be recognized. In others, such as France, Great Britain and Belgium rapists cannot work in any public or private institution. In the US, authorities need to have a database of the rapists but it is their obligation to share their information to everyone so they know even where they live.

Prevention:

This is a very vulnerable factor, because as it was mentioned before, each country has its own procedure to prevent and condemn sexual assault. But unfortunately, no country has discovered yet a way to reduce completely the rate of sexual assaults. It is common to hear in different countries that if the sentence are more strict and hard, there shall be less cases. Even though this is not completely wrong, it has been proved that it is not the solution since there are countries with death penalty which is the highest punishment but still has high rates of sexual assault.

In many countries there are organizations that use all the possible sources to prevent these episodes. Most organizations classify the prevention methods in 3 parts:

1. Primary prevention: This prevention focuses on the prevention of the sexual assault before it happens giving tips and recommendations especially to women.
2. Secondary prevention: These services are provided to everyone after the assault is committed, this means free hospital care, urgency services and treatment in order to prevent sexually transmitted diseases just before the sexual act.
3. Tertiary prevention: This prevention is mainly focused on long term help. This includes rehabilitation and reintegration after being abused. Also, physiological therapies and other therapies necessities for people to reduce their trauma.

In every country there is a network of emergency numbers to call in case of emergency and as it was mentioned before there is a large number of organizations that protect the assaulted and tries to guarantee that it is no going to happen again.

Guiding questions:

1. What is the position of my country in this topic?
2. What are the laws that support sexual assaulted people on my country?
3. What happen with rapists and abusers as a consequence of their acts in my country?
4. What resources does my country provide to the assaulted people?
5. What would be a good solution in order to end with sexual assault?
6. What international organizations have a important role in my county in order to help the states take decisions that refer to this topic?
7. Is my country agree or disagree with death penalty?

4. Topic B: Criminal's rights when in a penitentiary institution and after being in one

Prisons around the world are at a stage of crisis, with serious effects which not only harm the convicted, but their families and societies as a whole. The reality in many prisons tends to be not only far from international standards, but also risks undermining the ultimate purpose of a sentence of imprisonment: the protection of society from crime. It is estimated that more than 10.2 million

people were held in penal institutions worldwide in 2013, with an average imprisonment rate of 144 prisoners per 100,000 of the world population. Imprisonment disproportionately affects people living in poverty and imprisoning large segments of society places a significant burden on State budgets. Poor prison conditions are, in large part, symptomatic of systemic deficiencies in a State's criminal justice system and/or policies. Around the world, criminal justice systems have again performed poorly. 35 countries classified as "high-income", of which few, were considered to have a penal system that is effective in reducing criminal behavior, with only four scoring 0.80 or above in this category (on a rating scale of 0–1). In recent decades, there has been a marked rise in the numbers of prisoners in many countries. Prison populations have risen in 71% of the countries listed in the World Prison Population List. In the USA, the total number has risen from 450 000 in 1978 to more than 2 million by 2005 and in the United Kingdom of Great Britain and Northern Ireland, the prison population has doubled since 1990. The rise in prison populations has in many countries, resulted in considerable overcrowding. The reasons for the increase in the number of prisoners in developed countries are only partly explained by variations in rates of crime.

A person's rights while imprisoned vary slightly depending on where they are incarcerated and at what stage of the criminal process their case may be. Inmates at the pre-trial stage (i.e., those who are in jail awaiting trial) have the right to be housed in humane facilities and cannot be "punished" or treated as guilty while they await trial. All other inmates generally have all the other rights described below. Every inmate has the right to be free from inhumane treatment or anything that could be considered "cruel and unusual" punishment. The following are held as these punishments:

- Drawing and Quartering
- Disemboweling
- Beheading
- Public Dissection
- Burning Alive

It was as well established that other punishments would not be allowed, so that today, any punishment that is considered inhumane treatment or a violation of a person's basic dignity might be considered cruel and unusual. However, this treatment usually must be reviewed on a case-by-case basis by the courts. Studies show various indicators of inhumane and cruel practices in 155 nations. Substandard conditions and violations of basic human rights are found in over one-half of the nations. Overcrowding, violence, sexual abuse, and other conditions pose grave risks to prisoner health and safety. Mistreatment of prisoners based on race, sex, gender identity, or disability remain far too common. The levels of economic development, religion, and political structure are found to be related to a nation's prison practices.

Each day, men, women, and children behind bars suffer needlessly from lack of access to adequate medical and mental health care. Chronic illnesses go untreated, emergencies are ignored, and patients with serious mental illness fail to receive necessary care. For some patients, poor medical care turns a minor sentence into a death sentence. Individuals retain certain fundamental rights, even when incarcerated. the loss of an individual's right to liberty is enforced by containment in a closed environment. This keeping of the individual in the custody of the State, should not, however, have deleterious effects on the health of those persons. This is unfortunately precisely the case – to some degree or another – in many of the world's prisons. Public health policies are meant to ensure the best possible conditions for all members of society, so that everyone can be healthy. Prisoners are often forgotten in this equation. Prisoners enter and leave prisons. They are released if found innocent. They come and go from prison during the investigation and for trial. Furthermore, they are often transferred, for a variety of reasons, from one prison to another. Prisoners are in contact with many different people who go in and out of the prison every day. Prison guards, prison staff, medical personnel, delivery persons, and repairmen, not to mention family visitors and lawyers, come and go every day. Prisoners eventually are released from prison when they have served their time, or occasionally when there is an amnesty. This turnover and constant movement in and out of prison makes it all the more important to control any contagious disease within the prison so that it does not spread into the outside community. A prisoner's connections to their family or religious community may be their only source of hope. Stripped of these connections, a person will not only endure more difficulties during incarceration, but may also lack the community ties necessary to assist them upon release. Communication between prisoners and the outside world permits prisoners to preserve ties with their families and friends, while also allowing the public a means of oversight over conditions inside these closed facilities. Religious communities provide a vital network of support for prisoners and can play an important role in easing a prisoner's transition back into the community upon release. Nonetheless, jails and prisons throughout the country frequently violate the religious rights of prisoners.

Populations to consider:

- • **Mentally ill Prisoners:** An estimated 450 million people worldwide suffer from mental or behavioral disorders . These disorders are especially prevalent in prison populations. The disproportionately high rate of mental disorders in prisons is related to several factors: the widespread misconception that all people with mental disorders are a danger to the public; the general intolerance of many societies to difficult or disturbing behavior; the failure to promote treatment, care and rehabilitation, and, above all, the lack of, or poor access to, mental health services in many countries. Many of these disorders may be present before admission to prison, and may be further exacerbated by the stress of imprisonment. However, mental disorders may also develop during imprisonment itself as a consequence of prevailing conditions and also possibly due to torture or other human

rights violations. In some countries, people with severe mental disorders are inappropriately locked up in prisons simply because of the lack of mental health services. People with substance abuse disorders or people who, at least in part due to a mental disorder, have committed minor offences are often sent to prison rather than treated for their disorder. These disorders therefore continue to go unnoticed, undiagnosed and untreated

- • Foreign Prisoners: Nowadays practice on the transfer of prisoners or Transfer of Sentenced Person (TSP) has growing in numbers. TSP itself is a practice that allows foreign prisoners who have been sentenced and imprisoned in one country can be returned to their home country to serve their sentences. Practice on TSP is commonly played out by countries, whether through multilateral agreements or bilateral agreements. One of the reasons underlying the practice of TSP is as a manifestation of human rights protection for prisoners. This is consistent with criminal punishment, where state - as representative of all citizens who feel aggrieved - adjudicates and sentences the perpetrator in question as a price to be paid for his actions, without considering the status, position, and/or nationality. Due to the fact that some international agreements are primarily national in character, their benefits are not "felt" directly by any particular citizen, but rather by the public in general. This is the case with treaties of peace and extradition. Other agreements, although beneficial to the nation as a whole, operate primarily through individuals, who serve as their direct beneficiaries. A prisoner transfer treaty is an unequal mixture of the two, with the individual benefit component far outweighing the public benefit component.
- • Women in Prison: In the last 25 years, the number of women and girls caught in the criminal justice system has skyrocketed; many have been swept up in the War on Drugs and subject to increasingly punitive sentencing policies for nonviolent offenders. Many of these women struggle with substance abuse, mental illness, and histories of physical and sexual abuse. Few get the services they need. The toll on women, girls, and their families is devastating. Access to medical care, the shackling of pregnant prisoners, and over incarceration of pregnant women are all issues of major concern. Whether an incarcerated woman decides to carry her pregnancy to term or have an abortion, she has the right to obtain appropriate medical care. Globally more than half a million women and girls are in prison serving a sentence following conviction, or awaiting trial and therefore to be presumed innocent. Criminal justice systems routinely overlook the specific needs of these women and girls, who represent an estimated two to nine per cent of national prison populations. Treating women offenders in the same way as men will not achieve gender equality. The circumstances in which women commit criminal offences are different from men. A considerable proportion of women offenders are in prison as a direct or indirect result of multiple layers of discrimination and deprivation. Women mainly commit petty crimes closely linked to poverty, such as theft, fraud and minor drug related offences. Only a small minority of women are convicted of violent offences, and a large majority of them

have been victims of violence themselves. The UN Bangkok Rules seek to address these needs. The Rules are crucial to protecting the rights of women offenders and prisoners, explicitly addressing the different needs that women have and the different situations they come from. The Bangkok Rules are also the first international instrument to address the needs of children in prison with their parents. Because women and girls represent less than a tenth of the prison population their characteristics and needs have remained unacknowledged and largely unmet by criminal justice systems. Prisons and their regimes – from the architecture and security procedures to healthcare, family contact and training opportunities – are usually designed for men.

- The United Nations Office on Drugs and Crime holds a list of standards and notes establishing the correct treatment of Prisoners apart from alternatives and other more specific cases to which attention must be directed:

Treatment of Prisoners

- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)
- Basic Principles for the Treatment of Prisoners (1990)
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)

Alternatives to imprisonment

- United Nations Standard Minimum Rules for Non-custodial Measures—“the Tokyo Rules” (1990)
- Basic Principles on the Use of Restorative Justice Programs in Criminal Matters (2000)

Women offenders and prisoners

- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders—“the Bangkok Rules” (2010)
- Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (2010)

Children deprived of their liberty

- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (1985)
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)
- United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (2014)

Foreign prisoners

- Model Agreement on the Transfer of Foreign Prisoners and Recommendations on the Treatment of Foreign Prisoners (1985)

Access to legal aid

- United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012)

Crime prevention

- United Nations Guidelines for the Prevention of Crime (2002)
- United Nations Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention (1995)
- United Nations Guidelines for the Prevention of Juvenile Delinquency—Riyadh Guidelines (1990)

Key Concepts:

- **Penitentiary System:** Prison is a place used for confinement of convicted criminals. Confinement in prison, also known as a penitentiary or correctional facility, is the punishment that courts most commonly impose for serious crimes, such as felonies.
- **Juvenile:** An individual under the age of 18 is considered a juvenile. Anyone who is not of a legal age is never locked up in a general prison with adults. They are instead placed in a facility that is designed exclusively for juveniles.
- **Minimum security prisons:** usually reserved for white collar criminals who have committed acts such as embezzlement or fraud. Although these are serious crimes, they are non-violent in nature and therefore the perpetrators are not considered to be a risk for violence. These perpetrators are sent to facilities that offer a dormitory-type living environment, fewer guards, and more personal freedoms.
- **Medium security prisons:** the standard facilities used to house most criminals. They feature cage-style housing, armed guards, and a much more regimented daily routine than minimum security.
- **High security prisons:** reserved for the most violent and dangerous offenders. These prisons include far more guards than both minimum and medium security, and very little freedom. Each person confined to such a prison is considered to be a high-risk individual.
- **Psychiatric:** Law-breakers who are deemed to be mentally unfit are sent to psychiatric prisons that are designed with resemblances to hospitals. Once there, the inmates, or patients, receive psychiatric help for their mental disorders. As with any prison that pursues methods of rehabilitation, psychiatric prisons are intended to try and help people as opposed to just confining them as a means of punishment.

- Military: Every branch of the military has its own prison facilities that are used specifically for military personnel who have broken laws that affect national security, or to house prisoners of war. The treatment of these prisoners has been a subject of much debate in recent times, and the definition of torture for enemy combatants has become a controversial and often discussed topic.

Guiding Questions

1. Why are criminal rights before, during and after imprisonment, a concern of the international community and your country itself?
2. Do mentally ill prisoners have different implications, rights, or treatment?
3. If there are foreign prisoners, what protocol does your country follow?
4. What does your country do to treat penitentiary cases?
5. How does your country ensure the accomplishment of human rights regarding imprisoned citizens?
6. Which is the position of your country regarding women's rights in imprisoning situations?
7. What are the social and humanitarian conditions that an imprisoned person receives in your country?
8. What solutions can your country provide to avoid imprisonment crisis about the lack of human rights?
9. Is there a need to present a new organism of defense for imprisoned people, or are the ones already created enough?
10. If the infrastructure of penitentiary system need improving, how would the system change, which would be the construction plan, and which are the consequences of modifying the system?

Support links:

1. <https://www.lamarea.com/2016/11/24/cultura-la-violacion-complicidad-silencio-torno-la-violencia-sexual/>
2. <https://www.hrw.org/es/about>
3. <https://www.humanium.org/en/eliminating-sexual-violence/>
4. <https://collegestats.org/resources/sexual-assault-prevention/>
5. https://oig.cepal.org/sites/default/files/9789275316351_spa.pdf
6. <https://www.unwomen.org/es/what-we-do/ending-violence-against-women/facts-and-figures>
7. <https://www.msn.com/es-co/noticias/otras/alarmantes-cifras-de-violencia-sexual-contrahombres/ar-BBUTBao>

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