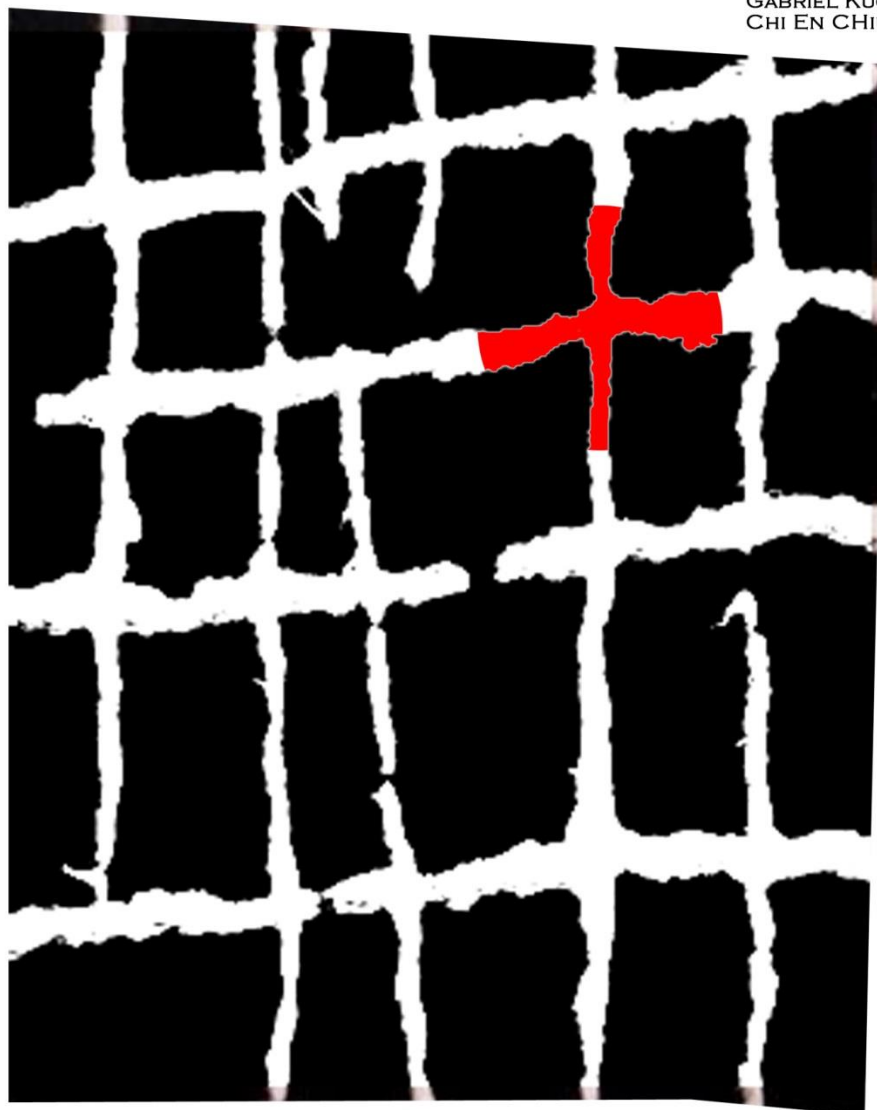


GABRIEL KUO
CHI EN CHIU



VULNERABLE
POPULATIONS
IN
PRISON

HSMUN
2014

COMMISSION ON CRIME PREVENTION
AND CRIMINAL JUSTICE

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LETTER FROM SECRETARY GENERAL



Dear delegates,

My name is Violet Lee, presently a sophomore majors in Business Administration in National Taiwan University. I would like to extend my warmest greetings to all High School Model United Nations 2014 delegates on behalf of the host team. HSMUN has dedicated to provide a conference with the highest academic standard in Taiwan. We wish to enliven the true spirit of Model UN through outstanding diplomacy during the conference and fun during the form of summer camp.

I commenced my Model UN career since I was a freshman in high school. Since then, I started to participate in various Model UN conferences including PKUNMUN, TMUN, and NSMUN. Each of them was unique and inspiring. I think that MUN is the place where we challenge ourselves and make progress. During the conference, delegates are encouraged to speak out your own thoughts, to exchange ideas and to cooperate with others. After you walk out the conference room, you should not only have proper academic knowledge but also sincere caring for the world.

The following study guide is prepared for you by the Department of Academics, namely the Chair and Assistant Chairs of your assigned committee. It should be the stepping stone that guides you through your research, providing fundamental understanding for the issues at hand but not solely rely on. The host team is looking forward to meeting all of you in July. Be prepared to learn and have fun!

Warmest Regards,
Violet Lee

Violet Lee

Secretary-General
High School Model United Nations 2014

LETTER FROM UNDER-SECRETARY GENERAL OF ACADEMICS



Distinguished delegates,

Greetings! I would like to, on behalf of the department of the Academics, send out sincere welcomeness for you to join in HSMUN 2014. It is our pleasure to have you as a delegate this year. I am Ederson Chang, serving as your director of Academics this year. I'm a rising junior majoring in Business Administration in National Taiwan University.

Comparing to a lot of you guys in the seat, my MUN career started rather late. It did not start until 2012 in PAMUN Security Council in the Freshman year of college. Ever since the conference started, I know that this is the place I belong to. For the past year, alongside with my wonderful colleagues, we put a great effort on making this community better. Today, we want to bring the same high quality of Model United Nations we seek for to you. We strive to bring you, not merely a conference, but life-changing four-day enjoyment.

This year, we have set up four committees, which tackle the world issues in difference aspects. In the Commission of Crime Prevention and Criminal Justice, we would be discussing Vulnerable Populations in Prison, an essential issue where barely any conference in Taiwan have ever discussed about. Delegates of the General Assembly Fourth Committee, namely Special, Political and Decolonization committee, would focus on solving statelessness problems. The Economic and Social Council would tackle the catastrophe caused in tropical areas affected by climate change through the means of disaster management. The United Nations Security Council this year will be debating over the situation of South China Sea, seeking for an ultimate solution to reach peace in the controversial ocean.

Abreast with the conference, we have also prepared lectures on the United Nations and Rules of Procedures as well as English training sessions. We wish the best to you with your preparations and sincerely hopes that the HSMUN 2014 could be the conference where you learn, enjoy, and have fun.

"We born in one world, we born with one heart."

Can't wait to meet all of you in July! See you then!

Best regards,

Ederson, Yu-Cheng Chang



Under-Secretary General of Academics
High School Model United Nations 2014

LETTER FROM CHAIR



Dear Delegates,

Greetings! It is my pleasure to welcome you to the Commission on Crime Prevention and Criminal Justice (CCPCJ) at High School MUN 2014. My name is YuMin Lin, and I am a rising junior studying Medicine at National Taiwan University. Together on the Dais with me are my Assistant Chairs Afra Wu, Jason Yeh and Jaffeny Chen, who will be sophomore in Library and Information Science, junior in Electrical Engineering, and junior in the department of health care management after this summer respectively. Afra and Jason study in National Taiwan University, and Jaffeny is from Chang Gung University. Together, we strive to bring you the best conference experience possible at HSMUN 2014.

The Commission on Crime Prevention and Criminal Justice (CCPCJ) is one of the functional commissions under the Economic and Social Council (ECOSOC). The commission acts as an integrating and principal policy-making body for United Nations actions relevant to crime prevention. The CCPCJ consists of representatives from 40 member states, with each member receiving one vote on all procedural and substantive matters. This year in HSMUN 2014, the CCPCJ will be discussing “Vulnerable Populations in Prison”. By definition, prisons are facilities in which prisoners are confined and denied a variety of freedoms under the authority of the state as a form of punishment. However, prisoners often suffer from other forms of violation to their basic human rights, especially when some prisoners are physically or psychologically vulnerable because of their gender or health and social status.

We sincerely hope that you can gain an amazing conference experience, learn as much as possible, and most importantly, have as much fun as we did! Should you have any questions, feel free to contact the Dais team. We look forward to meeting you all in July!

Sincerely,
YuMin Lin

Chair, The Commission on Crime Prevention and Criminal Justice
High School Model United Nations 2014

COMMITTEE INTRODUCTION



In the early 1990s, the General Assembly (GA) was concerned about the severity of increasing criminality, and was aware of the issue that government appends a lot of money on fighting crime, particularly the transnational crime. To solve these problems, the Economic and Social Council (ECOSOC), requested by the General Assembly resolution A/RES/46/152, adopted resolution 1992/1 to create the Commission on Crime Prevention and Criminal Justice (CCPCJ).¹

In resolution 1992/22, the ECOSOC points out the functions and authority of the CCPCJ. The priorities focus on the followings: “National and transnational crime, organized crime, economic crime, including money laundering, and the role of criminal law in the protection of the environment; crime prevention in urban areas, juvenile and violent criminality; efficiency, fairness and improvement in the management and administration of criminal justice and related systems.”²

In 2006, the CCPCJ was authorized with broader jurisdiction by GA resolution A/RES/61/252, which the CCPCJ is empowered to function as the governing agency of the United Nations Office on Drugs and Crime (UNODC), and to ratify the United Nations Crime Prevention and Criminal Justice Fund. The aim of the fund is to “provide resources for technical assistance in the field of crime prevention and criminal justice worldwide.”³


The CCPCJ’s priorities can be divided into four parts. First, CCPCJ is a functional commission of ECOSOC. The mandate is to monitor the criminal conditions, and to advance criminal laws in order to take precautions against the increasing of criminal offences. Second, the commission offers recommendations and directions for the United Nations Crime Congress, also known as United Nations Congress on Crime Prevention and Criminal Justice, held every five-year since 1955. CCPCJ now acts as the preparatory bodies of the United Nations Crime Congress. The Congress invites stakeholders including policy-makers, experts from academia, and representatives from civil society and media, to contribute to standard-setting and policy-making in crime prevention and criminal justice.⁴ The CCPCJ will have careful

considerations for resolutions depending on the result of the congress. Third, the CCPCJ is the governing agency of the UNODC. The UNODC has the power to approve and examine the budget of the United Nations Crime Prevention and Criminal Justice Fund, providing assistance around the world. Last but not least, the CCPCJ has a close connection with the United Nations Crime Prevention and Criminal Justice Programme Network. There are 18 programmes including UNODC, built as a complete network to support the UN activities on crime prevention and criminal justice all over the world.⁵

There are 40 members in the commission, each with a two-year term in office. The first meeting was held in Vienna, April 21-30 1992.⁶ This year, in 2014, the 23rd session will be held May 12-16 in Vienna, with the topic set to be "International Cooperation in Criminal Matters".⁷

In conclusion, the CCPCJ directs the United Nations system of crime prevention and criminal justice, by setting up a platform to facilitate the global discussion, cooperation and experience sharing. Through these efforts, the CCPCJ manage to improve the effectiveness and efficiency of criminal justice system on crime prevention.

TOPIC: VULNERABLE POPULATIONS IN PRISON



Definition

Certain groups of people are particularly vulnerable inside prisons for their low status in society, their physical or psychological vulnerability.

Demographics with such characteristics are more susceptible to recidivism or further deterioration of health and personal safety. These groups include women, those with mental illness, and children and youth.⁸

Moral debate on death penalty is excluded from the agenda.

Statement of the Problem

Prisoners' rights recently started to receive mounted attention due to increasing rates of detention and imprisonment. It was first addressed globally after World War II when information concerning the poor conditions of prisons was disclosed.⁹ The abuse of civil rights and liberties, discrimination against, and inhuman treatment of prisoners prompted the establishment of the United Nations Standard Minimum Rules for the Treatment of Prisoners. The document provides international standards for treatment of all those who have been incarcerated, including laying out general standards for inmates such as medical services, illness, transfer and daily essentials.¹⁰ However, it lacks differentiate the needs of female and male inmates, and ignored the associated health risks to which prisoners are exposed in, include declines in mental and physical health for vulnerable groups.

The Convention on the Rights of Persons with Disabilities and the Beijing Rules raised attention concerning the rights of vulnerable groups in prisons. Highlighted in Article 13, the Convention aims to “ensure effective access to justice for persons with disabilities on an equal basis with others.” The convention reaffirms that it is necessary to provide the mentally ill with special prison treatment, while maintaining their equal human rights.

In addition to these guidelines in international law, the United Nations has released various documents regarding the vulnerable prisoners with special needs.

In 2009, the United Nations Office on Drugs and Crime (UNODC) published *The Handbook on Prisoners with Special Needs* to provide technical assistance to countries undergoing criminal justice reform, offering NGOs, prison staff, policymakers and legislators a manual available in 23 different languages to protect prisoners' rights.¹¹ Furthermore, the Bangkok Rules, established in 2011, emphasize the importance of proper treatment to female prisoners in order to meet their specific needs. All these documents accentuate the importance of protection of prisoners' human rights; despite these advances, there is still much to be done with regard to improving prison conditions, especially making prisons or other penal institutions more suitable for vulnerable populations.

Further Discussion

Children in Prison

Throughout the world, many children live in prison. Statistics from the Defense for Children International shows that up to one million children are in detention because they have come into conflict with the law.¹²

For children that have been incarcerated due to violation of the law, issues including suitable sentences and suitable detention facilities have arisen in debate. In 2005, the U.S. Supreme Court declared in *Roper v. Simmons* that death by execution is unconstitutional for juveniles. Before the ruling, 365 children had been legally executed in the United States, including 22 since 1985. Nevertheless, even with the court's ban on juvenile execution, nearly 3000 children in the United States have been sentenced to death in prison without the possibility of parole.¹³

The minimum age of children to receive any sort of criminal prosecution is another major issue as researches show that imprisoning children was unlikely to act as an effective deterrent. While such age minimums differ between nations, some argue that the adult prosecution, especially prosecution for non-violent crime of any children under the age 14 should be removed.¹⁴

Regardless of the crime committed, it is strongly argued that all children and juveniles should not be housed in adult jails and should be detained separately in environments that can provide the needed safety and education. Some 100,000 children are imprisoned in adult prisons worldwide.¹⁵ Children are five times more likely to be sexually assaulted in adult prisons than in juvenile facilities in which raise

risk of suicide.¹⁶ When minors are locked into adult jails, they cannot acquire educational opportunities needed for growth or rehabilitation purposes, which makes it even more difficult for these youth to reintegrate themselves into society and thus, expose themselves to further criminal activity.

Female Imprisonment

After imprisonment, a woman is likely to encounter a different set of problems than a fellow male inmate because most prisons are set up exclusively to deal with male prisoners. One primary concern is the inadequacy of physical and mental health care. Approximately 80% of female prisoners are subjects to mental illness and are more likely to harm themselves.¹⁷ Women also have specific needs for reproductive health and nutrition, which cannot always be addressed by primary healthcare services in jail that were designed to merely treat men due to the historically greater population of males to females in prison.¹⁸

In addition to specific healthcare needs, the incidence of sexual violence and exploitation is also higher in female prisoners. In many cases, it has been noted that female prisoners have been coerced into sex by prison staff in return for favors such as alcohol and cigarettes.¹⁹ The significantly higher percentage of drug user rate of woman prisoners compared to male prisoners boost the situation, creating the issue of female-prisoners' pregnancy.²⁰ In order to alleviate the situation, many countries have established separate detention facilities for women. Despite the effort, sexual abuse still remains a serious problem in prison.

Mental Illness in Prisons

The Equivalence Principle states that incarcerated individuals should receive equal healthcare that would otherwise be available to them outside of the penal system.^{21,22} However, recent studies have shown that between 40% to 60% of prisoners are in need of mental health awareness programs are currently lacking access.^{23,24}

In addition to the current overlook on mental illness, the recent global economic decline has led to severe cuts in prison spending, leading to a lack of health resources. One of those costs includes healthcare screening, which results in many patients being overlooked. Statistics indicate between 6% to 12% of total prisoners require treatment

in specialized institutions, another 30% to 50% require further assistance from healthcare services, and 40% to 60% would benefit from mental health promotion and awareness. These statistics reveal the vast gap that currently exists within in the current prison healthcare system and the need for further reform.²⁵

Case Study

Much attention has been put on the issue of prison reform and alternatives for imprisonment recently. In many cases, prisons generally do not uphold individuals' dignity and human rights, but the details and problems vary in different regions. There are four cases are presented below. However, it should be noted that specific problems occur in different regions including but not limited to the regions listed, and usually there will be more than one problem in the same region. Delegates should bear in mind that while the real situation in prison is often more complex, and these cases might offer us a glance at the common reasons behind problems.

Juvenile Prison in South Africa

Stated by the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (A/RES/45/113), detention facilities should ensure that juveniles have personal clothing suitable for the weather and receives appropriate food presented at normal meal times and of quality and quantity to meet the standards of dietetics, hygiene and health. Furthermore, juveniles in compulsory school age have the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society.²⁶

The shortage and poor condition of clothing happens in many prisons, and it certainly affects children's personal dignity. Convicted children had often been provided with only one or two sets of clothes. Many other children pending on trial are even worse off. In 2012, an update report of situation analysis of children in prison in South Africa points out that children in prison often wear their own 'bedraggled' clothes and often have no shoes to put on throughout the seasons.²⁷ Also, food and meals are a major problem. Generally, only two meals are served a day, the menu is much the same. The poor nutrition and long-waiting period of the food given to the children starves the children, harming both mentally and physically of the children.²⁸ Furthermore, only a very few prisons have complete school facilities that

cater for formal school education. Most prisons encounter problems including staff shortages, overcrowding, inadequate facilities and resources. In some prisons, there are no facilities to educate at all.²⁹

Mistreatment of Prisoners in Middle East

The instability and lack of resources in the region often lead to the use of harsh punishments such as arbitrary detention and death penalty. Not to mention that there is barely any alternative detention to protect women, children, and the mentally ill. In 2013, a statement by detainees smuggled out of jails, Amnesty International, and Human Rights Watch, accused the government of United Arab Emirates (UAE) of systemic mistreatment. The torture that detainees subjected to clearly meets the definition of torture as outlined in Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the UAE ratified in July 2012. People on trial for plotting to overthrow the government described psychological and physical torture, inter alia, prolonged solitary confinement, exposure to continuous fluorescent lighting that made it difficult to sleep, inadequate heating, and repeated insult by prison guards. In addition, medical examination ordered by the judge was not actually implemented in the prison. This was not the first time that international organizations along with victims charge the UAE government of mistreatment of prisoners and violation of human rights. While international society has called upon the UAE government to order investigation and improve the situation, the foreign minister, Dr. Anwar Gargash, told the UN Human Rights Council in Geneva that “the UAE will dealt with in accordance with the laws of our country.”³⁰ Likewise, the judiciary system in Iraq was described as weak and plagued by corruption, with convictions frequently based on coerced confessions, and trial proceedings that fall far short of international standards. "Both men and women suffer from the severe flaws of the criminal justice system, but women suffer a double burden due to their second-class status in Iraqi society," the Human Right Watch (HRW) said.³¹ Further legislation and reformation of the prison and court system will be vital for all human, especially for the vulnerable populations in this region.

Mentally ill prisoners in North America and Europe

About 25% to 50% of the mentally ill population had been convicted, sued or in other forms in the criminal justice system.³² Even in countries providing restorative justice, alternative sanctions for the mentally ill and children, and separate detainment of female and male prisoners, the treatment of prisoners with mental illness is still a thorny issue. Recent figures in Canada indicate that nearly 35 percent of the 13,300 inmates in federal penitentiaries with mental impairment requiring further treatment.³³ Many patients wound up on the street when neighborhoods shunned them and social-service agencies failed to provide adequate housing or care, which led to the deterioration of their mental state and turned them into crime. When mentally impaired inmates do not get appropriate treatment, they are unlikely to qualify for early parole, winding up warehoused until their sentences are over. However, at the same time, it is not plausible for the mental ill prisoner to be provided with completed treatment due to the limited court remands or sentences usually less than two year.³⁴ Parole officers and relevant workers, if there are some, do not have sufficient time to effectively help the patients learn to return to the community, which results in a higher risk of recidivism. Alternatives to incarceration including mental health courts and other prison reform to deal with these cases should be considered and discussed.

Prisoners in Latin America

The prisons in Latin America locks up a larger and rising percentage of its population compared to most part of the world, but only few Latin American prisons does function punishing and rehabilitating properly.³⁵ In fact, prisoners often face brutal torture due to overcrowding, lack of resource, and the fact that many jails are themselves run by criminal gangs. In 2012, the Human Rights Council visited the Romeu Gonçalves de Abrantes prison in Brazil, after which they found the prison to be overcrowded, unsanitary, and housing prisoners with untreated illness and injuries.³⁶ This is not a unique case but a common case in prisons throughout Latin America. In Venezuela, as many as 600 prisoners are killed annually, signaling the life-threatening situations in overcrowded and underfunded prisons.³⁷ The terrible conditions in Latin America should be put under serious discussion.

In Brazil, the prison population has increased by 251% in Brazil since 1992, resulting in the lack of resources, mass overcrowding, lack of rehabilitations, and

violations of human rights in prisons.³⁸ Moreover, one of Brazil's leading gangs, the Primeiro Comando da Capital (PCC), prevails within the prison system to cause turmoil among populations. Youth and children in prison are often conscripted into the PCC, further resulting in increasing recidivism. The PCC is in control of many of the prisons across the country, often led to internal violence and additional human rights violations.³⁹

In several prisons in Latin America, inhuman treatment and abuse of human rights are not limited to vulnerable populations. As a result, efforts to improve the conditions for vulnerable populations in prison shall also take political, economic, and social climates as well as overall criminal justice system into consideration.

Past Actions

Many conventions have been past in the past century. The Third Geneva Convention was updated and adopted by the UN in the 1950s.⁴⁰ After World War II, prison laws were addressed for the very first time since the intolerable prison conditions was exposed. United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners was legislated in order to enhance prison conditions.⁴¹

The United Nations' Standard Minimum Rules for the Treatment of Prisoners lays out the general standards for prisoners including aspects such as medical services, illness, transfer, and daily essentials.⁴² Additionally, it highlights further steps for those individuals who require treatment, education, social reintegration programs, and the needs of mentally disabled prisoners.⁴³ However, the difference between the needs of men and women, possible alternatives to imprisonment and health risks regarding mentally and physically declining for specific populations was not mentioned.

Following the previous document, the International Covenant on Civil and Political Rights was created in 1966, stating that, "any person deprived of their liberty shall be treated with humanity and dignity." The document also points out the importance of alternatives and separate pre-detention facilities for juveniles, which takes a step further to protect vulnerable groups.⁴⁴

In 21st century, other conventions regarding the rights of vulnerable population have been established. The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was established in 2002, allowing further scrutinize on the living privilege of prisoners, and also focusing on prevention

of inhuman torture on prisoners.⁴⁵ In recent years, the Convention on the Rights of Persons with Disabilities and the Beijing Rules aims to “ensure effective access to justice for persons with disabilities on an equal basis with others.”⁴⁶ These conventions restate the necessities to provide the mentally ill with specific prison treatment, while maintaining the human rights for all prisoners.

In addition to these guidelines in international agreements, United Nations published other documents concerning prisoners with special needs. There are a series of addition documents created by the UNODC in order to provide a multidisciplinary perspective on the status of vulnerable needs in prisons. In 2009, the UNODC published *The Handbook on Prisoners with Special Needs*.⁴⁷ The handbook is designed to provide technical assistance for criminal justice reform, serving as the manual of many prisons in the world.

Concerning the particular needs of women in prison, which remained unsolved in the Standard Minimum Rules, United Nations General Assembly adopted United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) in December, 2010.⁴⁸ The Bangkok Rules response to the specific female needs in the criminal justice system by standards focusing on prison management, prisoners under sentence and arrest, and women committing minor offences and not physically able to serve sentence.⁴⁹

Possible Solutions

Much effort has been devoted by different organizations to the establishment of committees, international agreements and standards to protect populations in prison. In addition to general principles and standards, possible prison reform that has been suggested or implemented in some countries includes mental health courts and mental rehabilitation center, drug courts and drug treatment programmes, special units for mother and their young children, family-based community programmes in which youth offenders work with their family and specialists in designing treatment programmes.⁴⁹⁵⁰⁵¹

Though efforts and attempts have been made to tackle the issue, there is still much to be done, and to ensure the implementation of exist agreements. Serving as an integrating agency for UN actions on criminal justice, CCPCJ may go a step further by summarizing and organizing previous promises in international agreements. To

achieve this goal, research beyond this background guide will be deemed necessary. Delegates are strongly suggested to dig deeper into the treaties and the story behind them.

Delegates are expected to come up with innovative ideas, prioritizing, if necessary, and focusing on the parts that should pay more attention, or summarizing what has been agreed on, and have these goals been achieved yet? If not, why? The committee must take into consideration human rights law, functions and powers of UNODC as well as United Nations, and learn from previous experience in order to improve prison conditions on a global scale.

Questions A Resolution Must Answer

1. Prisoners are different from other people that prisoners are deprived of liberty, because they violate national law. Punishment for people involved in illegal activities functions to teach people to obey the rules so that all citizens' rights can be guaranteed. Considering the crime committed, do prisoners still hold the same rights with other citizens? What international agreements or standards regarding human rights can be applied to prisoners? Are they comprehensive?
2. Problems concerning criminal justice vary among regions and countries. Do they share any characteristics or underlying reasons? Or are they all different? Can they be solved by a general standard? How should CCPCJ and United Nations tackle the problems with such great variance among countries? When drafting solutions, delegates may view the issue from global, regional, and national scales.
3. CCPCJ serves as the integrating committee for UN actions on criminal justice. What actions have been taken by CCPCJ, United Nations, and other relevant organizations? What has been agreed before by international society? Do these actions function as they were designed? If yes, what is left to be solved? If not, why it failed?

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