

Proceedings Book of the International Symposium on Gender and Prison Culture

Coimbra, October; 16th and 17th 2020

[Online Format]

Organizing Committee @SIGeP2020:

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Following the success of the 1st edition of SIGeP, included in the 56th International Congress of Americanists, held in Salamanca in 2018, the II International Symposium on Gender and Prison Culture (SIGeP2020), held on October 16 and 17, 2020, in a virtual/online format, under the question:

Is prison a democratic space?

The story of prisons is narrated under the scope of gender, in a male-female dyad, where there is no place for diversity and there are no possibilities for the full achievement of the personality.

Women are often underrepresented in a connection established between prison and the dominant patriarchal culture and legal systems, often thought from the dominant masculine. This led us to question:

Is prison a democratic space?

Prison, as a solution, keep the exotic vision of reintegration, which is transversal to men and women who momentarily seek to solve their most immediate problems outside the social order.

This event was promoted by the project Law & Social, LAB in collaboration with Associação Tocantinense do Ministério Público, ISMAI – University Institute of Maia, through the Research Unit in Criminology and Behavioural Sciences, and IBEROJUR – Iberoamerican Institute of Legal Studies.

This event would not also be possible to realize without the collaboration of our partners: Human Rights Observatory and Coimbra Regional Directorate of the National Association of Young Portuguese Lawyers.

A special thanks to the Plenary Sessions Speakers and Parallel Session' chairs:

*Ricardo Loureiro, Raquel Matos, Maria Acale
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Catarina Frois, Inês Viterbo, Paulyne Figueiredo,
Isabelle de Figueiredo, Sílvia Gomes, Rogério Mota,
Miriam Pina, Sergio Grossi, Alessandra Prado,
Anabela Brízido, Cristiane de Souza Reis.*

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FOREWORD IN PORTUGUESE

FOREWORD

ANTÓNIO PEDRO DORES

Será a prisão democrática?

A ciência não deve ser um receituário de respostas, tradicionais ou críticas. A ciência é a arte de fazer perguntas susceptíveis de apoiar o aprofundamento dos conhecimentos.

O nosso simpósio internacional foi organizado em torno de perguntas fundamentais (qual é a relação entre género e prisões?) desmultiplicadas nesta edição na pergunta que serve de título (qual é a relação entre género e democracias?).

A nossa língua trata como femininos os nomes de prisão e democracia, em contraste com o masculino de crime e governo. Parece natural, a esta luz, que sejam desproporcionadamente homens quem mais frequenta as penitenciárias, por serem criminosos apanhados, e os corredores do poder, por serem governantes proactivos. Há movimentos feministas concentrados na exigência de paridade sexual nos lugares de poder. Ninguém reclama paridade na população penitenciária. Para os poderosos o masculino é representado em cima; para os humilhados o masculino é representado em baixo.

Insisto: fazer ciência não é dar respostas, explicar as estranhas relações entre o género das palavras e das pessoas. Fazer ciência é manter as perguntas vivas, recusando a naturalização do status-quo.

Foucault propôs a adopção do método genealógico como modo de descobrir as origens das palavras e das

organizações, bem como as tendências de transformação social que as utilizam. Segundo esse método, pode pensar-se que o género será a classificação mais antiga, desde que se começou a dizer alguma coisa, como mamã, e se aprendeu a fragilidade-potencialidade própria da infância e de quem cuida dela. Por outro lado, a democracia terá apenas três mil anos, celebrada em Atenas na confiança nos seus cidadãos, homens e livres. As questões de género estão bastante mais naturalizadas, são muito menos questionadas, do que a democracia. O tempo torna a cultura incorporada em herança genética. Mas a cultura, sobretudo a que usa o método genealógico, pode (ou não) recuperar a herança genética e, com trabalho e tempo suficientes, desinscrever, excorpar, abolir, os estigmas, os preconceitos, as discriminações incorporadas?

A classificação de género está polemicamente associada à supremacia do masculino e dos homens em quase todas as sociedades conhecidas (há quem insista em que tal conclusão é apenas uma percepção cultural enviesada, naturalizada pelo patriarcalismo). Pode pensar-se ser uma coisa natural a superioridade da força física e da proactividade masculino, usada frequentemente para explicar a desproporção estatística do sexo dos criminosos e prisioneiros. A democracia é uma aspiração milenar, contra a ordem imperial, contra a centralização das tomadas de decisão nas elites, partindo do princípio que a inteligência colectiva é mais eficaz e pacífica do que a ditadura. A

FOREWORD IN PORTUGUESE

FOREWORD - ANTÓNIO PEDRO DORES

prisão, invenção mais recente que o género e a democracia, nem é natural, nem é inteligente, nem é centralizável. É supermacista, à margem da lei e à disposição de todas as elites: é uma repugnante escola que ensina a arbitrariedade imperial como se fosse natural. A prisão é a institucionalização do sequestro e dos efeitos discriminatórios espontaneamente produzidos entre elites (sequestradores) e o vulgo (sequestrados e submissos). A prisão naturaliza as discriminações, tornando os presos em criminosos, com a notável excepção das elites. Quando uma pessoa de elite vai presa, pode alegar com sucesso estar a ser perseguida. O que os presos comuns não podem alegar, pois não contam com nenhuma condescendência social. A prisão é uma escola para o lixo humano produzido pelo capitalismo de forma industrial: é um modo de ameaçar toda a sociedade, em especial os excluídos, com a cumplicidade das próprias vítimas que, na maioria, nunca conheceram outra vida que não fosse a situação de cerco hostil.

Tal como os relâmpagos produziram o fogo que depois passou a ser cuidadosamente mantido para poder ser usado pelas pessoas, conforme testemunha o Zoroastrismo, assim as experiências de sequestro revelaram a síndrome de Estocolmo, isto é, o efeito de subordinação voluntária, de servidão voluntária, produzido em muitas das vítimas. Reconhecidos esses efeitos no comportamento das pessoas, eles foram usados para rituais sacrificiais:

pessoas sequestradas foram educadas a sentir orgulho por serem escolhidas para servir as comunidades como bodes expiatórios. Ter orgulho em serem usadas como meios de comunicação dos grupos humanos com a natureza e/ou Deus, de modo a inspirar os favores divinos indispensáveis à sobrevivência, era a única honra possível para dar sentido àquelas vidas, como o suicídio terrorista é hoje motivo de orgulho para algumas pessoas.

A modernidade acabou com isso. A síndrome de Estocolmo passou a ser usada em massa, através da estratégia do Panopticon levada a cabo pela grande reclusão, que Foucault descreveu. A vida tradicional em liberdade, de que nos falou Ferdinand Tönnies, foi substituída pelas liberdades da reclusão: fechados em casa, ou na fábrica, ou na escola, ou nos lugares de diversão nocturna, ou nos percursos de férias ou resorts, ou nos condomínios fechados, os modernos sentem-se seguros, protegidos pelos estados contra a natureza e as outras pessoas.

As ciências sociais, depois das Guerras Mundiais, profissionalizaram-se com vista a encaminhar toda a gente para os vários reds de reclusão. Chamaram a isso integração social. Até aos anos setenta, o progresso das sociedades ocidentais incluía a perspectiva da abolição das prisões. Imaginava-se então que o que distinguiria as sociedades democráticas das sociedades totalitárias era o facto de (ainda) não haver Gulags no ocidente, como os

FOREWORD IN PORTUGUESE

FOREWORD - ANTÓNIO PEDRO DORES

havia na Rússia e na China. A partir dos anos 80, como mostrou Ruth Gilmore, os ideais progressistas foram superados pelos interesses pragmáticos de manter os povos – os movimentos anti-guerra e anti-racista em particular – subordinados aos interesses dominantes. “Nothing works” é a palavra de ordem charneira e reveladora da profunda transformação social ocorrida na época. A avaliação dura (e certa) de Martinson denunciou a ineficiência do trabalho social para a integração dos ex-presos na sociedade moderna. Ainda hoje é fácil observar o mesmo. Porém, ao contrário do que o autor esperava, a sua avaliação não foi utilizada para questionar a impotência de integração social das sociedades modernas (ainda hoje isso é inquestionável nas ciências sociais). Ao invés, tomando a avaliação como uma resposta definitiva sobre a natureza humana (os criminosos são irrecuperáveis) e ilibando as políticas sociais de responsabilidades (os trabalhadores e as instituições sociais fazem o que podem, embora com índices de sucesso bastante reduzidos), os estados democráticos instalaram um sistema de punições equivalente ao do Gulag, modernizando-o e globalizando-o. Fizeram-no pretextando a contraproducente guerra contra as drogas, a tolerância zero, a contenção dos imigrantes, a guerra contra o terrorismo e o mais que ameaça estar para vir.

As prisões tornaram-se relevantes para a economia e atraíram gente com diferentes sintomas da síndrome de

Estocolmo. Alguns auto-flagelam-se, outros imitam o desprezo dos poderosos relativamente à humanidade, outros usam o sexo para humilhar terceiros. Contraditoriamente, os presos praticam a justiça pelas próprias mãos contra os acusados de abusos sexuais. As prisões e o trabalho dentro delas tornam-se atrativos para alguns neo-nazi-fascistas, como as escolas e infantários são atraentes para abusadores sexuais. Os relatórios de segurança dos estados identificam infiltrações de extrema-direita organizadas com base em elementos que se passaram a ligar entre si, quando as propostas neo-nazi-fascistas começaram a tomar momento no campo da política.

O que os relatórios de segurança não identificam são as origens sociais dos presos, tomados por criminosos. As polícias, como acontece no caso da guerra contra as drogas, em vez de trabalharem para prevenir o crime, isto é, acabar com o tráfico por grosso de armas (monopólio estatal), pessoas e mercadorias ilícitas, dedicam-se a andar atrás do prejuízo, quer dizer, dos trabalhadores informais, geralmente vítimas pessoais do danos na saúde provocados pelo consumo de que o estado não nos consegue (ou não quer) proteger. Os trabalhadores sociais, em vez de procurarem as origens sociais do crime – as crianças, sobretudo as de sexo masculino, mal-tratadas e abandonadas pelas famílias e/ou a cargo de instituições para acolhimento de crianças e jovens – dedicam-se a fazer

FOREWORD IN PORTUGUESE

FOREWORD - ANTÓNIO PEDRO DORES

aquilo que continua a não funcionar: a reintegração social de pessoas adultas tolhidas no berço pelo destino humilhante reservado a muita gente (há notícias de que 1/3 das crianças em Portugal só tomam refeições quentes nas escolas) e que não se quer reconhecer.

A notícia deve ser a da indiferença social pela miséria e a guerra produzidas industrialmente. São suas vítimas privilegiadas as mulheres na primeira linha da miséria que se ocupam de cuidar de quem vive à sua volta, sendo frequentemente abusadas (também sexualmente) pela sociedade que as usa e classificou tradicionalmente como seres humanos de segunda. Essa indiferença estende-se aos pobres e, como modo de justificar o injustificável, aos presos transformados culturalmente em “os” criminosos. As elites têm vergonha de não proteger os miseráveis, e precisam de os responsabilizar pelo seu próprio destino, fabricado nos berços. Então, tratam genericamente como criminosos as vítimas da miséria. Os sistemas de protecção de crianças e jovens, em articulação com o sistema criminal, protegidos pelo sistema de saúde (que não relata o que sabe sobre os abusos praticados por agentes do estado) tornam credível aquilo que é impossível: obviamente, não são os pilha galinhas quem rouba os frutos do trabalho das sociedades. Obviamente, os homicidas profissionais não estão na cadeia – trabalham para organizações públicas e privadas de segurança.

As sociedades modernas produzem os seus bodes expiatórios, destruindo-lhes a vida, para se sentirem seguras. Estamos muito longe de ter superado os ritos e os mitos sacrificiais das sociedades tradicionais que atribuímos ao exotismo.

Para ganhar novo fôlego, a parte intelectual da análise das prisões deve ser capaz de ganhar perspectiva para estudar as origens sociais dos criminosos-presos, marcados à nascença – como acontecia no tempo de Cristo. As prisões não são uma sociedade à parte: são o fundamento imoral das sociedades modernas.

Não basta fazer as articulações indispensáveis entre as políticas de prevenção de riscos em crianças e jovens, de segurança pública, de justiça criminal, penitenciárias, de reinserção social (incluindo escolas). É preciso compreender como é possível as sociedades modernas manterem, dissimuladamente à frente de todos, práticas sacrificiais aplicadas a crianças que nascem de pais eles próprios já sacrificados. Não são apenas as prisões que funcionam contra a lei e ao arrepio das expectativas doutrinária modernas. As prisões, e mais em geral a síndrome de Estocolmo, são a fábrica da imoralidade pública. Elas são o ovo da serpente. A escola do espírito nazi-fascista.

António Pedro Dóres
ISCTE Professor

GENERAL PROGRAM

DAY 1 - OCTOBER 16TH, 2020

9h00 - 9h30

Opening Session

Luís Guerra

Human Rights Observatory

Ana Guerreiro

Organizing Committee

André Paulino Piton

University Institute of Maia

9h30 - 11h30

Plenary Session I

Women and the Justice
System

Vanessa Cavalcanti

Women, Prisons and Dictatorships

Ricardo Loureiro

Justice, Prisons and Women

Raquel Matos

Women of foreign nationality in Portuguese Prisons:
Life Paths and Experiences of Imprisonment

Maria Acale Sánchez

The Revictimization of Criminal Women in Prison

CHAIR: ANA GUERREIRO

11h30 - 13h00

Parallel Sessions I

Gender-Responsive Intervention in Prisons

Women's Invisibilities in the Justice System

LUNCH BREAK

14h30 - 16h00

Parallel Sessions II

Women in the Prison System

16h15 - 18h00

Parallel Sessions III

Parental Experience in the Prison Context

Education and Training in Prison

DAY 2 - OCTOBER 17TH, 2020

9h30 - 11h30

Plenary Session IIPrisons as a Context
of Socialization?**António Pedro Does**

Is Punitive Democracy Democratic?

Catarina FroisInequality and Difference Within Walls:
Reflections on the Female Prison Context**Inês Viterbo**

A "New Normal" for Prisons

CHAIR: MARCO RIBEIRO HENRIQUE

11h30 - 13h00

Parallel Sessions I

Prisons, Mental Health, and Exclusion**Ethnographic Perspectives in Prison:
Meanings of Incarceration, Conceptions
of Justice and Subjectivities****Prisons, Criminal Organizations,
Drug Criminalization, and Incarceration**

LUNCH BREAK

14h30 - 16h00

Parallel Sessions II

**Regional Systems of Human Rights
and Human Rights Violations in Prison****Human Rights, Business, and Prison****Adolescents in the Socio-Educational System****Prison and Migrations**

16h15 - 18h00

Parallel Sessions III

**Human Rights, Judicialization of Life, Criminal
Procedural Guarantees, Punitive Power,
and Restorative Justice**

18h00 - 18h30

Closing Remarks**Marco Ribeiro Henriques**

Organizing Committee

Isabelle de Figueiredo

Tocantinense Public Prosecutor Representative

Sandra FernandesCoimbra Regional Directorate of the National Association
of Young Portuguese Lawyers

INDEX

25

GENDER -RESPONSIVE INTERVENTION IN PRISONS

- 26 Ana Beatriz Vilhena & Paulo Mendes Pinto
**THE PROCEEDING AND THE EVANGELICAL
 PROCEEDING: DIFFERENT WAYS TO PERFORM
 MASCULINITIES IN THE PRISON CONTEXT**
- 27 Alexandre Nogueira Martins,
 Laurindo Dias Minhoto & Pedro de Almeida Camargos
**BETWEEN CITIZENSHIP AND PRISONS:
 THE CRIMINALIZATION OF LGBTPHOBIA IN BRAZIL**
- 28 Vanessa Pereira de Lima
**PRISON PANDEMIC:
 HOW DOES IT AFFECT TRAVESTIS
 AND TRANSGENDER WOMEN?**
- 29 María Ruiz Torrado
**GENDER, AGENCY, SEXUALITIES, AND AFFECTS:
 MAKING ETHNOGRAPHIES OF THE EXPERIENCES
 OF WOMEN IMPRISONED IN THE BASQUE COUNTRY**
- 30 Iliana Galilea Cariño Cepeda
**GENDER STEREOTYPES IN THE LIFE TRAJECTORIES
 OF WOMEN IMPRISONED IN MEXICO**
- 31 Marcio Zamboni
**LGBT PERSONS DEPRIVED OF FREEDOM IN BRAZIL
 AND MEXICO: SUBJECTS, POLICIES AND RIGHTS
 IN DISPUTE**
- 32 Heloisa Melino & Fernando Lannes Fernandes
**LGBTI+ IN DEPRIVATION OF LIBERTY IN GLOBAL
 PERIPHERIES: IMPACTS OF COLONIALITY
 IN BRAZIL AND INDIA**
- 33 Vera Duarte
**“ONE SIZE DOES (NOT) FIT ALL”?:
 A STUDY ON GENDER-RESPONSIVE INTERVENTION
 IN THE JUVENILE JUSTICE SYSTEM**
- 34 Francine Figueiredo Franco
**LGBTI+ AND THE IMPRESCINDIBILITY
 OF CONDITIONAL PRISONS IN CONTEMPORANEITY**
- Maria Cristina Tárrega1, Alexandre Celio Contín,
 Gabriela Christina Cordeiro & Ana Patricia Approbato4
**THE PRISON OF GENDER: FROM SOCIAL
 INVISIBILITY TO THE VIOLATION OF HUMAN RIGHTS
 OF THE INCARCERATED TRANS PERSON**
- Vera Costa da Silva
**THE PRISON OF GENDER AND THE GENDER
 OF PRISON. A FEMINIST ETHNOGRAPHY
 ON GENDER CONFIGURATIONS IN PRISON REGIMES**
- Carolina Pereira
**FRIDA FORM:
 BETWEEN LOGICS OF CARE AND THE PATHS
 OF PUNISHMENT IN THE GLOBAL SOUTH**

WOMEN'S INVISIBILITIES IN THE JUSTICE SYSTEM

39

- Maria Celeste Simões Marques & Ethel Proença Braga
**THE INVISIBILITY OF FEDERAL PRISONERS
 IN PRISON SYSTEM IN THE RIO DE JANEIRO STATE**
- Elenice Ribeiro Nunes Dos Santos
**WOMEN AND THE JUDICIARY:
 A RELATIONSHIP MARKED BY GENDER
 AND RACE STEREOTYPES**
- António Carlos da Silva & Vanessa Ribeiro Cavalcanti
**WHEN BEING A MOTHER IN PRISON IS NOT
 AN OPTION: REPRESENTATIONS, INSTITUTIONAL
 AND FAMILY RELATIONS AND ETHICS OF CARE**

43	WOMEN IN THE PRISON SYSTEM		
44	Evis Garunja CRIMINAL JUSTICE AND WOMEN IN ALBANIA. DOMESTIC VIOLENCE AS A PERSISTING CAUSE OF AGGRAVATING THE WOMEN'S SITUATION	Ana Páez-Mérida & Raquel Bartolomé Gutiérrez	55
45	Diana Therese M.Veloso LIVING WITH A DEATH SENTENCE: THE EXPERIENCES OF WOMEN FORMERLY ON DEATH ROW IN THE PHILIPPINES	Monica Sapucaia Machado	56
46	Cristiano d'Orsi HOW STRONG IS THE LIGHT AT THE END ? OF THE PATH TO ABOLISH THE DEATH PENALTY FOR WOMEN IN SUB-SAHARAN AFRICA?	Luciana Iost Vínhas	57
47	Dina Tanatova K. (Kabdullinovna), Irina Leskova V. (Valeryevna) & Tatyana Yudina N. (Nikolaevna) PROJECTS OF LIFE OF PEOPLE OF THE MUSLIM FAITH RELEASED FROM RUSSIAN PRISONS	Ana Paula Guimarães, Maria Manuela Magalhães Silva & Fernanda Rebelo	58
48	Riddhi Pandey (UN)FREE WRITINGS:AN ANTHROPOLOGICAL ENQUIRY INTO PRISON WRITINGS FROM INDIA	Luziët Fontenele-Gomes & João Diógenes dos Santos	59
49	Bianca Chetto Santos "I, AS WOMAN, FELT HUMILIATED": SHARED EXPERIENCES OF WOMEN WHO KILLED ABUSIVE PARTNERS AND THEIR CONTACT WITH THE CRIMINAL JUSTICE SYSTEM	Ismael Pereira da Silva, Thais Janaina Wenczenovicz & Chirley Fátima Rigon	60
50	Daniela Ronco HEALTH PROTECTION IN PRISON, BETWEEN EQUIVALENCE OF CARE AND LESS ELIGIBILITY	Amanda Cacemiro Ramos & Gabrielle Saraiva Silva	61
51	Luca Sterchele "THIS WOMAN IS COMPLETELY UNREASONABLE". PRISON CULTURES AND GOVERNMENTALITY IN A PSYCHIATRIC PRISON WARD	Sandra Tavares	62
52	Silvia Gomes MOVING OUT OF PRISON - A QUALITATIVE LONGITUDINAL APPROACH TO FEMALE PRISONERS' REENTRY PROCESS IN PORTUGAL	Marina Leonor Pinheiro & Olga Cunha	63
53	Raquel M. Fernandes & Telma C. Almeida WOMEN IN PRISON:A STUDY OF TRAUMA OF CHILD VICTIMIZATION AND ADULT EMOTIONAL LABILITY	Alicia Alonso Merino	64
54	Ludmila Ribeiro, Natalia Martino & Thais Lemos Duarte BEHIND BARS: CRIMINAL PROFILES AND DYNAMICS OF INCARCERATED WOMEN IN MINAS GERAIS	Inês Marques & Jorge Quintas	65

67	MASSIVE INCARCERATION, PRISON REFORM POLICIES AND PENAL ABOLITIONISM		
68	Hercules Guimarães Honorato & Heitor Campos Guimarães THE REDUCE OF SENTENCE TIME TO BE SERVICED THROUGH READING: CONTRIBUTIONS, OBSTACLES AND RESOCIALIZATION		
69	Renata Pereira de Macedo APAC'S: A SOCIO-LEGAL ANALYSIS FOR THE CREATION OF PUBLIC POLICIES TOWARDS RESOCIALIZATION		
70	Dinnah Amaro de Lima THE STATE AND CRIME: A STUDY ON CRIMINAL RECIDIVISM AND PUBLIC POLICIES		
71	PARENTALITY' EXPERIENCE IN THE PRISON CONTEXT		
72	Andreza Gonçalves Barbosa & Fabrício José Nascimento DYNAMICS FOR INFORMATION ACCESS AND READING PRACTICES AT THE REFERENCE CENTER FOR PREGNANT WOMEN DEPRIVED OF LIBERTY (CRGPL) IN VESPASIANO/MINAS GERAIS, BRAZIL		
73	Malu Stanchi PREGNANT AND POSTPARTUM WOMEN INCARCERATED IN RIO DE JANEIRO		
74	Hellen Pereira Lara MOTHERS INCARCERATED IN BRAZIL, ANALYSIS FROM THE SERVICES OF PUBLIC DEFENDER OF SÃO PAULO		
75	Costanza Agnella WOMEN OR MOTHERS? VISIBILITY OF MOTHERHOOD AND INVISIBILITY OF THE FEMALE GENDER IN THE ITALIAN PENITENTIARY LAW		
76	Carlos Augusto Hernández Armas MOTHERS IN PRISON AND INVISIBLE CHILDREN. THE PROCESS OF INHERITED STIGMA IN MOTHERHOOD IN PRISON		
		Carolina Piccolotto Galib & Luís Renato Vedovato BANGKOK RULES AND MIGRANT WOMEN IMPRISONED IN SÃO PAULO	77
		EDUCATION AND TRAINING IN PRISON	79
		Mário José Disnard da Silva PRISON EDUCATION AS A CRIMINAL REMEMBER INSTRUMENT: REFLECTIONS OF EDUCATIONAL PRACTICES IN THE EJA MODALITY	80
		Raylene Barbosa Moreira WEAVING NETWORKS OF AFFECTION: EDUCATIONAL CONTEXT IN PRISON IN RIO GRANDE/RIO GRANDE DO SUL	81
		Alberto I. Pierdant Rodríguez INTEGRAL HUMAN DEVELOPMENT WITHOUT VIOLENCE AND SECLUSION, IS EDUCATION A MITIGATING FACTOR?	82
		Tiago Leitão, Alexandra Gomes & Rita Martins INNOVATION IN THE PRISON EDUCATION PROCESS	83
		Joy Prakash Chowdhuri EDUCATION POLICY FOR CHILDREN IN INDIA	84
		Andrey E. Zuev FEATURES AND SPECIFICS OF EDUCATION IN PLACES OF LIBERTY DEPRIVATION	85
		Marzanna Farnicka & Astina Koch RULES IN JUVENILE REHABILITATION FACILITIES FROM THE PERSPECTIVE OF THEIR EMPLOYEES AND ADOLESCENTS STAYING THERE	86
		Astina Koch & Marzanna Farnicka MALADJUSTED ADOLESCENTS WITH DISABILITIES IN THE JUVENILE REHABILITATION FACILITIES	88
		Giovanni Torrente THE ROLE OF PRISON EDUCATOR IN THE CRIMINALIZATION PROCESSES. RESULTS FROM AN ETHNOGRAPHIC RESEARCH	90
		Sergio Grossi EDUCATION AND MASS IMPRISONMENT: A CRITICAL ANALYSIS OF THE PRISON REFORM IN SOCIAL REINTEGRATION CENTRES IN BRAZIL	91

93	PRISONS, MENTAL HEALTH AND EXCLUSION	ETHNOGRAPHIC PERSPECTIVES IN PRISON: MEANINGS OF INCARCERATION, CONCEPTIONS OF JUSTICE AND SUBJECTIVITIES	105
94	Berenice Pérez Ramírez "PSYCHOSOCIAL DISABILITY AS EMBODIED EXPERIENCE. ACCOMPANYING TO WOMAN WITH DEMENTIA IN PRISON"		
96	Rui Cardoso, Sónia Caridade & Maria Alzira Dinis RISK FACTORS FOR PSYCHOPATHY IN A SAMPLE OF INSTITUTIONALIZED ADOLESCENT OFFENDERS	Paula Sobral NEW TRENDS FOR THE COLLECTIVE MANAGEMENT OF PUNITIVE REACTION?	106
97	Purdenciana Ribeiro De Menezes PROMOTION OF HEALTH THROUGH THE INCENTIVE TO HEALTHY HABITS INTRAMURAL IN CEARÁ	Lorena Valenzuela-Vela REINTEGRATION OF FEMALE PRISONERS: PRACTICES OF RESISTANCE AND MEANINGS FROM THE ETHNOGRAPHIC AND SOCIAL WORK PERSPECTIVE	107
98	Purdenciana Ribeiro De Menezes INTEGRATIVE ACTIONS FOR THE HEALTH OF WOMEN DEPRIVED OF FREEDOM: PRACTICING ART FOR HEALTH EDUCATION	José Manuel Resende & José Maria Carvalho METHODOLOGICAL CONTRIBUTIONS TO ETHNOGRAPHIC OBSERVATION IN SOCIOLOGY	108
99	Purdenciana Ribeiro De Menezes THE ART OF PROMOTING THE HEALTH OF MEN DEPRIVED OF FREEDOM	Renata Guarda & Telma C. Almeida POSITIVE EXPERIENCES AND CHILDHOOD VICTIMIZATION: A RETROSPECTIVE STUDY WITH MALE INMATES	110
100	Ana Mª Hernández Fernández PRISONERS WITH DISABILITIES IN THE 21 ST CENTURY	Giulia Medeiros & Aline Wendpap AUDIOVISUAL AS POSSIBILITY OF DISPUTING IMAGINARIES BY THE PRISON POPULATION	111
101	Juliana Rochet HEALTH COMMUNICATION IN DEPRIVATION OF LIBERTY ENVIRONMENTS: THE CONSTRUCTION OF INDICATORS FOR ANALYSIS OF TUBERCULOSIS PREVENTION CAMPAIGN	Walter Hammerschick, Pedro das Neves, Pedro Liberado & Joana Apóstolo THE NEED FOR ALTERNATIVE PRE-TRIAL DETENTION MEASURES TOWARDS THE REALISATION OF COMMON STANDARDS	112
102	João Proença Xavier CRIME OR PUNISHMENT PENAL OR ADMINISTRATIVE SANCTION IN TERMS OF MEDICAL LIABILITY IN MEDICALLY ASSISTED REPRODUCTION TECHNIQS IN IBERIAN CONTEXT		
103	Camila Belinaso de Oliveira & Salo de Carvalho INCARCERATION OF WOMEN IN THE MODULATED PENITENTIARY OF IJUÍ / RS: THE CASE OF A MALE PRISON INSTITUTION IN THE CONTEXT OF THE COVID-19	PRISONS, CRIMINAL ORGANIZATIONS, DRUG CRIMINALIZATION AND INCARCERATION	113
104	Alessandra Prado INCARCERATION OF WOMEN AND THE FUNCTIONING OF THE BRAZILIAN PENAL SYSTEM IN THE CONTEXT OF THE COVID-19 PANDEMIC	Inês Farinha PORTUGUESE CARCERAL SYSTEM THROUGH THE EYES OF ORGANISED CRIME – A GENDER-FOCUSED ANALYSIS ON PUNISHMENT EFFECTIVENESS	114

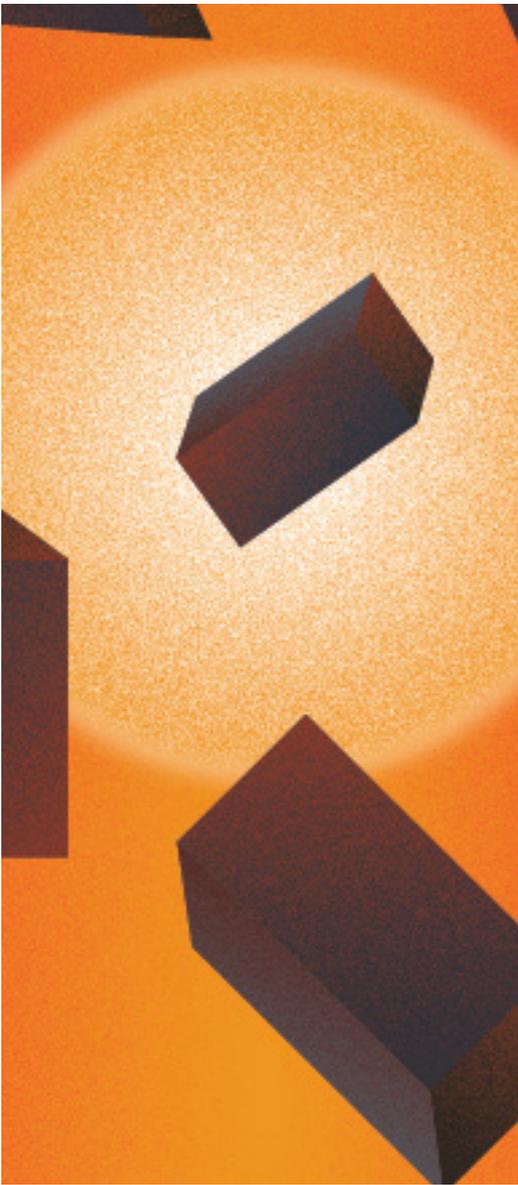
115	Pedro de Almeida Camargos, Laurindo Dias Minhoto & Alexandre Nogueira Martins THE WAR ON ORGANIZED CRIME AFTER REDEMOCRATIZATION IN BRAZIL: FROM HUMAN RIGHTS DISCOURSE TO MASS INCARCERATION	HUMAN RIGHTS, BUSINESS AND PRISON	125
116	Airto Chaves Junior CRIMINAL ORGANIZATIONS AND REBELLIONS IN BRAZILIAN PRISONS: AN ANALYSIS OF OBJECTIVE (AS A CAUSE) AND SUBJECTIVE (AS A SYMPTOM) VIOLENCES	Yuri Fedrigo Dutra THE INFLUENCE OF CAPITALISM IN THE LABORPHERIC LOGIC OF THE FEMALE PRISON SYSTEM AND THE EFFECTIVENESS OF WORK WORKSHOPS FOR REINTEGRATION	126
117	Lucely Ginani Bordon WOMEN'S CRIMINALIZATION FOR ILLICIT DRUG TRAFFICKING IN BRAZIL FROM A MARXIST FEMINIST CRIMINOLOGY PERSPECTIVE	Lorena Carvalho Leite Garcia de Oliveira WORK IN PRISONS: THE GENDER DIFFERENCE THAT INTENSIFIES WITH THE INCARCERATION AND INDICATES THE LACK OF HUMAN DIGNITY	128
119	REGIONAL SYSTEMS OF HUMAN RIGHTS AND HUMAN RIGHTS VIOLATIONS IN PRISON	Ana Maria D'Ávila Lopes, Marynna Laís Quirino Pereira & Lucas Vieira Barjud Marques THE INCORPORATION OF WOMEN'S EMPOWERMENT PRINCIPLES (WEPS) AS CRITERIA FOR GRANTING THE NATIONAL SOCIAL RESPONSIBILITY STAMP FOR PRISON WORK	129
120	Susana Almeida THE PRISONER'S FAMILY UNDER THE PROTECTION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS	Peter Glennon Lanzarotta Smith & Laurindo Dias Minhoto THE TRAJECTORY OF PRIVATE PRISONS IN BRAZIL: AN ANALYSIS OF THE CONTEST FOR LEGITIMACY IN PUBLIC DISCOURSE	130
121	Chloé Constant INTERNAL LAW AND TRANSPHOBIC VIOLENCE IN A MALE PRISON IN MÉXICO CITY	Tiago Leitão, Alexandra Gomes & Rita Martins ECOLOGICAL ECONOMICS IN PRISON WORK ADMINISTRATION	131
122	Catarina Mendes Valente Ramos THE INTERSECTIONAL VIEW OF WOMEN DEPRIVED OF THEIR LIBERTY IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM	Olívia Costa Lima Ricarte & Fabrizio Bon Vecchio THE INSERTION OF PRISONERS IN THE PROVISION OF SERVICES WITHIN THE BRAZILIAN PRISON SYSTEM: REINTEGRATION INTO THE LABOR MARKET	132
123	Luciana Paiva Coronel & Cláudia Carneiro Peixoto ETHICAL CHALLENGES FOR ACADEMIC INVESTIGATION AND THE POSSIBILITY OF BUILDING CITIZENSHIP IN SPACES OF HUMAN RIGHTS VIOLATIONS	ADOLESCENTS IN THE SOCIO-EDUCATIONAL SYSTEM	133
		Walker José Lima Filho & Anelise Gregis Estivalet STRATEGIES FOR CONSENSUAL CONFLICT RESOLUTION IN THE SOCIO-EDUCATIONAL SYSTEM: EXPERIENCE REPORTS	134
		Alicia Montero Molera & Esther Fernández Molina AN EXPLORATORY STUDY OF PLEA BARGAINING IN THE JUVENILE JUSTICE SYSTEM	135

136	Raquel Bartolomé Gutiérrez, Alicia Montero Molera, Ana Páez-Mérida & Esther Fernández-Molina GENDER INFLUENCE IN SENTENCING IN THE JUVENILE JUSTICE SYSTEM	Ana Rita Ferreira Rodrigues PRISON EXPERIENCE ON SOCIAL REINTEGRATION: A COMPARATIVE ANALYSIS BETWEEN ADULT AND YOUNG INMATE GROUPS	149
137	Laís Silva Vieira WHAT'S CRITICAL ABOUT JUVENILE PROBATION? THE CASE OF YOUNG WOMEN OFFENDERS IN SÃO PAULO	Emanuel Carvalho THE PORTUGUESE PRISON SYSTEM AND PROTECTION OF THE DOMESTIC VIOLENCE VICTIM: A BIASECTOR ANALYSIS BETWEEN PREVENTIVE AND RESTORATIVE JUSTICE	150
139	PRISON AND MIGRATIONS	Cristiane de Souza Reis NON-VIOLENT COMMUNICATION FOR THE MANAGEMENT OF CRIMINAL CONFLICTS	151
140	Priscila Costa Pedroso & Márcio Sérgio Oliveira ARRESTED MIGRANTS IN BRAZIL: TRAJECTORIES AND STIGMA IN THE PRISONAL SYSTEM PARANAENSE	Márcia Aparecida Clemente DEMOCRACY AND ITS DUE: IS IT DEMOCRATIC PRISON?	152
141	Antonio Giráldez López A GENDERED DEPORTATION INFRASTRUCTURE: SPANISH DEPORTATION CENTERS' SPATIAL CONDITIONS AND VIOLENCES	Linara da Silva, Gabriela Werner Oliveira & Monique Sacramento THE PROTECTION OF VICTIM'S HUMAN RIGHTS THROUGH RESTORATIVE JUSTICE AND THE CHALLENGES FOR THE ESTABLISHMENT OF A NEW PARADIGM	153
142	Julia Manek MAPPING MIGRATION DETENTION IN MEXICO: ESTACIONES MIGRATORIAS, TORTUROUS AND GENDERED SPACES	Susana Costa DNA AS "READY-MADE" EVIDENCE – AN ANALYSIS THROUGH PORTUGUESE JUDGES' EYES	154
144	Joana Topa FEMINISM, INTERSECTIONALITY AND FOREIGN FEMININE RECLUSION	Walimir Pereira EXPLORATORY DIMENSIONS AROUND THE HUMAN RIGHTS OF INDIGENOUS PEOPLES AND THE JURISDICTION OF THE PRISON SYSTEM IN CONTEMPORARY BRAZIL	155
145	Cláudia Resende MUSLIM FAITH DIVERSITY VERSUS MISCONCEPTIONS OF PRISON INTERVENTION	Claudia Mantovan & Caterina Peroni GENDERS ENTRAPPED. AN EMPIRICAL STUDY ON TRANSGENDER INMATES IN ITALY	156
147	HUMAN RIGHTS, JUDICIALIZATION OF LIFE, CRIMINAL PROCEDURAL GUARANTEES, PUNITIVE POWER AND RESTORATIVE JUSTICE	Giorgio Pittella & Giovanni Allegretti BETWEEN TODAY AND TOMORROW: "IDEAS ON THE RUN" IN A PIONEER EXPERIMENT OF PARTICIPATORY BUDGETING IN THE ITALIAN PRISON OF BOLLATE	157
148	Raimundo de Albuquerque Gomes EPISTEMOLOGICAL CONTROL OF THE CHAIN OF CUSTODY OF THE EVIDENCE OF TELEPHONE INTERCEPTIONS IN THE BRAZILIAN AND PORTUGUESE LEGAL SYSTEM	Carolina E. De La Torre Ugarte PENAL INSTITUTIONS AS ANTICIPATORY SPACES	159
		Joana Apóstolo, Torben Adams & Rhianon Williams CONTRADICTIONS IN INTERNATIONAL JUDICIARY COOPERATION INSTRUMENTS: THE CASE OF THE EUROPEAN ARREST WARRANT, ITS PITFALLS AND SOLUTIONS	160

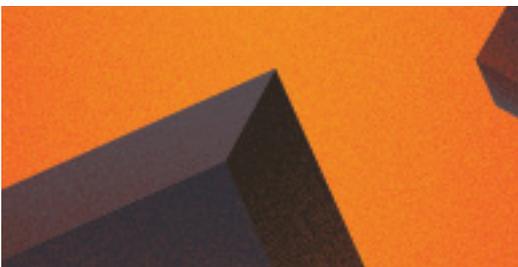
162	Rossella Schillaci AN ATTENUATED PRISON FOR MOTHERS AND CHILDREN? A VISUAL ETHNOGRAPHIC RESEARCH IN A SPECIAL PRISON FOR CHILDREN	Maritza Elizabeth Ochoa Ochoa ACCESS TO HIGHER EDUCATION AS A FUNDAMENTAL RIGHT OF PERSONS DEPRIVED OF LIBERTY. CASE LOJA – ECUADOR	175
163	Nuno Pombo, Alexandra Gomes, Tiago Leitão & Rita Martins PAVING THE WAY TO A 21ST CENTURY INMATES' REHABILITATION	Claudine Freire Rodembusch, Henrique Alexander Keske & Jacques Fernando Ackerman THE BRAZILIAN QUESTION AS TO THE RELATIONSHIP OF JAIL AND MATERNITY IN PANDEMIC TIMES	176
164	Nivea Corcino Locatelli Braga THE PERFORMANCE OF THE NATIONAL COUNCIL OF JUSTICE IN THE BRAZILIAN PRISON SYSTEM TO MINIMIZE THE IMPACTS OF CORONAVIRUS DISEASE 2019	Aline Martinelli & Ana Paula Pimenta da Silva GENDER INEQUALITIES AND DOMESTIC VIOLENCE: REFLECTIONS FROM PRISON	177
165	Marcelo da Silveira Campos CUSTODY AUDIENCE AND PRISONS IN RIO DE JANEIRO	Henrique Alexander Keske, Claudine Freire Rodembusch & Jacques Fernando Ackerman THE HISTORICAL PATH OF THE IMPLEMENTATION/ CONSOLIDATION OF THE LGBT WING IN THE PUBLIC JAIL OF PORTO ALEGRE/BRAZIL	178
166	Catarina Gonçalves PRISON: AN INCUBATION FOR RADICAL BEHAVIOR	Julio Lisandro Cañón Voinin WOMEN IN CONCENTRATION CAMPS, ARGENTINA (1976-1983)	179
167	Vanessa Ribeiro Cavalcanti & Antonio Carlos da Silva FROM PRIVATE TO PUBLIC: SOCIAL MOTHERS, OVERLAPPING VIOLENCE AND ACCESSIBILITY TO JUSTICE AND CITIZENSHIP IN BRAZIL	Daiana Nicoletti Alves & Wanessa Assunção Ramos DISRESPECT FOR THE DIGNITY OF "BEING A WOMAN": INTERSECTIONAL WOMEN IN PRISON	180
169	VIDEO RECORDING PRESENTATIONS	Ioana Dana Obrinteschi Iancu PUNITIVE VS RESTORATIVE. HOW THE SYSTEM CHARACTERISTIC INFLUENCE THE DECISION OF BECOMING MOTHER DURING PRISONS IN MEXICO AND ROMANIA	181
170	Jacques Fernando Ackerman, Claudine Freire Rodembusch & Henrique Alexander Keske MISINFORMATION AND CONFLICTING ACTIONS OF BRAZILIAN PRISON POLICY IN FUNCTION OF THE PANDEMIC	Cristina Varela Portela, Anaís Quiroga-Carrillo & Gabriela Míguez-Salina THE SOCIO-EDUCATIONAL PROFILES OF FOREIGN WOMEN IN SPANISH PRISONS. AN INTERSECTIONAL ANALYSIS	182
171	Alberto Pintado Alcázar THE ORIGIN OF PRISON SYSTEMS	Anaís Quiroga-Carrillo, Cristina Varela Portela & Gabriela Míguez-Salina THE INTERSECTIONALITY OF GENDER AND ETHNICITY IN THE PRISON. NA EDUCATIVE CHALLENGE	183
172	Patrícia Anjos Azevedo CONSTITUTIONAL AND LEGAL FRAMEWORK OF THE DEPRIVATION OF LIBERTY: FUNDAMENTAL RIGHTS, GOALS OF PENALTIES AND PROCEDURAL GUARANTEES	Claudia Maria Petry De Faria & Letícia Petry de Faria CHILD PROTECTION IN THE PRISON SYSTEM: A NECESSARY DEBATE	184
173	Lillian Zucolote de Oliveira & Lourival José de Oliveira THE NEED FOR EFFECTIVE PROTECTION TO THE PROVISIONALLY IMPRISONED WOMAN IN THE BRAZILIAN CRIMINAL SYSTEM: THE (IN)EFFECTIVENESS OF THE COLLECTIVE HABEAS CORPUS 143.641	Verónica Montoya González MATERNITY TRAJECTORY IN PRISON	185
		Ana Teresa Carneiro EXTRAORDINARY APPEAL OF REVIEW – THE ULTIMATE PROCEDURE GUARANTEE AGAINST UNFAIR INCARCERATION	186

187	Claudia Ernst Rohden & Simone Schroeder MEDIATION, MATERNITY AND PRISON: THE INTERSECTION OF THE THREE PILLARS	Tais Martins, Andressa Ignácio da Silva & Andréa Arruda Vaz WOMEN IN CONFLICT WITH THE LAW: THE PSYCHOLOGICAL EFFECTS, JURIDICAL AND SOCIAL OF EMOTIONAL ABANDONMENT IN THE FEMALE PRISONS IN BRAZIL	198
188	Azerbaeva Natalia Altynbekovna MODEL OF PROFESSIONAL MENTORING FOR ORPHANED CHILDREN IN THE SYSTEM OF SECONDARY VOCATIONAL EDUCATION IN RUSSIA	Alba Maria de França GENDER, RACE, SOCIAL CLASS, WOMEN AND PRISONS	199
189	Fabrício Manoel Oliveira, Isabela Faleiro Oliveira & Daniela Martins Laubé THE POSITION OF THE SUPREME FEDERAL COURT OF BRAZIL (STF) GIVEN RECOMMENDATION NO. 62 OF THE NATIONAL COUNCIL OF JUSTICE (CNJ)	Andressa Ignácio da Silva, Andréa Arruda Vaz & Tais Martins RACE, GENDER AND INTERSECTIONALITY: BLACK FEMINISM AND DIALOGUE BETWEEN RIGHT AND SOCIOLOGY IN THE ANALYSIS OF WOMAN IN THE BRAZILIAN PRISON	200
190	Isabela Vaz de Oliveira, Fabrício Manoel Oliveira & Daniela Martins Laubé THE RETENTION OF BASIC EMERGENCY INCOME FOR FAMILY MEMBERS OF INMATES IN BRAZIL: A DISCRIMINATORY AND SEGREGATIONIST ECHO?	Vitor Costa, Pedro Liberado, Catarina Abruñhosa, Graça Esgalhado & Ana Cunha IMPROVING PRISON STAFF AWARENESS AND SKILLS IN DEALING WITH MENTALLY ILL INMATES THROUGH DISTANCE LEARNING: FINDINGS FROM THE MENACE INITIAT	201
191	Daniela Martins Laubé, Fabrício Manoel Oliveira & Isabela Vaz de Oliveira EPISTEMOLOGICAL CONSTRAINT: NOTES ON HUMAN RIGHTS AND (THE ABSENCE OF) PUBLIC POLICIES ON COVID-19 IN THE BRAZILIAN PRISON SYSTEM	Luciane Maria Santos & Carlos Roberto Cury RESPONSIBILITY OF FATHERS AND MOTHERS FOR THEIR CHILDREN: VIEW OF PRISONERS AND CHANGES IN POSITION	202
192	Vitória da Costa Caruso THE INVISIBILITY OF THE FEMALE TEENAGER WHO SERVES A SOCIO-EDUCATIONAL MEASURE OF CONFINEMENT IN THE FEDERAL DISTRICT, BRAZIL	Carlos Roberto Cury & Luciane Maria Santos ANALYSIS OF A LEARNING TRAJECTORY NARRATIVE	203
193	Jéssica Cindy Kempfer & Regiane Nistler EDUCATION FOR FREEDOM: A STUDY OF FEMALE PRISONS IN BRAZIL	Francisco Antonio Díaz & Alma Villaseñor Rodríguez DISCRIMINATION AGAINST WOMEN IN THE SPANISH PRISON SYSTEM	204
194	Rosana Julia Binda & Roberto Fanti de Resende REFLECTIONS ON EDUCATION FOR RESOCIALIZATION OF WOMEN IN CHARGE IN THE PRISON UNIT OF BUBU, CARIACICA/ES: A FUNDAMENTAL RIGHT OR DUTY?	Lorena Collados Torres & Alberto Pintado Alcázar WOMEN IN THE PRISON SYSTEM	205
195	Raúl Álvarez Pérez, Concepción Mimbreno Mallado & Jesús Delgado Baena "WOMEN, PRISON AND DRUG ADDICTION" - THE REALITY OF WOMEN WITH DRUG ADDICTION PROBLEMS IN ANDALUSIAN PRISONS (SPAIN)	Lorena Collados Torres FORMAL, NON-FORMAL AND INFORMAL EDUCATION IN PRISON: A MATTER OF INCLUSION OR EXCLUSION?	206
196	Deborah de Deus e Mello & Eglantina Souza e Silva THE RELATION BETWEEN THE GROWTH IN THE NUMBER OF FEMALE SINGLE PARENT FAMILIES AND THE NUMBER OF WOMEN IMPRISONMENT IN BRAZIL	Thaís Melo de Souza WOMAN INCARCERATED IN PRISON SPACES	207
197	Myrna Alves De Britto FEMALE INCARCERATION: PATRIARCHAL INSTRUMENT FOR REAFFIRMATION OF SOCIAL ROLES	Mário Simões Barata EUROPEAN INVESTIGATION ORDER: GROUNDS FOR NON-RECOGNITION OR NON-EXECUTION AND THE ISSUE OF GUARANTEES IN CRIMINAL PROCEEDINGS	208
		Arnelle Rolim Peixoto & Miriam Gomez Romero PREVENTING TORTURE IN PRISON: THE JURISPRUDENCE LINE OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS IN THE ROLE OF PREVENTING AND COMBATING	209

210	Carla Maria de Bastos Borrões ETHICAL CHALLENGES OF ACADEMIC RESEARCH IN INPATIENT INSTITUTIONS	Dominick Luzolo Bongo & Thiago Allisson Jesus THE INVISIBILIZATION OF WOMEN IN THE BRAZILIAN PENAL SYSTEM AND ITS IMPLICATIONS FOR THE RIGHT TO MATERNITY	220
211	Sérgio Maneiras Laranjinho & Carla de Bastos Borrões ETHICAL CHALLENGES OF ACADEMIC RESEARCH IN PRISON	Viven Iacob, Marta Brás & Cláudia Carmo EFFECTS OF A MINDFULNESS-BASED INTERVENTION FOR PORTUGUESE MALE PRISONERS	221
212	Andréa Arruda Vaz & Ana Renata Bueno Machado THE PRECARIOUSNESS OF BRAZILIAN PRISON SYSTEM AND VIOLATION OF HUMAN RIGHTS BY BRAZIL: ANALYSIS FROM PRECAUTIONARY MEASURE N.888-19 WITH PROCEDURE BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS	Augusto Martínez Perez Filho, Marilda Franco de Moura & Renato Simão de Arruda COVID-19 AND THE BRAZILIAN PRISON SYSTEM: CRITERIA AND LIMITS IMPOSED BY COURTS TO GRANT FREEDOM	222
213	Paulo Eugenio Ferreira Rocha PERINATAL PSYCHOLOGY AS A BASIS IN MATERNAL-INFANT MENTAL HEALTH CARE INTO A FEMALE PENITENTIARY IN BRAZIL	Maiara Lima Ximenes Trench & Arlen Jose Silva de Souza PENITENTIARY PUBLIC POLICY: IMPRISONMENT OF WOMEN IN THE BRAZILIAN PENAL SYSTEM	223
214	Miriam Gomez Romero & Arnelle Rolim Peixoto PROMOTING RESTORATIVE JUSTICE: JUVENILE RESTORATIVE JUSTICE AND ITS ROLE IN REGARD TO VULNERABLE YOUNG PEOPLE IN LATIN AMERICA	Sónia Caridade & Maria Alzira Pimenta Dinis FEMALE CRIME, CRIMINAL JUSTICE PRACTICE AND GENDER ROLES: JUDICIAL PROFESSIONALS' PERSPECTIVES	224
215	Ellen Marina Santos, Laís Von Dollmger Machado & Rodolfo de Freitas Jacarandá GENDER, RACE AND PUNISHMENT: THE IMPRISONMENT OF BLACK WOMEN IN THE BRAZILIAN WESTERN AMAZON ON THE BASED ON CRITICAL FEMINIST CRIMINOLOGY	Maria Alzira Dinis & Sónia Caridade COURT DECISIONS, GENDER ROLE AND FEMALE CRIME: JUDICIAL (DIS)PARITIES	225
216	Juliana Roman PROTECTION OF PERSONAL DATA AND ELECTRONIC MONITORING: A SOLUTION TO THE OVERCROWDING OF THE BRAZILIAN PRISON SYSTEM OR A VIOLATION OF THE RIGHT TO PROTECTION OF PERSONAL DATA OF THE PRISONERS?	Rosario Pozo Gordaliza VALUES AND BELIEFS AS PERSONAL CONSTRUCTS. PROFESSIONALS OF JUVENILE JUSTICE DEALING WHITH YOUNG FEMALE OFFENDERS IN BALEARIC ISLANDS	226
217	Thiago Allisson de Jesus, Flaviane Rodrigues & Gabriella Barbosa Ribeiro FEMALE INCARCERATION AND (IN) VISIBILITY IN MARANHÃO: AN ANALYSIS ON THE EFFECTIVENESS OF RIGHTS IN THE CONTEXT OF THE DEMOCRATIC RULE OF LAW POST-1988	Fábio Wellington Ataíde Alves & Ana Paula Felizardo TO SUZI, WITH LOVE: THE VIOLENCE AGAINST INCARCERATED TRANSGENDER WOMEN	227
218	Luis Martins de Araújo, Carolina Pasin & Rodrigo Augusto Magalhães COLLECTIVE HABEAS CORPUS AS MITIGATORY INSTRUMENT FOR MASS WOMEN INCARCERATION IN BRAZIL	Juliana Roman & Guilherme Aresi Madruga Lopes HUMAN RIGHTS VIOLATIONS IN BRAZILIAN PRISONS AND THE ROLE OF THE BRAZILIAN SUPREME COURT AND OF THE NATIONAL COUNCIL OF JUSTICE	229
219	Sandra Dulcineia Duarte Costa & Sandra Fernandes DEVELOPING SOCIAL SKILLS IN THE PRISON CONTEXT – RESULTS FROM THE IMPLEMENTATION OF A TRAINING PROGRAM WITH PRISONERS	Pedro Liberado, Pedro das Neves & Catarina Abrunhosa UNDERSTANDING RADICALISATION PREVENTION STRATEGIES WITHIN CORRECTIONAL SETTINGS: A HOLISTIC CROSS-SECTORAL TRAINING APPROACH THROUGH DISTANCE LEARNING	230
		Jacqueline Hellman THE POSITION OF THE ECHRR REGARDING THE MIGRATORY INTERNAL POLICY OF EUROPEAN STATES: A BACKWARD STEP IN THE PROTECTION OF HUMAN RIGHTS	231



GENDER -RESPONSIVE INTERVENTION IN PRISONS



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THE PROCEEDING AND THE EVANGELICAL PROCEEDING: DIFFERENT WAYS TO PERFORM MASCULINITIES IN THE PRISON CONTEXT

The prison environment can be considered a school of masculinities. Created by men and for men, the prison routine imposes to the incarcerated that they perform their masculinities in a hypermasculine way to not be considered homosexual. Through the dialogue between theories and ethnographic data, it was possible to see differences in the ways through which men that declare themselves to be religious and those who don't, perform their masculinities in prison. The article is based on the research that originated the concept of evangelical proceeding, which consists of a code of conduct specifically attributed to evangelicals in prison and which differs from the code of the prison mass, simply called proceeding. The work of accredited churches for religious assistance in prison feeds such repertoire, which is widely disseminated there. Through daily Bible reading, cults, proselytism, and reception of detainees that wish to convert themselves, the supporters of the evangelical proceeding use the repertoire provided by these codes to perform their masculinities. The fieldwork included interviews with employees, psychologists, teachers, and correctional officers. Despite questioning the conversion of the inmates that adhere to the religious repertoire, the understanding that there is a clear change in their behavior is unanimous. Besides working as a repertoire for the realization of masculinities, the evan-

gelical proceeding has a functionality, to provide meaning to the hostile life in prison. Both the codes act as control devices that help in the internal ordering among the detainees, as well as facilitate the order by the prison administration. Thus, the inmates use the repertoire provided by these codes to perform their masculinities. We partially conclude that the everyday interactions in prison are permeated both by religious elements and gendered issues. For that, we used authors such as Michel Foucault e Raewyn Connel in dialogue with the field research fulfilled in a prison in Juiz de Fora, Minas Gerais, Brazil.

Keywords: *Masculinities, Prison, Religion.*

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BETWEEN CITIZENSHIP AND PRISONS: THE CRIMINALIZATION OF LGBTPHOBIA IN BRAZIL

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This article aims to analyze, using the case of the criminalization of LGBTphobia in Brazil, how social movements have articulated demand for criminalization in defense of democracy and human rights. Given that Brazilian LGBT activism has grown in struggles against government persecution of sexual and gender dissidents, we begin by investigating how demands for criminalization policies arose among activists. By drawing on queer criminological studies that analyze the influence of gender and sexuality on prisons and the criminal justice system, we examine how prisons and prison struggles have come to play a central role in contemporary sexual politics. Finally, we seek to illuminate how this has played out in recent decades in Brazil, where democratization has gone hand in hand with the expansion of the criminal justice system and mass incarceration. This study focuses on the discourses promoted by hegemonic groups in the Brazilian LGBT movement, to trace the evolution of demands for criminalization and incarceration. Our empirical analysis includes documents produced by Brazilian LGBT activists since the 1980s, such as manifestos, records from national meetings, and legislative proposals. In outlining the rise and establishment of this agenda, we argue that not only has LGBTphobia become a problem of crime and prison, but LGBT struggles have become criminalizing and carceral. Based on this

discourse analysis and Simon's discussion on "governing through crime", we present the hypothesis that a "criminalizing rationality" acts as a grid of intelligibility linking social movements and struggles for human rights and democracy to the criminal justice system. By dividing the social world into victims and criminals and portraying social problems as crime problems, this rationality reshapes democracy as a "victim democracy" and situates the recognition of "victims of crime" as central to contemporary (sexual) citizenship. Using this logic, we can comprehend why prisons continue to be represented as democratic devices in the context of mass incarceration and flagrant human rights violations. Finally, we argue that, throughout Brazilian democratization, the demands of social movements, such as the LGBT, have become criminalizing. At the same time, citizenship has become essentially punitive, and little progress has been made in either making the criminal justice system and prisons less anti-democratic or challenging the racist and cisheterosexist logics that permeate them.

Keywords: *Crime, LGBT Movements, Democracy, Criminalizing Rationality.*

Ref.: 046M22020

PRISON PANDEMIC: HOW DOES IT AFFECT TRAVESTIS AND TRANSGENDER WOMEN?

The objective of this paper is to analyze the different connections made daily by travesties and transsexual women in two prison units, both formally classified as male units, to maintain or produce femininities and their affective bonds, as well as to question what are the new challenges imposed by the COVID-19 pandemic. The battle to maintain their bodies and gender identities often proves to be arduous, breaking family ties but also creating new ones. As an ethical and political statement, I refer to these prison units as male-and-female units to recognize and reaffirm the transit of femininities that circulates amongst them. In pandemic times, this population, which is a free society is blurred out of daily life, in prison becomes invisible. Little is said about the situation of the imprisoned population, even less about travesties and trans women deprived of their freedom. Access to health care or to ways of maintaining their bodies, a fundamental part of the lives of travestis and transsexual women, is interrupted or diminished due to the social isolation recommendations. However, prison, a place with high rates of respiratory diseases such as tuberculosis, depends on the visitation by the prisoners' family members to ensure basic hygiene, food, and health items. What lies behind the prohibition of visitations if the prison staff enters and leaves these units every day? How is the state ensuring this population's health care? Recently, a proposition to isolate prisoners who

were considered a high-risk group in containers was overturned. This proposal emphasizes which subjects are killable, and among them are both LGBT people and prisoners in general. Having said that, this cartography intends to stitch together the period in which I have been affected from studying prisons, from 2017 to 2020, as well as the current moment of the neoliberal and globalized pandemic that is assuming its facets, in this case choosing who deserves to live and who deserves to die, which lives matter and which ones are not even entitled to become statistics. In a global context, the cases of COVID-19 in poor and racialized populations have been underreported; travestis and transgender women working on the streets are more exposed to the risks of the pandemic, but how would they guarantee their survival otherwise? How have we, as a society, thought about the conditions of LGBT people, and especially those deprived of their freedom? These are discussions that can point to possible ways of building a society that rethinks its system of justice and exclusion since the colonization. To talk about systems of justice, law, of abolishing prisons, is above all to talk about racism and the social construction of the killable categories that include travestis and transsexuals. The question that remains is: who is being killed by the pandemic?

Keywords: *Travestis, Transsexuals, Prison, Pandemic.*

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Ref.: 047M22020

**GENDER, AGENCY, SEXUALITIES, AND AFFECTS:
MAKING ETHNOGRAPHIES OF THE EXPERIENCES
OF WOMEN IMPRISONED IN THE BASQUE COUNTRY**

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Parting from the results of a Ph.D. thesis entitled “Prison as a gendered institution: gender discrimination, practices of resistance and agency among women imprisoned in the Basque Country”, this paper seeks to approach the emotional and sexual experiences of women held in Basque prisons. Special attention will be paid to their agency and practices of sexual and emotional resistances they develop in attempting to neutralize or minimize the effects of penitentiary confinement. The methodology used has been anthropological, supported mainly by 36 in-depth interviews: 23 individual interviews to women prisoners or ex-prisoners, and a group interview to four of them; six individual and group interviews to prison workers (three professionals in the Social Work field, three in Teaching, two in Social Education and one in Psychology); and six individual and group interviews to members of seven associations working with women prisoners and ex-prisoners. These interviews have allowed data collection about women jailed in the prisons of Araba/Álava and Nanclares de la Oca (Álava), Pamplona (Navarre), and San Sebastian (Gipuzkoa), the only prisons in the Basque Country with women’s units. Additionally, the method used is also based on several months of participant observation, due to the researcher having the opportunity to access the two women’s units at the Araba/Álava prison for seven months weekly. From a perspective that combines Social Anthropology

and Feminist and Gender Studies, the lecture parts from understanding prison as a gendered institution, insofar as it (re)produces determined hierarchical gender relations, increasing the women inmates’ disadvantage and vulnerability. However, in tackling the imprisoned women’s agency, the paper also delves into the emotional and sexual bonds they establish in prison, these being of the utmost importance to obtain a certain level of wellbeing or to alleviate the consequences of imprisonment. Specifically, the paper focuses on the solidarity networks built by imprisoned women to support one another and on the sexual and emotional relationships—both heterosexual and lesbian—that are created in prison. They are all key means to the prisoner’s sexual and emotional—and, in some cases, economic—support. Through their interactions in prison, imprisoned women attempt to improve their sexual and emotional circumstances. Although none of the practices carried out really undo the consequences of penitentiary confinement, it is undeniable that the inmates can achieve certain improvements—even though they are often short-term. Hence, their intentional actions, directed towards definite and specific desires, reaffirm the idea that, despite the existence of limitations and difficulties, there is always a certain margin for agency by means of diverse, dynamic, and creative practices.

Keywords: Gender, Agency, Sexuality, Affect, Imprisoned Women.

Ref.: 086M22020

GENDER STEREOTYPES IN THE LIFE TRAJECTORIES OF WOMEN IMPRISONED IN MEXICO

The experience of incarceration experiences does not begin with arrest; hence several authors have exposed the importance of analyzing life paths and criminal careers (Macleod, Grove y Farrington, 2012; Benson, 2013). By the way, life-course criminology allows us to understand the role of history and macro-social factors to focus the individual experiences of women prisoners from a multidimensional perspective: family, peers or friends, neighbors, partners or spouses, labor markets, the justice system, cultures (Benson, 2013). Feminist criminology has made the specific conditions of women and as a critical perspective, allows us to characterize in this work, the stereotypes and prejudices with which women are represented and treated, both in institutions of informal social control as in those of formal social control. These imposed labels and categories were extrapolated in contexts such as the COVID-19 pandemic when the Amnesty Law was approved. This law seeks to free women who meet certain criteria such as being indigenous or having committed crimes such as abortion. Narrative and contextual realities spread out the knowledge about women offenders (Pollock, 1999). For the empirical work, we use a qualitative methodology and considered feminist research methods that explain that gender is not only a variable but a system (Barberet y Larrauri, 2019). Through document review and in-depth

interviews with women prisoners and prison authorities, in recent years we carried out analytical processing, coding, and categorization of materials using specialized software Atlas.ti. The perception of female prisoners has effects on their treatment in detention, to such an extent that there remains a symbolic punishment for their deviation and transgression. The image of the imprisoned woman begins to be built from childhood and adolescence, which explains the abandonment and subsequent victimization. The prejudices and stereotypes with which women are labeled favor acts of discrimination that are naturalized and are not reported, despite the existence of regulatory frameworks and human rights protection systems. With our results, we modestly expand the knowledge we have about the women in prison, especially in their stage before prison, their journey through the criminal justice system (preventive prison and execution of judgment) and through the prison system taking into consideration gender perspective, human rights, feminist criminology, and intersectionality.

Keywords: *Prison, Life-course Criminology, Feminist Criminology, Gender stereotypes, Victimization.*

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**LGBT PERSONS DEPRIVED OF FREEDOM
IN BRAZIL AND MEXICO:
SUBJECTS, POLICIES AND RIGHTS IN DISPUTE**

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This paper aims to analyze the management modalities of sexual and gender diversity in Brazilian and Mexican prisons in the context of the emergence of specific rights for so-called LGBT prisoners. The focus is on male prisons of the province of Sao Paulo (Brazil) and the metropolitan area of Mexico City. The fieldwork was carried out around jails classified as male in the prison systems of the two largest metropolitan regions of Latin America: Sao Paulo and Mexico City. For five years (2014-2019), I conducted a multi-location ethnography in these two countries. This included visits to prisons with the Pastoral Carcerária (in Brazil) and the Almas Cautivas Civil Association (in Mexico); bibliographic and documentary research and also interviews with ex-prisoners, activists, and state agents. I sought to understand, on the one hand, how certain institutional norms and public policies have defined (and produced) an LGBT population deprived of liberty with specific demographics, demands, and rights. On the other hand, I tried to recover what this regime of sexualization and genderification of imprisoned bodies and subjectivities leaves out. What other political formations and classification systems are in the shadow but still have effects on the production of daily life in prisons? In this sense, I approached narratives and trajectories of subjects affected by this new regulatory apparatus. How do they relate to these definitions and categories? What possibilities for agency are created or

limited? In other words, it is about analyzing the historical invention of LGBT prisoners as a specific subject of rights and its effects on certain identities and subjectivities. During the last decade, it was possible to observe in both scenarios, the appearance of modalities for managing the sexual and gender diversity of the prison population based on the language of human rights. However, this repertoire contrasts with the categories that emerge from the prison experience itself. In the Brazilian context, categories such as bicha, travesti and mona are often mobilized to define subjects that differ from the masculine and heterosexual pattern hegemonic in the prison universe. In Mexico, we find denominations like jotos, putos and tigresas. Considering this diversity, new questions arise: What are the dynamics of these experiences in the daily life of prison cells, corridors and courtyards? How did they conform in this way over time and what is their relationship to the broader history of prisons in Latin America? To what extent can these categories and experiences be understood by the identities that make up the LGBT acronym (Lesbian, Gay, Bisexual, Transvestite and Trans)? Would human rights be the most appropriate language to talk about these lives? What demands led to the development of this specific framework of rights? Who really benefits from this new regime of regulation and (in) visibility?

Keywords: *Prison, Gender, Sexuality, LGBT, Human Rights.*

Ref.: I52M22020

LGBTI+ IN DEPRIVATION OF LIBERTY IN GLOBAL PERIPHERIES: IMPACTS OF COLONIALITY IN BRAZIL AND INDIA

This paper explores the process of creating the colonial subject from the perspective of gender, sexual orientation, gender identity & expressions and sexual characteristics, while simultaneously analysing the inception of a modern criminal justice system. The paper will explore the overlapping themes of the colonial experience in the context of Brazil and India, from the lens of 'coloniality of power' (Quijano, 1992) and of the modern/colonial gender system (Lugones, 2007). Understanding that Brazil's (and America's) colonization is part of the first phase of modernity (Dussel, 1998; 2005) marked by colonization for the purpose of land, resources and slavery. The colonization of India, however, could be understood within the second phase of modernity in a search for markets that would be unilaterally controlled. Gender and sexuality, as embodied in the colonial subject, is constructed in each of these contexts through varying level of influence from colonization. In the Latin American case, those constructions are built from the imposition of hegemonic Eurocentric conceptions of gender and sexuality that, interposed to the notion of 'race', (Quijano, 2010), created a system of socio-symbolic and political subjugation of subalternized subjects. However, in the Indian context, the focus of the colonial project was to control and regulate sexuality, while maintaining a close allyship with pre-existing sys-

tems of power within the country i.e. the caste system. We will analyze the interaction between LGBTI+ people and the criminal justice systems by looking at the historical processes of monsterisation and criminalization of various assertions of gender and sexuality from colonized subjects as uncivilized (Hinchy, 2013). We acknowledge people in prison are mostly people from marginalized and peripheral backgrounds. Therefore, we will seek to demonstrate the relevance of an intersectional and decolonial understanding of the LGBTI+ theme as part of the confrontation and disruption of the global order. Hence paving the way to the construction of new non-hierarchical, non-excluding social and institutional forms of interaction that lead to real democratization, especially, but not only, in societies that were marked and forged from colonialism.

Keywords: *Deprivation of Liberty, Coloniality Of Power, Sexual Orientation, Gender Identity & Expressions and Sexual Characteristics, LGBTI+.*

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**“ONE SIZE DOES (NOT) FIT ALL”?:
A STUDY ON GENDER-RESPONSIVE INTERVENTION
IN THE JUVENILE JUSTICE SYSTEM**

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From the 80s onwards, Europe and the USA faced a fast-growing of girls in detention and placement in the juvenile justice system, which propelled research to deepen the phenomenon (Chesney-Lind & Shelden, 1992; Burman et al., 2001; Zahn, 2009). This situation has explained the social and scientific invisibility of girls for a long time and clarify the challenges they represent for a juvenile justice system that is ill-equipped to respond effectively to gender differences in delinquency, which, according to research, requires mandatory policy changes, public resources and practices (Bloom & Covington, 2001; Chesney-lind, et al. 2008; Zahn et al. 2009). The purpose of this communication is to present some conclusions of an ongoing research project on “Gender-responsive intervention in the juvenile justice system”. An innovative project, developed in partnership with the DGRSP (General Directorate for Reinsertion and Prison Services, Portugal), and which intends to continue a first research project on the same topic -Female juvenile delinquency: patterns, needs and intervention -which took place between 2014 -2016. The main objective is to explore and understand the need for a gender-focused and gender-responsive intervention in the Portuguese juvenile justice system. Using qualitative methods, particularly interviews and focus groups, it was intended to give a voice to girls

detained in educational centers and to the professionals who work with them, to understand and deepen the practices, needs and critical areas, and priority interventions with delinquent girls. The data from the projects have shown that, although both groups identify: a) idiosyncratic needs in the intervention with girls; b) propose improvements in that intervention; c) and consider that the services and activities aimed at female specificities are based on a traditional model that reproduces gender roles (pregnancy, maternity, vocational training), they assume a certain posture of resignation to the current model (which is politically neutral) and a devaluation of the gender dimension in the intervention.

Keywords: *Gender Responsive Intervention, Juvenile Justice System, Juvenile Delinquency, Female Delinquency.*

Ref.: I97M22020

LGBTI+ AND THE IMPRESCINDIBILITY OF CONDITIONAL PRISONS IN CONTEMPORANEITY

LGBTI+ are considered an important part of the population, among numerous factors, due to the representativeness they carry with them and the struggle for equality they aim for. However, the aforementioned elements are not found in a meaningful and effective way in a view aimed at the prison system. Being one of the reasons why this problem is perpetuated, the present research has as main object the prison lack around the LGBTI + population and the need for the existence of establishments destined to the reception of this population. The topic raised is of great relevance to the academic and social community, as it deals with two controversial issues discussed today that, in addition to having their own issues in isolation -prisons and the LGBTI + population -, when brought together, bring up a problem even greater: the unworthy treatment given to this population inside the prison, which turns out to be a hostile environment and of many adversities, with the knowledge that outside of it there is already an incessant search for better living conditions in the community for it. For this purpose, the methodology applied to the development of this essay is bibliographic, based on the doctrines pertinent to the theme, the legislative jurisprudential study regarding the figure of the condemned, including the existing rights of the LGBTI+ population itself, and analysis of several specific cases, showing what is the cur-

rent situation around the exposed reality, especially whether or not there are species of violations, both for those who live in common prisons and for those who already live in prisons considered special for this population. As a result, it was confirmed, first, that although there are rights at the international and national levels for LGBTI+ convicts, as well as for those who are not, conventional prisons do not have sufficient physical and organizational structures to house them. In addition, there is a dramatic and alarming situation regarding prisons exclusive to LGBTI +, as there is, even though a concrete alternative, the low existential number of prisons aimed at LGBTI + specifically. One of the few examples is Downview prison, located in the United Kingdom. It is concluded, therefore, that this situation of prison scarcity restricts this population the broad access to the right to serve a restrictive sentence of liberty with the due equality, honor and protection that is expected, since the dignity of the human person is a right of all, indisputably, and this principle is not fully applied to LGBTI + within the studied prison system.

Keywords: *LGBTI+, Prison Shortage, Equality, Exclusive Prisons, Alternative.*

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**THE PRISON OF GENDER:
FROM SOCIAL INVISIBILITY TO THE VIOLATION
OF HUMAN RIGHTS OF THE INCARCERATED TRANS PERSON**

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The universality of freedom rights and equality is provided in several international normative legislation and is also included in the Federal Constitution of Brazil. Occurs that, in practice, these rights, which are also included in human rights, although already consolidated in the country's legal scenario, are advancing in slow steps towards their concretization in what concerns the "trans" population, mainly when they are included and serving time in the Brazilian prison system. It is well known that the Brazilian prison system is facing a deep crisis and has shown itself incapable of preserving the convict's fundamental rights. In fact, that's the reason that it was recognized as an "Unconstitutional condition of Things" by the Federal Supreme Court. Transgender people usually face stigma and social invisibility, being routinely victims of discrimination, physical and psychological violence in a society that still denies accepting diversity and recognizing people as they are. Currently, Brazil occupies the third place in prison population in the world, with a structure of vulnerability, exclusion and marginalization of trans people is reproduced. If the punitive system, by itself, already set up a degrading treatment intrinsic to prison, in addition to social violence, the trans person still faces institutional violence in prison, a place that, in addition to propagating, intensifies the patriarchal, sexist and

homophobic structure. In view of the binary and biological deterministic logic, in a context of domination of masculinity that forms the Brazilian penitentiary system, a critical reflection of the treatment and the reality of people inserted in the "T" spectrum deprived of freedom is sought. The lack of data about the number of trans people in the prison system reflects the institutions negligence and the social invisibility that goes beyond the physical walls of large prisons. Thereby, the problematization proposed in this article aims to investigate the treatment and reality given to minorities in prison, notably to transgender people. The study and debate of gender issues in the Brazilian prison system is revealed as a central theme of this work to verify if prison is a democratic space. Furthermore, we intend to analyze whether, in view of the state (in) effectiveness in preserving the rights inherent to the person, the deprivation of freedom of the transgender person in Brazil constitutes a violation of human rights, in the light of constitutional principles and ratified international treaties. Therefore, the deductive method will be used, in such a way that the study will be carried out with the aid of doctrines, scientific articles, publications, research, reports, analysis of quantitative data, in addition to the examination of laws and court decisions.

Keywords: *Human Rights, Transgender, Prison, Violence, Gender.*

Ref.: 245M22020

THE PRISON OF GENDER AND THE GENDER OF PRISON. A FEMINIST ETHNOGRAPHY ON GENDER CONFIGURATIONS IN PRISON REGIMES

This paper will reflect on issues emerging from the research I am undertaking about gender configurations in prison regimes, in the Portuguese context, from 1954 to the present day. Prison and prison regimes are imbued with the cultural contexts in which they are inscribed and the institutional functioning intercrosses various organisations, communities and intersubjectivities that circulate and intervene in daily prison life. The experimental feminist ethnography in action, part of this research, had as its starting point the female prisons of Tires and St. Cruz do Bispo. However, is being developed in different temporalities and movements inside and outside the prison that accompany the institutional organisation, the constitution of prison regimes, the discourses and practices of professionals and the paths and life experiences of women and transgender imprisoned. From the anti-carceral and intersectional feminisms (Kim, 2018) gender is analysed as a dispositive (Foucault, 1994) and in performance (Butler, 1999). This positioning is crucial for the analysis of gender configurations in the formal and informal devices of prison regimes, and of the agencies and resistances of the intersubjectivities subject to imprisonment, avoiding their colonization and instrumentalization in the ethnographic process. The prison regimes reproduce the social system, discrimination and institutional violence

arising from heterosexism, racism and poverty. For example, the imposition of femininity and heteronormativity, which has practically disappeared from the prison rules and legal texts, is however perpetuated at the informal level. The reproduction of stereotypes that intersect the various forms of oppression aggravates the prison experiences of lesbians, transgender, Roma and foreign women. The analysis of gender configurations in prison regimes from different scales, temporalities, locations and intersubjectivities allows us to understand prison as a product of the patriarchal culture of punishment (Rodriguez and Lecumberri, 2016) and of colonial capitalism (Coba, 2015).

Keywords: *Feminist Ethnography, Prison Regimes, Gender Configurations, Patriarchal Culture of Punishment.*

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**FRIDA FORM:
BETWEEN LOGICS OF CARE AND THE PATHS
OF PUNISHMENT IN THE GLOBAL SOUTH**

Carolina Pereira

This paper is part of my master's research in which I seek to understand and analyze the expansion of criminal policies, anchored in Maria da Penha Law, in the city of São Paulo. Therefore, for this symposium, I propose to highlight the National Life Risk and Protection Form (FRIDA), an actuarial instrument for risk assessment that aims to prevent and crimes committed in situations of violence against women in Brazil. I draw the hypothesis that the insertion of actuarial logic in criminal policies for gender-based violence dispels the politics of care to give greater focus to the control and punishment of aggressors and not to and not to guarantee the integrity and dignity of women.

This research is conducted through literature review, analysis of state documents, analysis of interviews and other written or audiovisual production available online containing statements from UN Members or law enforcers.

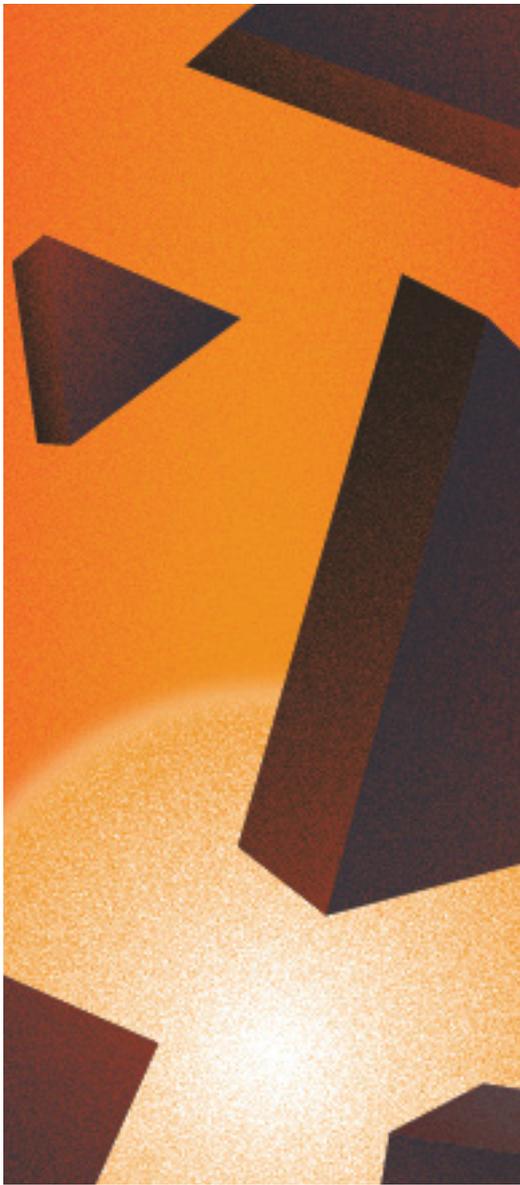
What is at stake when it comes to which logic guides the penal treatment of domestic violence is not just a technical dispute, nor a unison problem of controlling violence. It is a field that intersects both dilemmas and also the dynamics of controlling precarious lives and that, in doing so, manifests rationality that goes beyond legal-procedural matters. A scenario in which not only freedom, and integrity - in its physical, psychological, moral and economic facets - of groups marked by structural and dynamic vulnerabilities

are negotiated, but the negotiation of these vulnerabilities between these groups enter a flow that permeates and exceeds state management for conflicts of domestic violence.

Therefore, what is negotiated is not limited to legal relations, it is not the result of the process favorable to the prosecution or the defendant, but which precariousness deserves to be defined in the legal disputes and which lives are worthy of defense, while others remain discarded. The power to punish colonizes all other conflict resolution experiences, and the judicial process opposes victims and aggressors in a dualistic contradiction. Thus, actuarial instruments guiding criminal policies to control gender-based violence seem to fit the logic of battles to highlight the suffering of victims of domestic violence, making this suffering a quantifiable problem and the lives of victims deserving of specific and foreseeable criminal intervention.

As a conclusion to my investigations, I intend to demonstrate how and why public debate and public policies towards facing gender violence are transformed through actuarial logic, in this case, more specifically, through the introduction of FRIDA in Brazil's and, therefore, São Paulo's, law enforcement institutions. I aim to evidence the ways actuarial logic dispels the remaining logics of care in these specific gender politics and replaces them for the colonizing logic of control and punishment.

Keywords: *Domestic Violence, Risk Assessment, Care, Punishment.*



WOMEN'S INVISIBILITIES IN THE JUSTICE SYSTEM



Ref.: 058M22020

THE INVISIBILITY OF FEDERAL PRISONERS IN PRISON SYSTEM IN THE RIO DE JANEIRO STATE

The present article is based in the analysis of surveys obtained in Sjomán Torrano et Alli (2019) and Brazil (2019) with the objective to answer: Does the public politics in prison units of Rio de Janeiro state consider gender particularities at federal in custody? The approach is guided by theoretical-methodological studies having as references the intersectionality that could inform with the feminist historical perspective. As for objective data, about 80% of women were provisionally arrested for the crime of international drug trafficking, their family lives in another country or Federation Unit, and in the case of foreign prisoners, with about 50 % from countries with languages other than Portuguese or Hispanic languages. In addition to breaking family ties, the difficulty of communicating with the actors in the units and accessing documents for their technical defense is compounded by the fact that not all nationalities have Consulates in the State of Rio de Janeiro. A universe of women predominantly between 26 and 45 years old, unemployed, the majority being single, and 69% with children. About 40% of women enter the prison system with chronic non-communicable diseases, highlighting that there is no protocol in the prison units to survey the epidemiological profile and that data from Rio de Janeiro (2018) denounce that there is a lack of care and professionals focused on women's health. It is

concluded that there is a split between the advances achieved in the legal civil frameworks and what occurs within the federal prisons in Rio de Janeiro, highlighting, among other aspects, the lack of preservation of family relationships and women's health.

Keywords: *Women, Prison, Invisibility, Human Rights.*

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WOMEN AND THE JUDICIARY: A RELATIONSHIP MARKED BY GENDER AND RACE STEREOTYPES

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In the world, spheres of power and decision-making functions are spaces occupied primarily by men. This is mainly due to stereotypes related to the female gender. Various structures have contributed to the dissemination of these stereotypes, such as: the family, the church, the medical discourse, the school and the justice system. The structure and functioning of the Brazilian justice system, and especially of the Judiciary, reflect the gender bias added to the racial bias. The male, white and heterosexual magistrate predominates in court. In fact, it is more serious: not only does it predominate, it is also an impartial judge's reference. In this article, the relationship between the Judiciary and women will be analyzed. The objective is to discuss the influence of gender and race stereotypes in judgments and the functioning of the Judiciary based on reflections on female bodies that pass through the courts as professionals, defendants or victims. For the elaboration of this work, a primarily quantitative approach was used based on data collected from public databases combined with bibliographic and documentary analysis. The data demonstrate that social controls related to women are still reproduced by the Judiciary. In its composition, women occupy a greater number of positions in the early stages of their careers. In the courts they represent only 23% of the judges and ministers. In addition, many

of these magistrates perform according to the dominant male subjectivity, some because they consider the male, white and straight as a neutral judge paradigm, others for fear of discrimination. How is a legitimate trial possible if the people who suffer the most violations are not represented in the judiciary, especially the courts? Women, and especially black women, must be represented in all instances of the Judiciary. Some measures can be adopted to allow greater diversity in the Judiciary: identification of stereotypes that permeate decisions, training courses for magistrates, rules of progression in the judiciary and judicial protocols that consider the perspective of gender and race.

Keywords: *Stereotypes, Gender, Race, Judiciary.*

Ref.: I46MI2020

WHEN BEING A MOTHER IN PRISON IS NOT AN OPTION: REPRESENTATIONS, INSTITUTIONAL AND FAMILY RELATIONS AND ETHICS OF CARE

In a complex and extreme context of vulnerabilities, maternity in the prison environment is one of the paradoxical situations of a recent Brazilian scenario. There is an androcentric structure of prisons created and designed by men and an increase in pregnant women. One can notice the androcentric structure of prisons created for and thought by men. The confinement of those idealized by society as being docile and meek causes a dilemma, since their idealized role of taking care of the household chores rests unfulfilled. Most of them lose touch with family members and friends because of geographical distance and prejudice. To find out what the impacts of institutional gender violence caused in imprisoned women, there was a case study in Conjunto Penal Feminino, located in Salvador, Bahia, Brazil, between 2015 and 2019. The methodological approach used was the qualitative one, which provided a better understanding of the facts and social processes detected through semi-structured interviews with female inmates. Results show that: as the moment of separation will certainly occur because of the imprisonment, the

State becomes fully responsible for the children, in addition to keeping affection and sustaining family ties. It requires recognition of the reproductive rights, of the right to maternity and the (re) construction of family ties in order to (re)integrate them into society.

Keywords: *Women, Prison, Human Rights, Reproductive Rights, Maternity.*

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WOMEN IN THE PRISON SYSTEM



Ref.: I20MI2020

CRIMINAL JUSTICE AND WOMEN IN ALBANIA. DOMESTIC VIOLENCE AS A PERSISTING CAUSE OF AGGRAVATING THE WOMEN'S SITUATION

This paper will be focused on the general researches on Criminal justice in Albania and the situation of Women's rights in the Criminal field, the comparison in time and space, the framework changes, and the improvement of women's life inside the Albanian prisons. This overall overview will be focused on the concrete situation of convicted women's victims of domestic violence and how their life was affected by the commitment of this crime.

The methodology will consist of a compared study of legislation, the international legal framework, policy papers on identifying the connection between domestic violence and domestic crime, and the direct effects on women's life. The analysis of the circumstances affected the social and psychological stability of a woman leading her to commit a crime.

The paper will show the real face of the legal and social life of a woman with justice problems, the support of the society, and specialized authorities on providing services to guarantee women's rights in problematic situations. According to INSTAT, in 2018, are counted 39,649 perpetrators of criminal offenses, of whom 2,832 are women. Compared to the last year, are 10.0 % more perpetrators. Are in total 5,316 prisoners, of whom 5,207 are males and 109 females (the year 2018). Women are noticed to occupy a higher percentage of about 22.0 %

compared to 4.5 % of male convicts at the university level. In prison are provided different professional training courses which indicates that a number of 264 prisoners attended them, with respectively 19.3 % females and only 4.7 % males.

The paper will try to answer some issues regarding the connection between the numbers of convicted women and their crime, is gender crime related to the domestic violation situation in Albania, is the women victim of discrimination oriented to commit a crime against her aggressor? In Albania, are a total of 3,414 violated women. Cases of domestic violence reflect the number of denunciations made to the police, a phenomenon which may even cause a person's death. Thus in 2018, out of 51 murders, about 19.6 % of them are homicides as a result of family relations. According to victims of murders causes by family relationships, we can say that in 2016 there are 68.4 % of them women and 31.6 % men; in 2017 64.3 % of women and 35.7 % men and in 2018 the % of men victims raised in 42.1% against 57.9% women.

Keywords: *Law Protection, Services, Domestic Violence, Convicted Women, Albania.*

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**LIVING WITH A DEATH SENTENCE:
THE EXPERIENCES OF WOMEN FORMERLY
ON DEATH ROW IN THE PHILIPPINES**

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This paper illuminates the experiences and issues of women who spent time on death row before the suspension of capital punishment in the Philippines by then-President Gloria Macapagal Arroyo in June 2006. Drawing upon participant observation and in-depth interviews with women formerly on death row, their family members, and prison staff, the researcher examines the women's pathways to prison and death row and the common themes in their backgrounds that brought them in contact with the criminal justice system. This research analyzes the link between the women's criminalization and their prior experiences of victimization, social and economic marginalization, and deception and betrayal in relationships. The researcher exposes the social backgrounds of these women, who come from predominantly low-income and working-class communities, with limited education levels and unique needs on account of their gender and their role as mothers and/or other relational responsibilities. Before they landed in prison, the women in this study largely occupied marginalized positions in their families and relationships, at work, and society in general, on account of their gender, social class, and race and ethnicity. Their criminalization for their prior experiences of victimization and marginalization was compounded by institutional corruption in a postcolonial nation such as the Philippines.

The researcher looks into the women's concerns and coping mechanisms when they still lived under the sentence of death, and the impact of their incarceration on their family members and other significant networks. This paper elaborates on their social worlds under confinement, their struggles for survival when they were on death row, and their negotiation of the social order in the penitentiary. The researcher also delves into the near execution of one woman, the subsequent confirmation of the death sentences of five other women, and the impact thereof on the rest of the women inmates on death row. The researcher discusses the women's views on the suspension of capital punishment, as well as its politicization, their understanding of the commutation of their death sentence to life imprisonment without parole, the changes in their situation since the repeal of the death penalty, and their fears regarding the revival of the death penalty in the Philippines under the current administration of President Rodrigo Duterte. This paper concludes with a discussion of their persisting concerns and service needs in prison as they continue to serve long-term sentences, while avoiding the prospect of returning to death row if capital punishment were to be reinstated.

Keywords: *Women in Prison, Women on Death Row, Capital Punishment, Death Row, Life Without Parole.*

Ref.: 089MI2020

HOW STRONG IS THE LIGHT AT THE END OF THE PATH TO ABOLISH THE DEATH PENALTY FOR WOMEN IN SUB-SAHARAN AFRICA?

Over a year after electing Nelson Mandela as its President, South Africa (SA) ended the use of the death penalty, with a ruling of its Constitutional Court (*S v Makwanyane and Another* (CCT3/94), 6 June 1995) proclaiming that 'capital punishment is [...] unconstitutional' (para. 392 of the judgment). That ruling indicated a momentous shift in the use of capital punishment in Africa, as more countries joined the global trend to move away from it. Therefore, my work focuses on the analysis on the current situation of Sub-Saharan Africa (SSA) vis-a-vis the resistances and challenges still found in this macro-region on the path to complete abolition of the death penalty. In December 2014 at the United Nations General Assembly (UNGA), 27 African countries voted in favour of a resolution calling for a progressive end to the use of the death penalty (A/RES/69/186). Five months earlier, in July 2014 in Cotonou, the continent had adopted a declaration urging countries still imposing it to "consider abolishing the death penalty statutorily or constitutionally" (para. 6). Namibia, for instance, made the death penalty unconstitutional since 1990, in its first independence Constitution (Art. 6, 'Protection of Life'). The African Union (AU) is currently considering an additional protocol to the African Charter on Human and Peoples' Rights (Banjul Charter) on the abolition of the death penalty. In effect, at its 37th Ordinary Session (2005), the African Commission on Human and Peoples' Rights (ACHPR) decided to appoint two Commissioners to work with the Special

Rapporteur on Prisons and Conditions of Detention in Africa, to produce a concept paper on the question of the death penalty on the continent. The imposition of the death penalty in accordance with the law was believed to be sanctioned by Article 4 ('Right to Life') of the Banjul Charter, although the AU Commission has repeatedly called for its suspension. In contrast, the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty (adopted by the UNGA Resolution 44/128 of 15 December 1989) has not found fertile ground in Africa, showing the reluctance of many governments to peremptorily abolish capital punishment. To date, only 15 countries from SSA have ratified this protocol. If it is true that, in 2018, only Botswana, Somalia, Sudan and South Sudan used this measure with Somalia being the main user due to incidences of terrorism related crimes involving Al-Shabaab insurgents. It is also true, however, that most African countries still have the death sentence on the law books and judges continue to pass such judgments. Yet, there is a growing number of instances where they are not enforced resulting in sentences commuted to life imprisonment.

Problems like the lack of fair trial guarantees and the resurgence of the death penalty in contexts marked by a significant deterioration of the security climate.

Keywords: *Law Protection, Services, Domestic Violence, Convicted Women, Albania.*

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Ref.: 229M22020

PROJECTS OF LIFE OF PEOPLE OF THE MUSLIM FAITH RELEASED FROM RUSSIAN PRISONS

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Here we study the projects of life of Muslims who have served their sentences for fraud and other crimes and returned from Russian prisons in the past three years. There was a hypothesis that the Muslim culture had significant impact on the processes of adaptation after the release from prison. However, it was not confirmed: a high percentage of repetitions of crime was revealed among previously convicted Muslims, as well as the inefficient use of religious resources as a worldview and humanitarian foundation. Sociological methods were used, in particular, focus groups with former convicts and in-depth interviews with penitentiary facility staff. The first focus group includes Muslims practicing Islam, with secular manners, and ideas about life quite close to European traditions. The second group includes Muslims who practice Islam and impeccably comply with all the requirements of the Islamic religion. In-depth interviews were conducted with penitentiary facility staff in order to identify personal attitudes, the potential of social functions in the process of monitoring prisoners who were in penitentiary facilities just before their release. Convicted Muslims can be conveniently classified into two numerically unequal categories: the majority serving sentences for personal crimes and the minority-serving sentences for crimes of terrorist and extremist natures. These two categories differ

significantly in the degree of religious conviction and psycho-types. The first group of respondents finds excuses in a turn of events, in particular in poverty and insuperable difficulties that pushed them to fraudulent actions in their past life. The second group of respondents are deeply religious Muslims, brought up in the best traditions, where religious canons are passed down through generations. Both groups believe that a lot of time and effort is needed for the complete adaptation to society. The projects of life of both groups are close. They are making efforts to restore their status, financial situation, and social recognition. Since it takes considerable time to achieve these goals, they usually rely on various communities and clans that form around the mosque. Russian Muslims who have come out of jail quite clearly see their projects of life. However, realizing their unattainability in a short time, they are often get involved in criminal activity again, using a criminal behavior model. At the same time, they interpret their religious ideas in excusatory intonation, referring to irresistible life circumstances.

Keywords: *Projects of Life, Adaptation, Muslims, Former Prisoners.*

Ref.: I00M22020

**(UN)FREE WRITINGS:
AN ANTHROPOLOGICAL ENQUIRY INTO PRISON WRITINGS
FROM INDIA**

Prisons are opaque institutions, where everyday lives of the incarcerated are hidden from public sight. In prisons, the deprivation of free and un-surveilled communication with the outside world is integral to the production of docile subjects. (Foucault 1977) In such oppressive spaces, charged constantly with overt and covert displays of violence and domination by prison authorities over incarcerated persons, any acts of writing by the latter become ultimate forms of political resistance. (Larson 2017) In the everyday lives of incarcerated people in India, writing is an anomalous practice, pursued by just a few who are literate. Moreover, writing under incarceration in India is not a matter of right, but instead a privilege, that is extended selectively by the prison authorities to only some. (Kaur 2019) And yet, what potential do these sparse prison writings possess? For this paper, I identified prison writings, i.e. writings that emerge from experiences of incarceration in Indian prisons, as my object of research. I implemented a two-pronged methodology to study them. The first method involved a close reading of select prison writings published in the last two decades in India, alongside which, I have carried out an interpretive discourse analysis of these texts. Secondly, I conducted in-depth interviews of a few formerly incarcerated prison writers to gather their narratives of writing under incarceration.

This paper asks, how can prison writings contribute to our knowledge of prison systems, which have often been documented and studied institutionally, only from above? How can prison writings become objects of analysis and tools for studying prisons and the experiences of incarceration, from below? Through my analysis of prison writings, I found certain recurring themes that give us an intimate peek into the everyday lives of incarcerated persons in Indian prisons. Further, the first-hand narratives about practices of writing were in themselves very revealing of how incarceration was experienced in Indian prisons. Few such themes that I discuss in detail include the experience of time under incarceration, the bodily inscriptions of prolonged imprisonment, and the material culture within Indian prisons. Prison writings are a valuable resource for understanding the lived experiences of incarcerated persons. Further, unlike their imprisoned writers, prison writings can have a free life of their own. They can become a medium through which the incarcerated can voice their resistance, protest their repression, proclaim their innocence, and engage with the world outside, even as their writers remain unfree.

Keywords: *Prisons, Narratives, Writing, India.*

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**“I, AS WOMAN, FELT HUMILIATED”:
SHARED EXPERIENCES OF WOMEN WHO KILLED ABUSIVE
PARTNERS AND THEIR CONTACT WITH THE CRIMINAL
JUSTICE SYSTEM**

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Despite innovation brought by the Maria da Penha Law in Brazil, no longer allowing domestic violence to be considered a minor offense and creating the possibility of protective measures disconnected from criminal prosecution, the Criminal Justice System (CJS) is the main tool offered by the State to battered women. Statistics show the inadequacy of this approach: not only it had little effect on women mortality (GARCIA, 2013), it also has had a low impact in actual sentencing and conviction, demonstrating that neither the protection of women nor the punishment of men who batter their wives is in the best interest of the CJS. Rather, it moves preferably towards the imprisonment of specific social groups, targeted through the criminalization of drugs and private property-related offenses. This research focuses on the experiences of four women accused of murdering their abusive male partners in Bahia, Brazil. The study was approved by Ethics Committee and involved semi-structured interviews with three women currently in custody at the Conjunto Penal Feminino (CPF) de Salvador and the observation of the jury trial that resulted in the absolution of a fourth woman. The cases were selected after analyses of inmates that passed through the CPF between 2012 and 2018. The goal was to understand these women's contact with the CJS and how they perceived the process that leads up to their conviction (or absolution, in one case). All women were self-declared black and heterosexual and their violence history and context involving the death of

their partners varied greatly. However, they all shared the fact that they never registered police reports or attempted institutional help. Only one of them called the police in occasion but didn't answer the door when they appeared. The reasons given for this add up to a distrust in the public interest and capability of resolving their problem and actually guaranteeing their safety. This corroborates previous researches (BARSTED, 2011; SILVEIRA, 2014) that showed how battered women struggle in their access to justice in ways that are also related to race and class: in literal terms, for many women, the distance between their homes and the institutional help makes it difficult to ask for help, especially considering economically vulnerable women; in subjective terms, their notion of justice and their expectations of ideal resolution of the case isn't always compatible with the available answers provided by the State; in symbolic terms the relationship of many women, especially racialized women, and the State is marked by police repression and distrust. As a result, instead of entering the system as victims, their relation with the CJS begins as "criminals". These women recur to homicide to save their own lives but their voices don't echo in the ears of the jury. Two of the interviewed were convicted for the homicide of their aggressors and their narratives are marked by institutional violence, gender prejudice and despair.

Keywords: *Domestic Violence, Self-Defense, Criminal Justice System, Gender Prejudice, Institutional Violence.*

Ref.: 207M22020

HEALTH PROTECTION IN PRISON, BETWEEN EQUIVALENCE OF CARE AND LESS ELIGIBILITY

This paper focuses on health protection inside prisons. A 2008 Italian Law transferred the Prison Medical Services to the National Health Services, but the principle of equivalence of care (inside and outside the walls, as provided by the law) is far from being achieved. The reflections stem from 3 researches carried out by the Author in the last 10 years in the Italian prison system, aimed at collecting (through interviews and focus groups with prisoners, prison officers and doctors in 9 prisons countrywide) the different frames and narratives about health, illness and medicine inside prison. The results support the idea of less eligibility (Rusche, Kirchheimer, 1939) as a premise preventing a whole fulfillment of the equivalence of care principle (Sim, 1990; Vaughn, Carroll, 1998). Firstly, power dynamics and conflict deeply impact on the relationships (between prison and medical staff and between prison/medical officers and detainees) hindering any form of confidentiality. Secondly, the unhealthy structural conditions of the prison make the detention experience even more painful. In other words, prison doctors' involvement in a disciplinary and control frame and practices, together with the appalling structural conditions, pose a major risk for prisoners' physical and mental health. In line with recent trends of some international literature (Jotterand, Wangmo, 2014; Charles, Draper, 2012) the research proposes therefore

to reconsider the principle of equivalence of care, moving from the equivalence of standards to the equivalence of objectives (Lines, 2006): when referring to the promotion of healthcare in prison, we can't ignore the overrepresentation of mental and physical problems. If the concept of equivalence of care means that punishment must be considered the loss of liberty and not the the loss of liberty plus the loss of many other rights (contrary to the less eligibility principle), therefore national policies should pay greater attention to the outcomes than to the process of healthcare provision, do not hesitate to invest more resources in that field.

Keywords: *Prison Healthcare, Less Eligibility, Equivalence of Care, Prisoners' Rights, Prison Policy.*

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Ref.: 050MI2020

**“THIS WOMAN IS COMPLETELY UNREASONABLE”.
PRISON CULTURES AND GOVERNMENTALITY
IN A PSYCHIATRIC PRISON WARD**

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The relatively small number of women prisoners in the Italian Prison System (which are about 4% of the total prison population) has historically led to a lack of attention on the phenomena of female incarceration, from both an academic and a juridical/organizational point of view. As a result, studies that focus on the specificities that characterize female detention are at the time very few (see Pitch, 1992; Zuffa & Ronconi, 2014; Gandus & Tonelli, 2019). Moreover, those same specificities are denied and ignored on the practical level, where the configuration of female imprisonment is often calibrated on a “male” model (Zuffa & Ronconi, 2014). In this sense, it’s not surprising to notice how in the Italian prison system only the 25% of detained women are locked up in an exclusively female institution, while the remaining 75% is allocated in sections created within male prisons, of which they reproduce spaces and organizational features (Fabini, 2017). The position of marginality that women thus assume (within a prison population which is already marginalized per se) is further aggravated by the formal and informal “circuits” that segment prison spaces. Prisoners categorized as “protected”, “high security”, “drug-addicted”, “psychiatric”, are often assigned to specific prison spaces, designed for their “management” and taken in charge. The instance of “protection” and “cure” that the prison system thus declares to acquit, soon reveals its ambivalence in further exacerbating the deprivation

regime to which women prisoners are subjected (to an even greater extent than men). This contribution aims to present some preliminary results of ethnographic research that the author has carried out during the last two years within a prison in northern Italy: this was mainly a men prison, but some sections were dedicated to women (two for “ordinary” detainees, one for “psychiatric prisoners”). The research focused on the study of governmental processes towards prisoners defined as “psychiatric”: this presentation, therefore, intends to focus on the processes of categorization of women prisoners as “psychiatric” and on the strategies of governing which are consequently implemented toward them. In particular, the presentation will focus on the unfolding of those governmental strategies within a “psychiatric section” for women prisoners, which was jointly managed by both prison and health-care/psychiatric staff. In this case, a mixture of psychiatric knowledge and prison cultures (see Vianello, 2018) produced some interesting effects in the narratives and interventions that were produced toward incarcerated women: the case of a woman assigned in that ward because of her being “completely unreasonable” will be analyzed more in-depth. In conclusion, some research perspectives from ethnographic research on mental health in a female prison to which the author is currently working will be presented.

Keywords: *Women’s Imprisonment, Prison Healthcare, Prison Cultures, Psychiatry in Prison, Mental Health.*

Ref.: 002M22020

MOVING OUT OF PRISON - A QUALITATIVE LONGITUDINAL APPROACH TO FEMALE PRISONERS' REENTRY PROCESS IN PORTUGAL

Reentry studies show that the reentry process offers many pressing challenges for returning prisoners, building on the "invisible punishment". Stigma, social networks, deficits in education, employment, and housing, lack of treatment programs, lack of family support, and marriage seem to affect a successful reentry after release. Furthermore, those reentering the community recidivate at high rates, and this has social, political, and economic consequences for individuals, families, and entire communities. However, while there is an abundance of studies on the prison(er) reentry, criminological research on reentry has been inattentive to the experiences of women, focusing mainly on men. Reentry experiences of women remain largely understudied (with a few exceptions) and a couple of studies consider the gender differences between men and women's reentry experiences. In this regard, we know that drug dependence, lower educational levels, or a long criminal record make women recidivate at a higher level. Employment, housing, and treatment affect recidivism rates the same way for both males and females. Urban residence, childhood, and recent abuses, living with a criminal partner, selling drugs, stress, depression, fearfulness, and suicidal thoughts are positive predictors of recidivism for women, more than for men. This paper is based on preliminary results of a qualitative longitudinal study on prison reentry conducted in Portugal, which aims to examine reen-

try experiences of male and female (ex-) prisoners with different socio-economic and criminal backgrounds. The ultimate goal is to understand what can be determinant in individuals' trajectories on re-offending –recidivism –or on giving up of the criminal path–desistance. Understanding how prisoners perceive their lives and the potential opportunities and constraints within their environments provide important insight into their needs and barriers to the reentry process. Acknowledging that reentry experiences of women remain largely understudied and undertheorized this paper focuses specifically on the female prisoners' reentry process. Barriers to the reentry process are analyzed based on 20 interviews, 10 from the time women were serving time in prison, and 10 from the first 6 months after these women were released. It is analyzed the role of the criminal and social system in preparing individuals to live as law-abiding citizens, the challenges these women face during the post-release period, and the strategies used to cope with the re-entry into the community. In the end, barriers to the reentry process are identified through the lens of the female (ex-)prisoners themselves, while it is critically debated on how violence, incarceration, and other forms of 'continuous punishment' are recurring in their testimonies, ultimately interfering in their trajectories

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Keywords: *Prison, Reentry, Gender, Qualitative Longitudinal Research, Continuous Punishment.*

Ref.: 044M22020

**WOMEN IN PRISON:
A STUDY OF TRAUMA OF CHILD VICTIMIZATION
AND ADULT EMOTIONAL LABILITY**

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Child victimization has a significant negative impact. Female prisoners show higher levels of physical and sexual abuse (Severson, Postmus, & Berry, 2005), compared to men inmates and women in the normative population (Houser, Belenko, & Brennan, 2012). Researches showed that in the inmates' female population, 68.2% suffered physical abuse and 53.9% sexual abuse in childhood (Severson et al., 2005). This victimization harm emotion regulation on female inmates (Walsh, DiLillo, & Scalora, 2011) and increases emotional lability (McMahon, Huang, Boxer, & Postmus, 2011). This study analyzes the prevalence of child victimization in incarcerated women and to verify the relationship between their experiences of child victimization trauma and emotional lability in adulthood. A sample of 80 incarcerated women [aged between 21 and 70 years old ($M = 38.83$, $DP = 11.51$)] answered in-person to the socio-demographic questionnaire, the Childhood Trauma Questionnaire (CTQ: Dias et al., 2013), and the Affective Lability Scale (ALS-18: Look, Flory, Harvey, & Siever, 2010). The study was conducted following the ethical principles and was approved by the University institutional review board and the ethics committee. 30.9% of women experienced emotional and physical abuse in their childhood, 34.6% sexual abuse, and 97.5% emotional and physical neglect. There is a relationship between physical neglect

and the affective lability ($r = .239$, $p = .031$), anxiety/depression ($r = .227$, $p = .041$), and depression/elation ($r = .232$, $p = .037$). This research showed the link between the trauma of youth victimization and emotional lability (Walsh et al., 2011). Incarcerated women who suffered from neglect are more likely to have emotional lability, anxiety, depression, and elation. Our results allow us to identify relevant variables to prevent and intervene in children's victims, to reduce the emotional lability in adult life.

Keywords: *Child Victimization, Lability, Inmates, Portugal.*

Ref.: 048M22020

BEHIND BARS: CRIMINAL PROFILES AND DYNAMICS OF INCARCERATED WOMEN IN MINAS GERAIS

In the early 21st century, a study on female imprisonment in Minas Gerais (Brazil) identified that women believed they were invisible to state control agents, taking advantage of this characteristic to engage in criminal dynamics. Almost two decades after this study, female incarceration has increased tremendously, even when compared to male rates. Nowadays, women account for five in every 100 people behind bars in Brazil, mainly due to drug trafficking. Despite these changes, the inclusion of women in criminal dynamics has not been sufficiently considered in Brazilian academic research yet. There are few studies focusing on them, aiming to understand who these women are, how they perceive their position in the drug trafficking networks, and why they decided to join this criminal activity. Usually, these analyses set the female participation in subordination to a male figure, either framing them as caregivers, or inserting them in lower positions in the criminal network. It is worth asking if, in fact, men have such a prominent role in the drug trafficking grids or if this understanding of the female roles is an academic bias. Therefore, this paper seeks to describe the profiles and to reconstruct the criminal background of females held in custody due to drug trafficking in Belo Horizonte (Minas Gerais, the state capital). The data used here were collected between 2017 and 2018, through a survey carried out with 170 women, among the 396 inmates held by the Estevão Pinto Penitentiary Complex. In the sample,

52% of the interviewees were arrested for drug trafficking (89 questionnaires). Among some of the results achieved, women in custody for drug trafficking were Black (83%), had up to six years of schooling (48%), with at least one child (76%) and a third of them were the providers of their families (34%). It is interesting to note that 42% of these detainees committed the offense alone, in order to dissimulate their participation in criminal behavior. In addition, only 12% had a firearm in their possession when imprisoned and merely 4% were arrested with some partner in crime. If 20% of the interviewees justified their entrance in the criminal network due to a male influence, 9% informed that they even convinced someone to join the illicit business promising them money. The narrative that reinforces that women only join criminal activities as a result of their love for a male criminal appears to be different among the women participating in our research. They join the drug markets with an expectation of increasing their income. However, the police focus on their family ties as well as on their skin color and place of residence. All detainees had, at least, one family member that had served some time in prison, making them more likely to be stopped and arrested by the police forces. This is a possible explanation of why a third of them were arrested in their own houses, in the beginning of their criminal careers.

Keywords: *Female Imprisonment, Drug Trafficking; Brazil, Female Criminal Networks.*

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Ref.: 093M22020

SENTENCING PROCESS OF FEMALE DELINQUENCY IN SPAIN

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There is an extensive literature on sentencing disparities. Research has found that judges decisions are mostly influenced by legal variables such as prior record and offense severity. However, there is a broad consensus in criminology that gender crosses justice systems and becomes a non-legal factor that influences sentencing. Most of the empirical research in this field finds a benevolent treatment for women, but little has focused exclusively in analyse if all women benefit from this benevolent treatment. Some research in Anglo Saxon contexts shows that black and low-class women receive harsher criminal responses. Moreover, some scholars argue that gender's judge can influence sentencing. As far as we know, there is no work on this issue in the justice system in Spain. The purpose of this study is to explore what type of women are sentenced and how judges sentence them. Moreover, we want to examine if all women are treated equally. To explore those questions, we have carried out descriptive and bivariate analysis with a sample of 472 women sentenced between 2008 and 2019 in Castilla-La Mancha (Spain) courts. We analysed the possible influence of legal and non-legal variables in the sentencing decision (guilty sentence or acquittal) and the decision to incarcerate (dichotomous variable). Some preliminary results show that 63% of women received a guilty sentence,

especially for committing property, drug-related and road-related offenses. Moreover, results show that there is a correlation between the imposition of a guilty sentence and prior record, gypsy ethnicity and drug problems. However, apart from drug problems, these variables are not related to the imposition of a prison sentence. We also found that male judges impose more prison sentences than female judges. While some of these results could be explained by the composition of the Spanish criminal justice system, where judges have little judicial discretion in the sentencing process, others indicate that some extra-legal variables as gypsy ethnicity and gender's judge can influence sentencing decisions. In this sense, we discuss if sentencing disparities are legitimate or discriminatory.

Keywords: *Criminal Justice System, Decision-making, Disparities, Judges, Sentencing.*

Ref.: I53M22020

BRAZILIAN WOMEN AND THE PRISON: AN ANALYSIS OF THE INCLUSION OF WOMEN IN A STRUCTURE DEVELOPED FOR MEN

The article proposes approaching how the Brazilian State developed policies for the incarceration of women through the analysis of norms and actions from the penal code from 1830 to 2018. The text begins by portraying how women were incarcerated, initially, with men and how this mixed incarceration provided a series of violence against women confined. The next part explores how the argument of the reduced number of women prisoners delayed the development by the Brazilian State of prisons exclusively to women until the end of the 1930s. The paper also presents the participation of the Catholic Church in the management of prison facilities for women in the country. The report observes the regulations of these establishments and the goals they express: more than being a place to serve a sentence imposed by a criminal act, women's prisons helped to teach what should be "woman's behavior." The article proceeds to analyze the incarceration of women in hospices and hospitals when their conduct did not join a crime in the penal code but represented a threat to the status quo and patriarchy. It then brings to light the rules for criminal execution sentences after the re-democratization of Brazil and the 1988 Constitution. Motherhood shows as the main divisor of rights and benefits between women and men incarcerated. Research demonstrates that there has been an increase in the number of

women's arrests since 2006 with the Drug Law's approval and this increase is related to the role women have in drug trafficking. The article also pointed out the statistics of female prisons and prisoners and the jurisprudential and public policy achievements for women in prison. Succinctly, it reveals incipient and localized policies for transgender female prisoners in Brazil. The article concluded that the unconstitutional State of affairs of the Brazilian prison system, recognized by the Supreme Federal Court in 2015, is more profound for women and that the Brazilian State has not yet developed a re-socialization project that has women as co-protagonists.

Keywords: *Women, Gender Roles, Prisons.*

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Ref.: I58M22020

REDUCTION OF TIME SERVED THROUGH READING: A PROJECT WITH FEMALE INMATES OF THE REGIONAL PENITENTIARY OF PELOTAS

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The present study has the objective of presenting a description of the extension project developed in the Pelotas Regional Prison (PRP), located in the city of Pelotas, Brazil. The work was directed to female inmates in a closed regime -the women who participated in the project were either waiting for trial or they already were condemned for a crime. Through a partnership between the Federal University of Pelotas (UFPEL), the Penitentiary, and the Community Council of Criminal Execution of the County of Pelotas, it was possible to develop a project based on the reduction of time served through the practice of reading. During the months of July, August, and September of 2019, three reading workshop cycles were made with participants from the female gallery of the Prison, and these cycles guaranteed the reduction of time served to the women who did the final report. Each report that was made by these women guaranteed, according to the law, 4 days of reducing of the time of the condemnation. We aim to discuss the activities that were developed according to the instructions set by the ordinance number 033/2019-GAB/SUP, which regulates the reduction of time served through reading. It is necessary, according to our interpretation, to discuss how the work with reading is understood by the imposed legislation, because it does not include all the people in a situation of deprivation

of liberty. We also aim to present the perspectives and the difficulties of the project, thinking about the impacts they can have. Pelotas Regional Prison was a female and male penitentiary, with five male galleries and only one female gallery. It has, mainly, reduction projects which most benefit men. Women are historically unassisted by different ways; as claims Chies (2011), there are female inmates in a male penitentiary, that is, a prison within a prison.

Keywords: *Reduction of Time, Reading, Extension Project, Female Inmates.*

Ref.: I68M22020

WOMEN'S ADVERSITIES

It is up to the State to promote appropriate measures to “guarantee fundamental rights and freedoms and the respect for the principles of a democratic law State”, in accordance with Article 9 (b) of the Constitution of the Portuguese Republic. In the exercise of this task, the defense of the fundamental legal assets to peaceful community coexistence is included, by incriminating the conduct that violates them, preventing the practice of crimes and, in the event that this function fails or is insufficient, sanctioning violators. Our objectives were to examine how the Portuguese legislator is attentive to the particularities of being a woman in matters such as hygiene, health, motherhood and parental education during the execution of sentences and, also, we wanted to investigate the mechanisms triggered by the State for protection, as a preventive measure, of women as victims of crimes. We made a research, in numerical terms, inquiring the rate of constituted women accused in criminal proceedings, as well as the number of convicted, from a set of recent and of reference official documentary sources, based on the existing statistical resources. We also made an analysis of the pertinent legislative diplomas, among them, the aforementioned Code of the Execution of Penalties and Freedom Deprivation Measures and the General Regulation of Prison Establishments. The fulfillment

of a prison sentence implies vast and varied consequences, from personal to familiar, passing through social and professional consequences, among others. And when women are condemned, the enforcement of sanctions has its singularities, namely, pregnancy and the postpartum situation. The execution of sentences and deprivation of liberty applied to women “must take into account their specific needs”, as provided for in article 4, paragraph 3 of Law no. 115/2009, of 12 October. We concluded that compared to the male universe, the number of women accused and convicted is clearly lower. In 2019, there were 859 inmates in Portuguese prisons, significantly less than 11,948 men, according to official statistics from the Directorate-general for Justice Policy. It is a certain type of prevalent crime that leads women to deprivation of liberty, which, of course, has its importance and significance. On the other hand, it is women who make up the largest share as victims of certain offenses. According to the 2019 Annual Report, authored by APAV, female victims amounted to 8,394.

Keywords: *Women, Freedom Deprivation, Execution of Sentences, Victim.*

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Ref.: I76M22020

WOMEN IN PRISON: EDUCATION AND EMPOWERMENT

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Brazil is in the 4th position in the world for female incarceration, the profile of women in prison corresponds to an age group of 18 to 39 years of age, in general, black, semi-schooled, mothers, from low-income classes. This study presents preliminary results of the research that aims to discuss questions about education in the prison system from the perspective of emancipation and empowerment of women deprived of liberty, based on the actions taken in the classroom of the female wing of a school located in a penal group in the southwest of the state of Bahia, by scholarship holders of initiation to teaching in the Interdisciplinary Sub-project, in the line of action in Youth and Adult Education, which is part of the Institutional Project Micro-Network Teaching-Learning-Training, of the State University of Southwest Bahia, in Brazil, linked to the Institutional Program for Incentive to Teaching (PIBID), in partnership with the Coordination for the Improvement of Higher Education Personnel. In the prison unit, there is an annex of a public school with basic education with approximately 90 female students. The pedagogical interventions were carried out by initiation scholarship students, undergraduate students in Theater, Dance, Physical Education, Letters and Pedagogy, under the coordination of teachers from the school of basic education and the university, during the period of two years (2014-

2017). Thus, for the discussions of this study, some questions were raised: how can education in the prison system support the emancipation of women deprived of their liberty? And how can education contribute to the empowerment of this woman? What are the resistances and / or resilience arising in prison? The research has a qualitative methodological approach, using action research. The expectation of the study is that the pioneering actions of the Interdisciplinary PIBID of Youth and Adult Education in a prison space can contribute to the breaking of prejudice and social exclusion paradigms regarding the person deprived of liberty, as well as the(re) elaboration of conduct within the scope of the actions implemented by schools in the prison system, in order to guarantee the woman deprived of her liberty the possibility of re-signifying her representations about being a woman, while ensuring her dignity, ethics, as well as understanding life in society.

Keywords: *Education, Incarcerated Women, Empowerment.*

Ref.: 019M22020

INDIGENOUS WOMEN AND PRISON IN BRAZIL: ETHNIC AND IDENTITY INVISIBILITY IN PERSPECTIVES

Continued violence against indigenous communities or indigenous “being” in Brazil has perpetuated over time since the colonial power matrix. Violence against the female gender, their experiences, social interactions and the deprivation of freedom. According to the interactive panel of information and statistics of the Brazilian penitentiary system (Infopen, 2020), Brazil has around 800 thousand people deprived of their liberty, of which 42 thousand are women. When verifying these facts, it can be seen that most of them are young women, black and with the maternal bond. In just over a decade, there was a significant increase in female incarceration, of 656%, of which, 50%, are in provisional prison, awaiting trial, but already condemned by the current structural racism. The question arises: Does the deprivation of freedom of indigenous women run through secular genocide and are now behind bars? The theme may cause astonishment at the reality of the incarceration of indigenous women and in view of this invisible cutout, only the erasure of their bodies will remain. According to official data made available by INFOPEN between July and December 2018, there were 53 indigenous women in prison, in the same period in 2019, there were 65 indigenous women. Among the 1390 ethnic prisoners, 4.68% are indigenous. In this perspective, other forms of rape appear, indigenous women in deprivation of liberty, in 2018, obtained the right to have a pardon commemorating Mother’s Day, with the exception of those who had an Administrative Record of Indigenous Birth. Thinking

about the protection and guarantee of rights, contained in the Brazilian Federal Constitution, and Convention 169 of the International Labor Organization (ILO) on Indigenous and Tribal Peoples, self-declaration identification is essential in the context of criminal prosecution, but many of these women fear or deny their ethnic identity for fear of prejudice or retaliation. The dilution of indigenous life is perceived in subordinate bodies, in invisibility and in the historical trajectory of losses and violence. Prison asserts the dehumanization of bodies, like a cog that abuses, instills fear, represses and pursues socialization, the disciplining of marginalized bodies in social and gender inequalities and structural racism. The work aims to analyze the structures of violence carried out against the indigenous female body, with the gender “indigenous women and prison culture”, present in history, demonstrating that racism, Coloniality and violation of rights are perpetuated. As a contribution to the theme, we seek decolonial thinking that allows us to recognize and recover their narratives and their places in stories as well as their otherness and autonomy, according to works by Latin American theoretical thinkers that address responses to violence and intermittent Coloniality to which indigenous women are exposed. The bibliographic-investigative methodological procedure was used.

Keywords: *Coloniality, Prison Culture, Indigenous Women, Violence.*

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INEQUALITY IN ASSISTANCE INCARCERATED WOMEN: FROM SOCIAL NEGLIGENCE TO FAMILY ABANDONMENT

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This article reports on the context experienced by women in the prison environment and the existing peculiarities, which for the moment, are distinguished from the scenario of male prisons. It aims to identify the real situation of the convicted woman in Brazil and the difficulties faced by them, investigating in depth the particularities experienced by the imprisoned woman. To this end, it uses critical criminology authors, sociologists and philosophers who discuss gender, as well as articles and contributions from health professionals, in order to identify the uneven dynamics of prison between genders and the deleterious effects of prison for women in prison. For this, the method of approach used is hypothetical-deductive, based on the principle of different treatment between genders in the Brazilian prison context. The discussion, therefore, revolves around the reality experienced by women and men in prison in Brazil, with regard to the structure of prisons, health problems, assistance and/or lack of assistance that each individual receives from the State and family members. Evidence of the dissimilarity in the experience of men and women in prison, emphasizing the worsening of the female situation both when entering and while serving the sentence, and also in the way society deals with the return of these women. In addition, for analysis it is necessary to investigate historically the

process of building relations between genders. Furthermore, it is noted that the inequalities of social roles act as a triggering factor for the striking differences in the experience in female prison. Finally, it is concluded that one of the main generators of this inequality is the patriarchal structural system that acts in the formation and maintenance of the unequal vision between genders. It is noteworthy that patriarchy acts in all social fields, in addition, the present research demonstrates that this inequality is even more accentuated in the context of prison with a generalized violation of the basic rights of women in prison.

Keywords: *Prison System Inequality, Patriarchate, Gender Inequality.*

Ref.: 240M22020

THE FEMININE IN THE PORTUGUESE LEGISLATION AND CASE LAW OF ENFORCEMENT OF PRISON SENTENCES

The normative Portuguese framework is based on an idea of equality before the law (Article 13 Constitution of the Portuguese Republic) which, in a first analysis, apparently renders away from the questioning of differentiation, particularly gender differentiation. It is, however, common ground that, beyond legal equality there is, and there must be, a healthy material inequality that guarantees the accomplishment of positive discrimination. Based on these assertions, and taking into account the Portuguese penitentiary context, we propose in this study to investigate aspects of the law which are, in its letter, neutral, but may entail special protections or, on the contrary, challenges to the female prison population. Similarly, jurisprudential research will be carried out in the search for decision-making elements that can be identified as specially addressed to the female sex, either in their favour or in their detriment. The aim of this study is, solely, to research legislation associated with the enforcement of prison sentences, in an attempt to unveil and systematize norms that may deserve a gendered reading, beyond the apparently innocuous character of their letter in terms of legal formulation. Available case law will also be researched in order to ascertain whether and how, when the enforcement of prison sentences is at stake, the female prison population receives differentiated treatment according to

their sex, in a (re)reading of the law, by its enforcer. The aim is to investigate the extent to which the female variable weighs on judicial decision-making in the enforcement of prison sentences. This is a prospective study based in the analysis of legal and case-law documents. From the data obtained in the researches carried out, we will try to elaborate theory, either in the sense of the adequacy of the law, the need for its change at the normative level, or the need for the adequacy of its application at the jurisprudential level. Our main goal is to construct a theory able to protect women's rights in penitentiary environments.

Keywords: *Female Prison Population, Enforcement of Prison Sentences, Law, Case-Law, Women Rights.*

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Ref.: 028MI2020

EMOTIONS, AFFECTIONS, AND PSYCHOPATHY AMONG FEMALE PRISONERS

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In the context of the challenge launched for the II INTERNATIONAL SYMPOSIUM ON GENDER AND PRISON CULTURE - Is it a democratic prison? and after analyzing the thematic axes, it was decided to present a study that investigates women in the prison system. Several studies have been developed to help understand psychopathy, however, there is still a gap in the integration of such a concept in affective dimensions, as well as a scarcity of surveys conducted in the female population. Thus, in this study, we aimed to understand affections and emotions associated with female psychopathy. Sixty-three women confined to prison, located in the North region of Portugal, participated in this study. Participants were assessed using the Positive and Negative Affect Schedule (PANAS), the Levenson's Self-Report Psychopathy Scale (LSRP), and the Hare's Psychopathy Checklist-Revised (PCL-R). Results showed that only nine women presented moderate scores of psychopathy. This result corroborates existing investigations that point to lower levels of psychopathic traits among the female population. Cultural issues were also highlighted since none of the women in the study had scores above 30 (PCL-R), as well as differences in the classification of men and women with traits of psychopathy using the score of 30 (PCL-R). Moreover, women with higher psychopathy scores

revealed deficits in positive emotional abilities (e.g. "proud", "guilt"), and secondary psychopathy was related with a predominance of negative affection ("annoyed," "repulse," and "nervous"). On the other hand, positive affection and the "excited" and "proud" emotions were related to primary psychopathy, which is not a surprising result, as primary psychopaths act intentionally to maximize their gains and excitement. In the future, it would be useful to develop more effective instruments to assess emotions and affections in female psychopaths. Furthermore, it is essential to know the emotional process in psychopathy in a deeper way, identifying precursors of early psychopathic traits, in which intervention and prevention can be implemented more effectively. This study raises questions related to the "semantic aphasia" exhibited in people with psychopathic traits, that is, the psychopath as not being able to feel emotions (or experiencing only weak variants of that emotion) may not be able to accurately report the components of interpersonal psychopathy, and it can be problematic to ask these individuals to report emotions they never felt. These results raise questions about the use of self-report instruments with this population.

Keywords: *Psychopathy, Affections, Emotions, Female Prisoners.*

Ref.: 010MI2020

WOMEN AND DEPRIVATION OF LIBERTY IN CHILE. DIMENSIONS OF PUNISHMENT AND DISCRIMINATION

The paper is focused on women deprived of liberty in Chile and the discrimination that the prison system supposes for them. Firstly, a characterization of those women will be made. Secondly, the way law confronts them will be presented. In addition, the implications of the confinement on their personal lives analyzed. Specific discriminations will be mentioned, such as their living conditions, the situation regarding their sexual and reproductive rights, health conditions, maternity, etc. Attention will also be paid to discipline and punishment conditions, and to their access to educational and training programs. This study is based on statistical data obtained from the Chilean Gendarmerie, on the consultation of penitentiary regulations and judicial sentences, and on the resolutions of national and international organizations on Chile. Prisons are institutions designed by men and for men, and similar control and security measures are applied indiscriminately for both men and women, even though they have different criminological profiles. There is a strong intolerance to disobedience and insubordination towards women, which are punished harshly, due to the common understanding that they should behave more obediently. Female prisoners are seen as deviants from the traditional social roles assigned to them. Similarly, prisons do not guarantee (and many times violate) women's sexual

and reproductive health and limit their autonomy rights. On the other hand, training programs reproduce gender roles and do not offer them opportunities to start an autonomous life professionally once they are released. The specific needs of women most of the time are not respected. All the above constitutes a violation of international regulations that enshrine the principle of equal rights between men and women. According to the recommendations of international organizations, gender perspective should be implemented in prison regulations to reduce the historical discriminatory impact that imprisonment could have against women. The hard conditions imposed by the prison are considerably worse in their case, generating irreparable damage not only to them and to their families but to the entire society.

Keywords: *Women, Prison, Gender, Discrimination.*

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Ref.: 04IMI2020

GENDER SPECIFICITIES IN CRIMINOGENIC NEEDS

Inês Marques

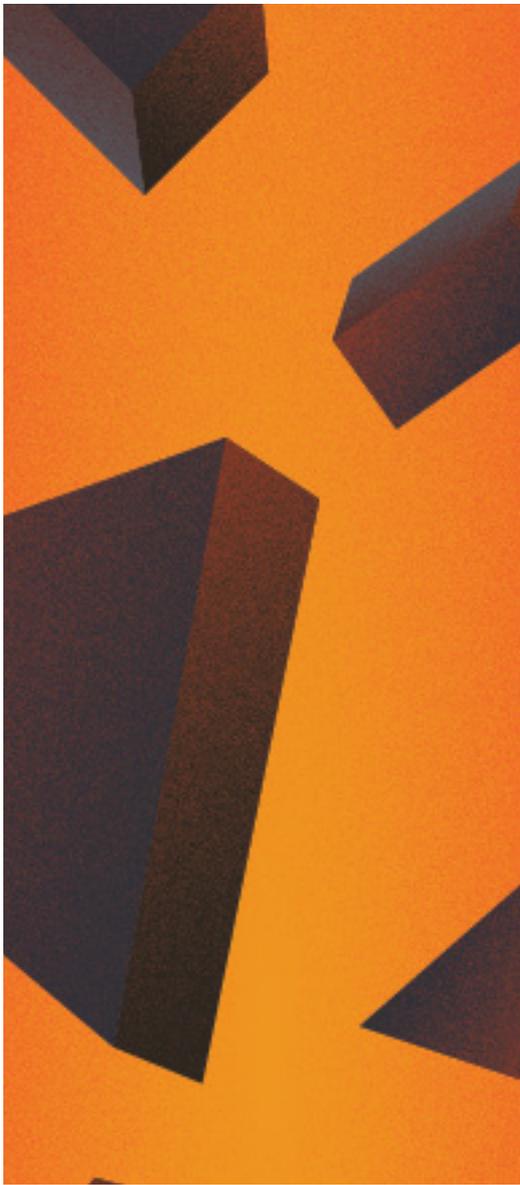
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Risk assessment and offender rehabilitation are commonly assumed as gender-neutral, even though the empirical evidence was mostly collected from samples of delinquent men or a disproportionate percentage of men compared to females. However, alternative lines of scientific criminological research have been motivated by the growing presence of the female gender in the criminal justice systems. This growth caused an even bigger belief that the female recidivism risk factors and criminogenic needs may be gender-responsive. The present study aims to compare the criminogenic needs between female and male gender. Specifically, it was intended to verify whether or not there were gender-responsive criminal needs. In addition, we sought to verify the psychometric properties of the tool for assessing criminogenic needs, namely its predictive validity, in relation to misconduct in the prison context. The risk assessment tool, the Women's Risk/Needs Assessment, developed by the National Institute of Corrections (USA) and the University of Cincinnati. This tool, in its institutional version, includes most of the main factors responsive to gender that emerged from the literature on the paths of women, addressing a wide range of family, relational, economic, social and psychological factors. This tool was applied to 151 individuals imprisoned (83 women and 68 men) in two prisons, based on an in-depth inter-

view that allows an analysis of criminogenic needs, including the neutral and the gender-responsive. The results show that female inmates have more gender-responsive criminal needs in the field of Employment/Finance, History of Mental Illness, Depression/Anxiety, Abuse and Trauma and Parental Stress. In contrast, male inmates have higher scores on major neutral criminogenic needs as Criminal History, Antisocial Friends, and Drug Abuse. Regarding the psychometric properties of the WRNA, the short-term ability to predict disciplinary offenses is overall reduced. Results are discussed and analyzed based on the empirical literature and related evidence produced within the WRNA and the differences between male and female offenders. Finally, the limitations of the methodology applied are raised and suggestions for future investigations mentioned.

Keywords: *Criminogenic Needs, Gender Responsive Needs, Neutral Needs, Risk Assessment, Women's Risk/Needs Assessment.*



MASSIVE INCARCERATION, PRISON REFORM POLICIES AND PENAL ABOLITIONISM



Ref.: 022M22020

**THE REDUCE OF SENTENCE TIME TO BE SERVICED THROUGH READING:
CONTRIBUTIONS, OBSTACLES AND RESOCIALIZATION**

The increase of the Brazilian inmate population in the last few years has exposed the already known problems of the national prison system, such as overcrowding, the violence of all kinds, lack of proper medical or legal assistance, bad quality meal, and also the absence of work and resocialization programs. Thus, despite the crime committed, Brazilian Law guarantee to the inmates the constitutional rights to work and study, which are important elements to make their resocialization and return to harmonic social coexistence. This paper aims to present the program named "Remição de pena pela leitura", whose purpose is to reduce sentence time to be serviced through reading, following some criteria. We will show the program pros and cons regarding its effectiveness as a method for resocialization. We applied quality investigation methods, and, regarding its aim, this paper is an exploratory study. There was three steps: (i) bibliographic research via both Google academy and documental research via the Education, Culture and Sports Coordinating Body of the National Penitentiary Department (DEPEN/MJSP); (ii) analysis of legal documents and legislation for fulling understanding of the theme; and (iii) studying of the program and other expansion projects. Reading the theoretical information, available on the references, we created a word clouding with the most common and relevant words: resocial-

ization, social integration, redemption, waiver, reading, prison, full establishment, redemption through studying, redemption through working, reeducation, inmate, penitentiary, prison library, reading room, review, educational practices, inmate population, and expansion projects. We observed the following obstacles to the program: (i) low level of education of the inmates; (ii) lack of proper prison library or reading room; (iii) lack of public policy for a prison system that invest in projects for social reintegration and reeducation of inmates; and (iv) criminal enforcement body crew focused only on safety and security, not education. The most relevant inputs of the project are: (i) inmate resocialization and reduction of literacy gaps; (ii) increase in inmate self-esteem, essential for later social coexistence; (iii) it makes possible to switch lazy moments for studying and knowledge ones; and (iv) redemption through reading has proved to smooth problems caused by over-imprisonment. People away from society must have their rights reassured, and, thus, they must not be kept away from knowledge. Reading can provide freedom, autonomy, creation of good values, knowledge of the word, how to act in order to evolve as humans more creatives and critical. The "Remição de pena pela leitura" program is something that can be effective to help inmates changing their path after jail time

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Keywords: *Inmates Individuals, Sentence Time To Be Serviced Reduce Through Reading, Resocialization, Prison System.*

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APAC'S:

**A SOCIO-LEGAL ANALYSIS FOR THE CREATION
OF PUBLIC POLICIES TOWARDS RESOCIALIZATION**

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Law is a science that aims to contribute to the evolution and development of society, analyzing human behavior and social life. The penal system should re-socialize individuals who may commit crimes, to reinsert them into society and guarantee social peace. The development of an efficient public policy for the re-socialization of prisoners must mean developing the country, society, with the inclusion of everyone in the benefits provided by progress. The development of a public policy, provided with resources, could prescribe forms of behavior and attitudes to be adopted by the State and by the private initiative, encouraging the work of prisoners, with the aim of re-socializing them and generating wealth for citizens. In this sense, the Association of Assistance to Convicts (APAC) is the ideal model for the true re-socialization of individuals who have committed a crime, since re-educated people work, study and become professionals, avoiding idleness. The central point of the work is not really the lack of criminal establishments, but of criminal establishments that really provide a change in the thinking of those who commit crimes. APAC could be the "proposed alternative measure" to become the main public policy for the improvement of the Brazilian prison system since it would reduce social inequalities, harmonize the coexistence between reeducates and society, as well as defend democ-

rary. APAC is an innovative and differentiated method to address the prison issue. The main focus, if adopted as a public policy, would be the condemned individual who today is corrupted, but who tomorrow may become a better human being so that he does not commit crimes again. The purpose of this research tends to awaken in readers a sense of reflection and justice. The analysis in the first moment makes us want to apply the Law of Talion, but the understanding that there is an alternative for the resocialization of individuals, makes us understand that the existing legislation is valid and fair, but its application is ineffective and inefficient. Therefore, the main objective of the socio-legal analysis is to highlight that Law combined with other sciences, such as Economics, can contribute to the creation of a public policy as an alternative to the existing prison system, not aiming at the creation of vaguer in the penal system, but the creation of a method that contributes to the educational, social, ethical and moral training of marginalized individuals.

Keywords: *Resocialization, Public policy, Law, Penal system, Criminal law.*

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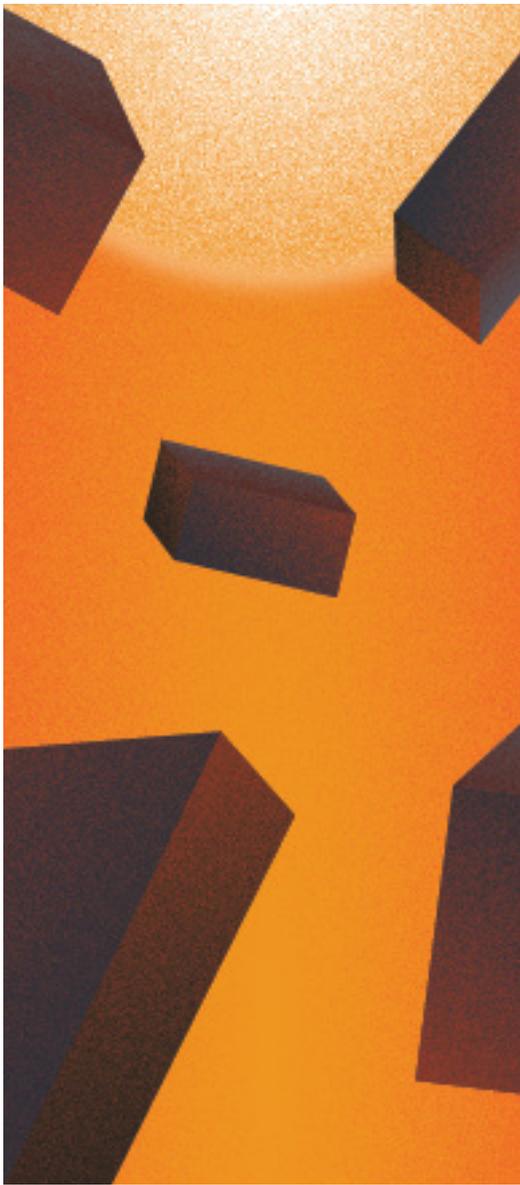
THE STATE AND CRIME: A STUDY ON CRIMINAL RECIDIVISM AND PUBLIC POLICIES

This article intended to analyze why individuals who have already served time in a closed prison, or who are serving an open/semi-open regime, resort back to crime instead of using existing public policies. In addition, it was made an attempt to create a general apparatus of the public policies that currently work in the re-socialization of prisoners or formal prisoners in Fortaleza –CE, as well as to make reflections on the role of the psychologist in this matter with the aid of the document analysis methodology through the analysis of documents such as newspapers, documentaries, government websites and statistical data, as well as qualitative research, where we analyzed recidivism data, investigated hypotheses for this phenomenon and analyzed the effectiveness of public policies. The results showed that criminal recidivism rates are high; moreover, the resolution to this phenomenon still appears in the sense of arresting and punishing. Public policies have proven to be important tools to change this reality, as long as they are aligned with the real needs of these subjects and network with the other basic policies. We also perceived the enormous difficulties that prisoners who have already served their sentences or who change their regime (to open or semi-open) face: lack of opportunities, unemployment, prejudice, misery, the ineffectiveness of other basic public policies (health, edu-

cation, housing) and so many others, are factors that contribute to the return to crime. So, it is possible to think that the great challenge for public policies, for professionals in the area and society as a whole, is to provide a social environment that meets the needs of individuals more than crime does. The psychologists have an essential role in this theme because they have the tools –if the opening is given so that they can be used effectively –to enable these individuals to be seen as subjects of rights, allowing them the opportunity to be heard, mediating their voices and desires and bringing this to the realm of public policies and still promoting critical discussion about this topic in society.

Keywords: *Criminal Recidivism, Public Policies, Resocialization, Crime.*

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PARENTALITY' EXPERIENCE IN THE PRISON CONTEXT



Ref.: 035M22020

DYNAMICS FOR INFORMATION ACCESS AND READING PRACTICES AT THE REFERENCE CENTER FOR PREGNANT WOMEN DEPRIVED OF LIBERTY (CRGPL) IN VESPASIANO/MINAS GERAIS, BRAZIL

This paper introduces the Reference Center for Pregnant Women Deprived of Liberty (CRGPL) in Vespasiano, a town in the state of Minas Gerais, Brazil, with a discussion of the way the women –pregnant or lactating ones –who serve time in this space establish certain dynamics for searching and accessing information and knowledge production. In methodological terms, the research is characterized as a case study supported by semi-structured interviews. The CRGPL (an acronym formed from the center's name in Brazilian Portuguese) was created in January 2009 to receive pregnant and lactating prisoners and to offer them humanized prison treatments. The place can receive 80 women and their children until they reach 1 (one) year of age. In addition to having an upstanding prison structure in contrast to traditional institutions, the CRGPL maintains a small library, whose collection includes books on various topics. As a result, reading in a prison setting is configured as a modulated practice, affected by different intents and functions: learning, entertainment, edification, and sociability. Regarding the results, it was possible to verify that the main concern for the women with whom we talked is the future of their children and their subsequent reinsertion in the traditional prison system following the gestation period. Consequently, as the CRGPL also includes a legal department, the main informational needs of these

women revolve around getting information about their rights and those of their children. Another measured result suggests that, although the Brazilian prison system supports humanitarian initiatives, as the one served in the Reference Center for Pregnant Women deprived of Liberty (CRGPL), prison institutions in the country are not yet prepared to adequately welcome convicted women or to consider their specific needs. That is largely due to sexist matrixes that guide society, a reality that, even today, allows women, especially pregnant women, to serve their sentences in mixed prisons.

Keywords: *Maternity in Prison, Reference Center for Pregnant Women Deprived of Liberty, Information Access in Prison, Reading in Prison, Prison Library.*

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Ref.: I83M22020

PREGNANT AND POSTPARTUM WOMEN INCARCERATED IN RIO DE JANEIRO

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In 2016, official data produced by Brazilian government revealed that 42,355 women are deprived of their liberty in Brazil, with an overcrowding rate exceeding the percentage of 156% in Women's prisons. Between the years 2000 and 2016, the rate of Brazilian imprisonment of women increased by 656%, presenting Rio de Janeiro as the fourth federal state with the largest female incarceration policy. Almost half of these women are imprisoned without conviction and, in the state of Rio de Janeiro, 65% of women deprived of their liberty are black. Countless are in the gestational period or in the postpartum period. Based on the analytical developments of decolonial authors about racism and sexism as forms of oppression structuring institutional systems, which reinvent and update colonial-patriarchal practices in prison nowadays, this investigation aims to evaluate the multiple forms of obstetric violence suffered by women deprived of their liberty in Rio de Janeiro. Therefore, the speeches of pregnant women deprived of liberty at Talavera Bruce Penal Institution were considered centrally, which had been shared with the author in a survey carried out at the unit in 2018. Judicial custody hearings decisions in Rio de Janeiro were also analyzed, between March and July 2018, whose defendants are pregnant women or mothers of children up to 12 years old. Previously characterized as subsidiary to the punitive dynamics, black women now integrate, along with black men, the central nucleus in the compo-

sition of the figure of the enemy and the target of control and extermination by racially marked public security racists policies. Selective criminalization and prison system think of black women as an active pole of widespread suspicion, drawing on combined racial and gender indicators to condemn these women to death in life or to physical death in penal institutions. In this conjuncture of mass incarceration and selective punishment, preventive confinement of pregnant women and women in the puerperium period is frequent, meaning complete disregard for the laws and leading cases of the Federal Supreme Court on the matter. In addition to implying the immediate execution of a sentence also for the babies, who are subjected to improper conditions in prison, the deprivation of freedom of pregnant and postpartum women implies countless restrictions and stigmas that culminate in life risks. For example, the case of Bárbara Oliveira that went into labor and gave birth to her baby in an isolation cell at the Instituto Penal Talavera Bruce, in Rio de Janeiro, 2015, without any medical care and totally alone. Lack of access to the prenatal program, poor medical, food, hygiene and psychological support throughout the gestation period, inhuman conditions during childbirth and after the baby is born are constant violations in the Women's prisons, indicating the worsening and overlapping of the effects of punitive dynamics on female bodies

Keywords: *Mass Incarceration, Obstetric Violence, Racism, Decolonial Theory, Sexism.*

Ref.: I05M22020

MOTHERS INCARCERATED IN BRAZIL, ANALYSIS FROM THE SERVICES OF PUBLIC DEFENDER OF SÃO PAULO

This research is the result of inquiries regarding the various rights violations suffered by mothers in prison system in the State of São Paulo / Brazil. In face of many complaints of right violations, the Public Defender's Office of São Paulo created the institutional policy named "Mothers in Jail", constituted through dialogues between many entities in favor of the rights of women in jail, with the objective of establishing deliberations that meet the needs of incarcerated mothers and their children, mitigating the impacts of incarceration. The objective of this study was to analyze the historical process of the Public Defender's Office in Brazil, focusing on São Paulo, evaluating the central deliberations of the policy "Mothers in Jail", from their motivations for creation, institutional organization, to the statistical reports corresponding to the particularities of the incarcerated mothers. In general, it discusses restorative justice, criminal abolitionism and the Bangkok Rules. Finally, to better get into the social reality, interviews were made with professionals who work in the Public Defender's Office and are directly connected to the "Mothers in Jail" policy. The research was based on the dialectical method, making a critical analysis on the subject. The data collection was made through a bibliographic survey, evaluation of statistical reports, making and transcribing the interviews. The data analysis indicates that there are 15,104 women imprisoned in the state of São Paulo, making it the largest

female prison population in the country. Brazil has had an increase of 656% in female imprisonment in the past sixteen years, the majority of whom are young black or brown women with low-level schooling, who have had no formal job, and 63% are spending time for drug trafficking. In the state of São Paulo, 81% of women in prison are mothers and 56% were responsible for providing for their children. Most of them were detained with small amounts of drugs, a factor attributed to three variables: chemical addiction, drug trafficking to help increase family income; and transporting drugs into men's prisons at the request of their partners. Another important fact exposed was the social abandonment that these women face when they are arrested, both by the family and by the partner. Among the interviews, we observed several reports of perverse violations towards incarcerated mothers and their children. The stigma that women do not commit crime is presented in all the interviews' statements, stating that the judiciary is more strict in applying penalties to women compared to men. It can be concluded that the actions presented by "Mothers in Jail" are shown as an important tool in the fight against the violations of rights suffered by women and their families, bringing to light neglected and hidden issues within the Brazilian female prison system.

Keywords: *Public Policies, Mothers in Jail, Public Defender of the State of São Paulo/Brasil.*

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Ref.: I3IM22020

WOMEN OR MOTHERS? VISIBILITY OF MOTHERHOOD AND INVISIBILITY OF THE FEMALE GENDER IN THE ITALIAN PENITENTIARY LAW

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My proposal concerns an analysis of the Italian penitentiary law regarding female detention, with the aim of highlighting the aspects of the law which provide for specific treatment for women prisoners and the aspects that seem to express the indifference of the Italian penitentiary system towards women. From a methodological point of view, I will analyze the legislation that regulates the life of women in Italian prisons with the interpretative categories of the sociology of law and gender studies, mainly using the theoretical perspectives of legal feminism that have dealt with sexual difference in law (Pitch, 2010; Minow, 1990). Specifically, in my presentation I will focus on how the Italian penitentiary law provides for a specific discipline for women prisoners mainly in the context of the protection of the maternity of restricted women. In fact, in Italy, the maternity of women prisoners is protected under various aspects of the prison life of women: the system provides for the possibility of women to keep small children with them in prison sections or even in special institutions with attenuated custody, the possibility for women prisoners to be admitted to take care of their children outside the prison during the day, the possibility for interned mothers to assist young or severely disabled children during specialist medical visits, the possibility for convicted mothers to be admitted to particular forms of home

detention aimed at the care of young children or children with serious disabilities. The same measures are sometimes provided for father prisoners and are provided only in a residual form, when the mother has died or is unable to take care of the children. In my presentation, therefore, I will stress that the Italian penitentiary system deals with the maternity of women prisoners, but not with other aspects of women's lives, remaining basically indifferent to women that are not mothers. In conclusion, I will highlight how, in accordance with some empirical research conducted on female detention in Italian prisons (Ronconi and Zuffa, 2020; Ronconi and Zuffa, 2014), the penitentiary context -which in this case is expressed in the rules governing the penitentiary system -tends to conceive motherhood as an essential element of the prison treatment for women prisoners, who are encouraged, symbolically, to become - or to become again - "good mothers". I will also emphasize how the Italian penitentiary system tends to give women prisoners a primary role in childcare, a role still mainly assigned to women in contemporary societies.

Keywords: *Women in Prison, Italian Penitentiary Law, Motherhood, Sexual Difference, Gender.*

Ref.: I54M22020

MOTHERS IN PRISON AND INVISIBLE CHILDREN. THE PROCESS OF INHERITED STIGMA IN MOTHERHOOD IN PRISON

This document presents the results and conclusions of the research carried out in my doctoral thesis entitled "Mothers in prison and invisible children. The process of inherited stigma in motherhood in prison" which concluded at the end of 2019. It specifically studies the case of motherhood in prison, as a process involving criminal institutions, women who have been criminalized and their children who are born and live with them there during their first years of life. The general objective that was pursued was "Analyze the social processes that occur around the phenomenon of motherhood in prison", from the perspective of symbolic interactionism, the theory of stigma and the labeling approach, under the initial assumption that the stigma of Mothers are socially inherited to their children, with all the discrediting implications that this implies. What was initially intended was to identify the actors and social elements that converge around motherhood in prison, paying special attention to the labels to which women have been subjected before and during their confinement. In order to understand the stigma of children, it has been necessary to analyze the stigma of their mothers as a factor that, after being transmitted, is impregnated in their own identity, which in turn would express itself individually in the future. It is important to mention that studies on deviant behavior and labeling have

been directed mainly at the adult population, so this work is an effort to test the concepts already generated, in a population with a primal identity, this means the possibility of explaining the genesis of the stigma, without the justification that there is deviant behavior that precedes it. It is a qualitative research, based on the methodological precepts of grounded theory and symbolic interactionism, and focused on the micro-sociological details called by Goffman the order of interaction, which is produced in everyday life and face-to-face relationships. The data collection instruments were the in-depth interview and participant observation and were applied through a theoretical sampling procedure to 14 women deprived of their liberty, 14 boys and girls living with them, 1 girl who was born and lived there but now lives abroad and 3 members of the penal institution staff. The setting was the Pachuca de Soto Social Reintegration Center, in Hidalgo, Mexico, specifically in the women's area, and the fieldwork lasted approximately ten months.

Keywords: *Stigma, Motherhood, Invisible Children, Labeling Approach, Prison.*

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BANGKOK RULES AND MIGRANT WOMEN IMPRISONED IN SÃO PAULO

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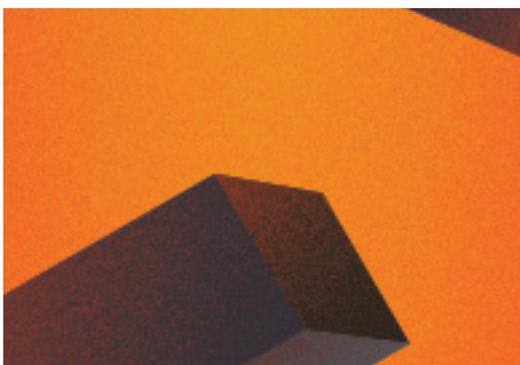
The United Nations Rules for the treatment of women prisoners and non-custodial measures for women offenders (Bangkok Rules) were inspired by principles contained in several United Nations conventions. These rules are addressed to penitentiary authorities and criminal justice agencies, which include those responsible for formulating public policies, legislators, the prosecutor's office, the judiciary and officials charged with overseeing probation, involved in the administration of sentences non-custodial and non-custodial measures (CNJ, 2016, p.19). According to data collected from July to December 2019, there are 203 women imprisoned in the prison system of the State of São Paulo (INFOPEN, 2019). According to this survey, 134 women are from American countries, such as Bolivia (66 women), Colombia (18 women), Paraguay (13 women) and Venezuela (14 women), but there are also women from Europe (11 women), Asia (9 women), Africa (48 women) and Oceania (1 woman). According to a survey by the Instituto Terra Trabalho e Cidadania (ITTC), several of the women serving time in the São Paulo prison system were arrested for international drug trafficking. There is a common trait between this type of crime, which is the need to supplement the income since many are responsible for supporting the family. However, several of them are also victims of human trafficking, they submit to the

function against their will (ITTC, 2019). This paper aims to analyze whether the State, through its institutions of the justice system, complies with the minimum rules established by international law, as well as the rules of domestic law, with regard to the dignified treatment of incarcerated migrant women. It seeks to understand whether the fact of being a migrant prevents the attainment of the rights of criminal execution, such as, for example, the progression of the sentence and the right to temporary exits. As a methodology, bibliographic research is used, based on theoretical references on the theme, as well as exploratory, based on the analysis of data provided by the National Penitentiary Department (DEPEN) and NGOs working in the area.

Keywords: *Woman, Bangkok Rules, Imprisoned Migrant, International Law.*



EDUCATION AND TRAINING IN PRISON



Ref.: 004M22020

PRISON EDUCATION AS A CRIMINAL REMEMBER INSTRUMENT: REFLECTIONS OF EDUCATIONAL PRACTICES IN THE EJA MODALITY

The reflection proposed in this text results in studies done in the prison environment, in the Asces-Unita law course. The course undertaken in the research led us to enter the context of prison education as an instrument of penal remission in the Brazilian penitentiary system. Starting from what we know, from the accumulated theory on the subject, from studies promoted as a law student and from professional experience as a teacher in the municipal network of Caruaru, working in the Youth and Adult Education modality; we question what is the role of prison education, in the EJA modality, as an instrument for the remission of the sentence, for the re-socialization process. For Onofre (2015) the big challenge is to think about education for people in situations of deprivation and restriction of freedom in a space where the humanization of being is neglected by different situations, such as overcrowding and lack of infrastructure resulting the lack of definition of institutional responsibility for educational assistance (SCARFÓ, 2008). In this sense, the author explains that the prison is a "peculiar space, where two logics are opposed to what the rehabilitation process means: the fundamental principle of education, which is essentially transformative, and the prison culture, which aims to adapt the individual to prison" (Onofre, 2015, p. 239). Faced with this challenge, we understand that penal remission and resocialization must take place through prison education, in the

EJA modality, conducted by the articulating and intersectoral thread using the concept of problematized resocialization from a humanized and pedagogical point of view. We understand that it is the State's obligation to combat all forms of impunity for crimes committed against society and against the State; however, we add to the voices that question the punishment model centered on the confinement of human beings in prison units as a response, not only to the alleged growth of organized crime in Brazil, but to the increase in social and interpersonal conflicts resulting from economic, ethnic-racial inequalities. , regional, gender, sexual orientation, age, and lack of access to basic rights. We base ourselves on Paulo Freire for the principle of education, which is essentially transforming, emancipatory and enabling us to be more; understanding that, for this purpose, educational practices must be developed beyond the model of the school system; because in this space, where other unrecognized educational processes also occur, one must consider conflicts, life experiences and expectations that can promote interactions between individuals, becoming an inclusive social education policy. In this sense, Paulo Freire's Pedagogy of the Oppressed (1970) makes a great contribution because it makes us understand that the 'banking concept of education serves as an instrument for oppression".

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Keywords: *Prison Education, Penal Remission, Resocialization.*

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WEAVING NETWORKS OF AFFECTION: EDUCATIONAL CONTEXT IN PRISON IN RIO GRANDE/RIO GRANDE DO SUL

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The job, education and gender relations in places of deprivation of liberty is the central topic of this article; the main objective is to understand the union of women who work with education in these spaces, and their different identities and cultures. The demands of Feminist Studies over the years demonstrate that women experience is influenced by patriarchal culture in home, work, in family, social and professional relationships. This accumulation of systematized knowledge gives us the following questions: Who are the workers women in spaces of deprivation of liberty? How do interpersonal and institutional relationships take place? What are the prerequisites and knowledges for these professionals to work in these spaces and how do the situations of oppression experienced in their daily lives affect the development of their work? The ourstarting point is listen in to women who build a job and their perspectives talking about a masculine mixed prison. We call it masculine, because we believe that it is thought by men and for men, as well as when we consider the context of a patriarchal society in which we are inserted. We deal specifically with women who are working on an educational model based on Paulo Freire and his methods, seeking to restructure a system that excludes graduates from that system. The research is situated in the Rio Grande State Prison (a municipality in the extreme south of Rio

Grande do Sul / Brazil). Therefore, the research starts from the experience of women and their speeches, considering their entire trajectory within their workspace, structuring the study according to the educational regulations of this space, projects that they sought to structure, notes and points in common between these workers women and the context of education in prison and their particularities. The methodology used consists in an ethnography, a significant study of the daily life of these women, in its qualitative perspective, building the research from the perspective of the subjects. We can conclude about the union of women in this space, who tirelessly seeks and within the possibilities of a scarcity of space and resources, to put into practice an educational model proposed by law, from a perspective of popular education. They are women of struggle, who fight for the mass incarceration to be denaturalized and swim against the current to deconstruct the power relations that are in this place.

Keywords: *Work, Education, Gender Relations, Space of Deprivation of Liberty.*

Ref.: 213M22020

INTEGRAL HUMAN DEVELOPMENT WITHOUT VIOLENCE AND SECLUSION, IS EDUCATION A MITIGATING FACTOR?

For the United Nations Development Programme (UNDP, 2016), human development consists in "the creation of an environment in which people can develop their maximum potential and lead a productive and creative life according to their needs and interests". It requires the satisfaction of certain basic needs: health, education, food, housing with minimum services, an adequate income to cover them, and a freedom to express ideas and convictions. However, not only the latter is necessary for this development. Lack of violence in all its forms -intrafamilial, of the common law (robbery, injury, homicide, property crime, kidnapping and rape), gender violence, violence generated by illicit activities (drug trafficking, fuel theft (gasoline, gas) -also directly increases in individuals that desired progress. Among the many factors that affect integral human development, lack of education becomes one of these factors in all its current aspects, schooled and not schooled. The importance of this factor is such that the UNDP (2016) in its Sustainable Development Goal (SDO) for education, indicates that "... education is one of the most powerful and proven engines to guarantee sustainable development". Based on these ideas, we have taken up a research hypothesis, in which we propose to review the relationship between violence and education and verify that the latter is a mitigating factor that

allows a comprehensive human development, avoiding as much as possible, when committing a crime, imprisonment. Violence reduction and therefore of reclusion in a society, implies the presence, among other diverse factors, of two triggers, economic and educational. The latter is for us one of the factors of study, which we consider essential to reduce violence and prison and generate an integral human development. This research aims to understand if there is a relationship between a higher level of education in a society and lower levels of violence resulting in a greater integral human development. Our study society is formed by the inhabitants of the state of Oaxaca in Mexico. It includes a period of study from 2009 to 2017. This work will show the first results for this relation violence -education -prison.

Keywords: *Human Development, Education, Violence, Prison.*

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INNOVATION IN THE PRISON EDUCATION PROCESS

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IPS – Innovative Prison Systems

Prison is known to be one of the most complex and challenging environments to deliver and promote education. This is due, not only because of the infrastructure, strict security, though conditions, deprivation of liberty, inmate's low qualifications, shorter duration of classes, but also due to the constraints posed to education professionals in terms of pedagogic tools, methods and technology, among others. The importance of education for inmates is as high as the challenges to receive it properly. Nonetheless, prison services and staff with their array of key stakeholders (e.g., schools, training providers, NGOs and others), continuously, manage to offer a portfolio of educational activities, that range from informal to school education and from vocational training to higher education. The huge effort makes the education portfolio available, but availability does not mean attractiveness, suitability, usefulness or effectiveness. Thus, frequently prison services and key stakeholders are confronted with inmates' lack of interest, enrolment, absenteeism, drop out and lack of success in their educational path. Education usually competes with other activities that are offered, such as prison work or even "hanging around" with fellow inmates'. IDECOM focused on empowering multi-agency and multidisciplinary teams on four key competencies: innovation, entrepreneurship (sense of initiative), teamwork and communication.

These competencies were identified to enhance the co-creation of strategies aiming to increase the educational portfolio attractiveness, suitability, usefulness and effectiveness. Using innovative approaches such as games (e.g. INNOPRIS) prison staff teams from Moldova, Romania, and Turkey actively engaged on a training course to tackle the challenge of bringing innovation to education delivery within the prison context. The result was not only having the project awarded as a good practice, by an Erasmus+ national agency, but also having a catalog of effective actions designed and implemented in each country's prison context. IDECOM training course shows a path to trigger the development of competences by prison staff and their key stakeholders that somehow would only be accessible to wealthier industries and top managers in the public services.

Keywords: *Prison Education, Staff Training, Innovation, Educational Portfolio, Prison.*

Ref.: 214M22020

EDUCATION POLICY FOR CHILDREN IN INDIA

The largest number of children are illiterate, and it is a big challenge for policymakers in India. The children are engaged in different types of occupations. A large number of children are working as domestic servants, in hazardous factories etc. Most of the children come from rural and poor family background. The children of any country regard as the assets of that country. The origin of the modern education system can be traced to the beginning of the nineteenth century. In 1835, Lord Macaulay passed the resolutions to the establishment of schools teaching European literature and science. These schools became immediately popular because of English education by some of the educated Indians and particularly leaders like Raja Ram Mohan Roy and others. The English education schools helped to get into Government services. This was mainly due to the Proclamation issued by Lord Hardinge in 1844 to serve in public offices that were educated in English schools. In India, the need to legislate for universal and compulsory education had been in focus since 1911 when Gokhale Bill for Elementary Education (GBEE) was prepared. The first law on compulsory education was the Bombay Municipality (Primary Education) Act, 1918. Some princely states also had laws for the promotion of education such as The Baroda Education Act, 1893; The Mysore Education Act, 1913. In Arti-

cle 45 of the Constitution postulates as a Directive Principle of State Policy (DPSP), the achievements of free and compulsory education for all children up to the age of 14 years. The Draft National Education Policy was released in May 2019 which was a revised version of 1992 education policy. The draft includes a strong focus on teachers' continuing professional development and a push towards the greater access for mother-tongue-based instruction. A draft version of the revised National Education Policy has been prepared. It will be implemented after the approval of the Parliament.

Keywords: *New Education Policy, Education for All, Teacher-Pupil Ratio, Expenditure on Education, Drop-outs.*

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FEATURES AND SPECIFICS OF EDUCATION IN PLACES OF LIBERTY DEPRIVATION

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In modern society, education is considered as a priority area of state activity. In relation to convicts serving sentences in liberty deprivation places, it is one of the main means of their correction and re-socialization. The right to education is a constitutional socio-economic right, but the mechanism for its implementation has its own peculiarities in relation to persons sentenced to imprisonment. The education is not only a means of increasing competitiveness on the labor market in future, but also a necessary condition for personality formation. However, practice shows that for a more complete realization of the legislative provisions relating to the rights and interests of convicts in the process of punishment, improvement of the mechanisms for their implementation is needed. The relevance of this topic is to consider the problems of legal regulation and organization of education for prisoners sentenced to imprisonment in the context of reforming the penal system and the use of new educational technologies. Today, it is necessary to ensure the implementation of the principles that are vital for the penitentiary system: legality, humanism, democracy, differentiation and individualization of the execution of punishment. The criminal punishment should be considered not only as a punishment for the crime committed, but also as a process of correction of convicted persons, as an opportunity to prevent recidivism. It should be taken into account that in recent years there has been a process of rejuvenation of persons serving sentences in prison. Given the fact that for

a considerable period of time, education in Russia had no enough attention, the number of people who didn't receive a general secondary education has increased sharply. Moreover, a category of people who can't read or write and have never attended school has been formed. Naturally, they are more at risk of committing offenses and crimes. In the current conditions, the main tasks and goals of training are: •when teaching, make a person who has stumbled, often angry at the whole world, a full-fledged member of society; •to exclude recidivism, new, repeated commission of a crime by this person; •to help young people who find themselves in prison realize their importance and usefulness, to give them confidence in the possibility of entering universities; to give them an education and profession. The peculiarity of teaching in places of detention is that not just students sit at their desks, but people who have committed crimes, have their own worldview, their own concepts, and sometimes have a broken psyche. Many of them have various types of chronic diseases. Therefore, the teaching methodology must be built with these specifics in mind. A teacher should have a democratic style of work and behavior, especially in schools where they are incarcerated. They need to know and understand the essence, purpose, and main directions of education, possess such qualities as comm.

Keywords: *Education, Adult, Prison.*

Ref.: 038M22020

RULES IN JUVENILE REHABILITATION FACILITIES FROM THE PERSPECTIVE OF THEIR EMPLOYEES AND ADOLESCENTS STAYING THERE

The research focuses on the perception of norms and rules by adolescents staying in Juvenile Rehabilitation Facilities (JRF) and their educators. The theoretical references of the research problem are embedded in the theory of social learning and concern the method of creating norms and principles by adolescents staying in social rehabilitation institutions and their educators (Cicchetti, Rogosch, 1996; Kompas, Hinden, 1995). The research problem concerns perception, i.e. the scope of norms and their content, as well as the confrontation and penetration of the worlds of adolescents and educators. What is specific, in Poland, the supervision over at-risk youth involves the following measures: offense (court proceedings), supervision of a probation officer over a family or person; Juvenile Rehabilitation Facilities (JRF) (for adolescents aged between 12-18), youth detention centers (for adolescents under 18), prison. JRF "are intended only for young people towards whom Family and Juvenile Courts have applied (under the Act on proceedings in juvenile cases) an educational measure in the form of placement in the JRF". They are insti-

tutions for minors who have committed criminal acts or show a high degree of maladjustment or social deviance. The task of the facility is to eliminate causes because of which the individual was considered socially maladjusted. These institutions are the next stage of dealing with disorders of social development among adolescents. Although these institutions are of educational and rehabilitation nature, they are in fact total institutions in which mechanisms similar to those occurring in prison isolation occur, including the formation of a specific subculture that defies general norms and establishes own ones. The research process was based on an interpretative approach. The Focus Group Interview and the method of competent judges were used to examine the educators. A controlled interview was used as the research method for examining the adolescents. It has been decided that this will be the most complete approach towards the phenomena and processes examined in the research. In the construction of the research situation, both the interviews and the questionnaire were based on categories distinguished by Chomczyński (2015).

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Ref.: 038M22020

RULES IN JUVENILE REHABILITATION FACILITIES FROM THE PERSPECTIVE OF THEIR EMPLOYEES
AND ADOLESCENTS STAYING THERE

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While analyzing the obtained qualitative material, attempts have been made to go beyond the limitations associated with the adopted research model (loss of objectivity, high contextuality and relativity) using the method of competent judges. The accuracy of the judges' opinions is a method of testing criterion validity. To this end, interviews were conducted with educators and adolescents on the rules formed in their JRF. The research examined a group of 32 adolescents (boys) staying in the One of the JRF and 7 educators (5 women and 2 men). The study was conducted in the JRF in Poland (Lower Silesia, 2019)

The obtained research results indicate a similar perception of the rules prevailing in the center by educators and pupils. The results of the research, despite the mixed methodology used and the changing living environment of modern teenagers (globalization and functioning in cyberspace), confirmed the previous results in the content layer of the rules functioning in the center (Granosik, Gulczyńska, Szczepanik, 2014; Moran, 2013; Thonberry, Lizotte, Krohn, 1994). The educators indicated

a richer range of determinants of the observed behaviors and the process of creating rules. The pupils focused mainly on situational factors and used masking strategies, which indicates the ongoing group processes towards the formation of a subculture of pupils. Furthermore the educators had some knowledge about hidden code among youth and try to use it, so this result noticed the possibility of the prisonization process even in such organization as Juvenile Rehabilitation Facilities.

Keywords: *Subculture, Encarceration, Juvenile Rehabilitation Facilities, Rules.*

Ref.: 083M22020

MALADJUSTED ADOLESCENTS WITH DISABILITIES IN THE JUVENILE REHABILITATION FACILITIES

The authors of the text attempt to discuss the social maladjustment of adolescents and their disability in institutional conditions. There are no separate rehabilitation facilities in Poland for people who are maladjusted and disabled at the same time. The study presents the functioning of adolescents with dual diagnosis/problems (a phenomenon occurring among addicts) in Juvenile Rehabilitation Facilities (JRF). In this case, however, dual diagnosis refers to individuals who are socially maladjusted and have some disability (mental, physical or sensory disability such as hearing impairment) or other limitations (lack of communication skills, speaking in a dialect, Staniaszek, 2018). In the presented study, "socially maladjusted adolescents" are "a group of all minors who require special educational, medical, and psychological methods, and towards whom employers and public offices have to use special methods, and for whom educators have to find special techniques; all those who need something different from others" (Grzegorzewska, 1964; Kazdin, Kagan, 1994). Social rehabilitation, on the other hand, is "re-socialization of a faulty socialized individual. The pedagogical activity focuses on reorienting attitudes, beliefs and behaviors of socially maladapted indi-

viduals in order to enable them to fulfill roles adequate to social expectations" (Kaminski, 2003; Konopczyński, 2008). Questions were asked about the factors related to the educational and rehabilitation capacity of these institutions and some characteristic lost and finds which is possible to observe in JRC organized in such way. The paradigm to analyze is based on G. Goethals work (1986). Since 2004 there has been a system of directing minors to appropriate facilities in Poland. It operates throughout the country to ensure sufficiently quick and easy cooperation between institutions such as county authorities and rehabilitation institutions of the Ministry of Education. As of 1 January 2019, there are 94 Juvenile Rehabilitation Facilities (JRF) in Poland. Among them, there are 28 facilities for girls, 56 for boys, and 10 mixed facilities. 93 out of 94 institutions are for adolescents in the intellectual norm, including 55 for boys, 28 for girls, and 10 mixed facilities. 20 facilities are for minors with a mild mental disability: 13 for boys and 7 for girls. As a study was presented the data about form statistic center of Polish Government about all JRF and of 5 cases. Cases were random from the main base than we contact with educator's who was responsible for that person during

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MALADJUSTED ADOLESCENTS WITH DISABILITIES IN THE JUVENILE REHABILITATION FACILITIES

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his/her stay in JRF. The presented cases (taking psychotropic drugs, mental disorders, alcohol and other intoxicating drugs addiction, nicotine addiction, speaking in a dialect) became the basis for the reflection on legal and system gaps in the network of institutions dealing with the rehabilitation of adolescents. Moreover, challenges faced by employees of JRF working with disabled and maladjusted adolescents were discussed. Questions were asked about the factors related to the educational and rehabilitation capacity of these institutions. An important issue often overlooked in discussing maladjustment, is the fact that about 40% of adolescents staying in juvenile rehabilitation facilities have special educational needs. This additional factor decreases the chances for positive results of social rehabilitation in the JRF as it is another stimulus that facilitates the social exclusion and intolerance towards the adolescent.

Keywords: *Adolescents, Disabled Youth, Juvenile Rehabilitation Facilities, Dual Problems.*

Ref.: 070MI2020

THE ROLE OF PRISON EDUCATOR IN THE CRIMINALIZATION PROCESSES. RESULTS FROM AN ETHNOGRAPHIC RESEARCH

In my paper, I will discuss the results of an empirical research carried out in a prison placed in the North of Italy. In particular, the research has been built after a period of direct observation of the practices of the correctional institute where I have been employed as a prison educator from 2010 to 2017. In the discussion, I will first address the ethical problems faced during the period of direct and participant observation, when I had to combine the role of a member of the prison staff with the other role of social researcher. This tension has been faced with long periods of reflexivity and several discussions with other field actors. Afterwards, I will show the research main results. In particular, I will focus on the role of prison educators in the case selection. Indeed, in the Italian system the prison educators play a decisive role in the procedure for granting the detainees freedom on parole, as they have to express a key opinion about the chance to live the prison. During the research it has emerged how the decision-making process is characterized by a superficial knowledge of individual cases, with a large use of categorization processes founded on the common sense and on prejudice. The consequences are -in many cases -the exclusion from the benefit of freedom on parole of those detainees belonging to the more marginal social groups. In particular, what appears is a decision-making process

where the belonging at the underclass is considered as a duet of unreliability from which it derives a poor prognosis about the criminal career of the single person. By this point of view, Italian prison educators seem to apply practices of actuarial justice already proved in other criminal justice sectors. Following this perspective, prison educators play a key role in the criminalization processes, as they do not appear able to turn the tables of the social inequalities; rather, they seem to reaffirm them, in the fact denying the most important opportunity for a social reintegration offered by the Italian criminal justice system.

Keywords: *Prison Ethnography, Prison Educators, Criminalization Processes, Decision-making.*

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Ref.: I56MI2020

EDUCATION AND MASS IMPRISONMENT: A CRITICAL ANALYSIS OF THE PRISON REFORM IN SOCIAL REINTEGRATION CENTRES IN BRAZIL

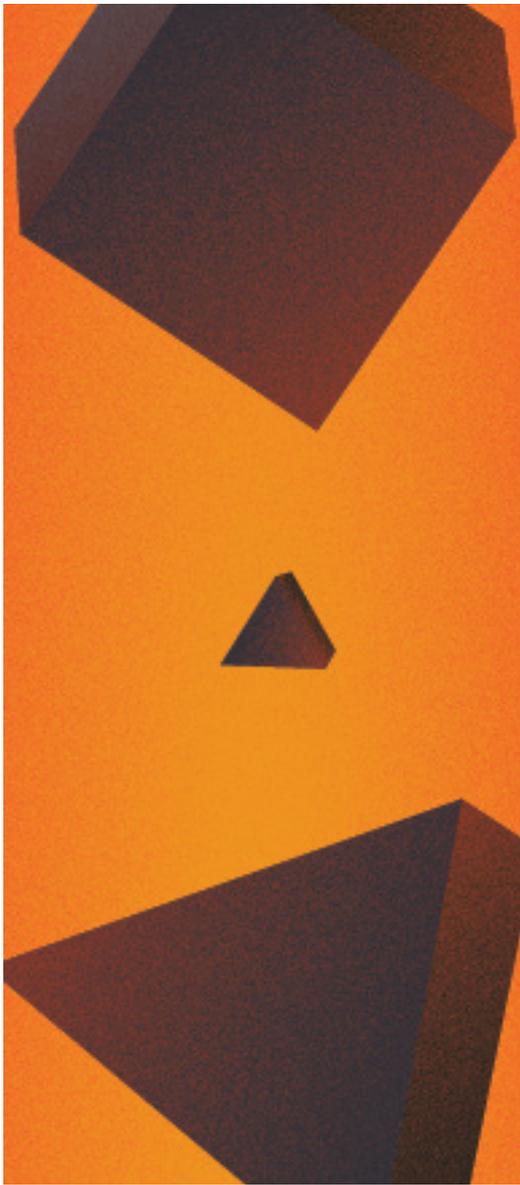
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Criminological analysis repeatedly discredited the educational function aimed at the social reintegration of the prison. Faced with this checkmate, the theories of retribution are advancing. It is necessary to critically rethink social reintegration starting from educational practices of experiences considered as a model. In this context, an experience of reform of the prison space emerges in the Brazilian context promising to educate the inmates people and reducing recidivism at a lower cost than the conventional system. With over 48 years of experience and 50,000 people removed from conventional prisons, the Social Reintegration Centers (SRC) run by the Associations of Protection and Assistance to the Condemned (APAC) aspire to become an alternative to prison in Brazil and around the world. The work analyzes the educational conception of this model -highlighting differences and continuity with the prison institution. The paper highlights proposals to think about a reform of the overall prison system. We analyzed the self-description of the model. Afterwards, we investigated the practical implementation with a review of the available academic literature in Brazil and a short forty-day ethnography study, that utilized the participating observation in two SRCs indicated as an example together. During this period the field notebook was used, together with open and semi-structured interviews with officers, volunteers and interns in the units. The results incorporated the more general framework

of reflections on the prison within contemporary society. The visits to the SRC system encountered units with no armed security, neither internally nor externally. The units also hosted people with more than thirty years' sentencing and with a past of prison violence. The educational aspect appeared as a priority over security. Various activities were taking place during the day, respect for human rights was higher than in conventional prisons, and the units were not overcrowded. Families and inmates reported more dignities treatment, and the emotional ties were strengthened in the SRC. Internal discipline was managed mostly by the inmates, who could perform exclusive assemblies. The units were designed as educational communities and SRC units were smaller and more transparent than the conventional prisons, open to volunteers and researchers. Pedophiles and rapists were not separated in order to educate the other inmates not to use violence. The prison must abandon the predominance of security to achieve the aims of education and social reintegration. As restoring the spaces of trust, it is possible to build a project that is not only disciplinary. The community involvement is crucial to generate a permanent dialogue capable of reducing stigma and achieve this goal. It is essential to see the relevance of informal education, peer education and officers considered as social educators.

Keywords: *Adult Education, Social Reintegration, Restorative Justice, Alternatives to Prison, Prison Sociology.*



PRISONS, MENTAL HEALTH AND EXCLUSION



Ref.: 023M22020

**“PSYCHOSOCIAL DISABILITY AS EMBODIED EXPERIENCE.
ACCOMPANYING TO WOMAN WITH DEMENTIA IN PRISON”**

The reflections presented here are given in the context of fieldwork started in 2015 in different prisons in Mexico City, which has gone through various phases. One of the lessons learned has been to identify that the confinement enhances the possibilities that people have a psychosocial disability. In the last phase of fieldwork, in 2019, we focused on working with women who have been diagnosed with a psychosocial disability and are imprisoned in the Women’s Center for Social Reintegration (CEFERESO). Being a teacher in the last year of the Social Work career, I coordinate processes with my students who are taking their “specialization practice” for one year. The work consists of collectively creating and implementing a qualitative intervention strategy in the prison space. This is achieved because each year I send a request to the Mexico City Penitentiary System with a summary of the proposal that we make from the practice group. The reflections that I will present are framed in May 2019 (we attend once a week 4 hours a day, 6 sessions) and then between August and November of the same year (we attend twice a week 4 hours a day, 27 sessions). Being a group of social work students, mostly women, we took some sessions at the university to read and reflect from a gender perspective on how criminal punishment for women works. The women in bedroom 8 are known to have

been diagnosed with a psychosocial disability, although we never had access to their medical records. We collected information through the women’s own stories, from what they shared with us about how they felt and our observations, then we counter-pointed with specialized texts on mental disorders. Most women have some psychotic disorder, depressive disorder, autism, intellectual disability, substance use, suicidal ideation and behavior is very latent in this group of women and only Maru was identified with dementia in addition to another unknown diagnosis (Field Notes 08/13/18). Their ages fluctuate between 25 and 65 years. A third of these women have been in jail several times. And we conclude they live a double confinement because they cannot circulate in other spaces of prison. I am interested in pointing out that Maru, treated in her environment as a woman with dementia, became actively involved with us during our accompaniment, this meeting mobilized both parties and promoted significant changes in her, showing us that experience is an embodied knowledge and that psychosocial disability is more than dysfunction of the mind (CONADIC 2020), because it involves transitions of the affective and bodily experience. Embodied experience comes from the articulation of the concept of embodied memory (Fassin 2016) and that of embodied individuality (Kontos 2005).

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“PSYCHOSOCIAL DISABILITY AS EMBODIED EXPERIENCE.
ACCOMPANYING TO WOMAN WITH DEMENTIA IN PRISON”

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In this sense, I am interested in showing that dementia affects a type of memory but even before having time to reflect, the body remembers (Fassin 2016, 35), the body has memory through experience.

We divide the strategy we work into 4 phases. The first phase was about mutual knowledge, simple activities to share and generate our first dialogues. The second part consisted of developing more organized activities, there was a coordinator, they had an objective, they took the material to work on and discussion questions to rethink all of them. In the third phase, we delve into important issues proposed by women: childhood, violence, sexual abuse, disability, insanity, confinement, fear, guilt, support networks, among the most important. The fourth phase, was arranged as close to farewell, we continually reiterate that we would withdraw, because the process of this practice would end and we focused on proposing collective spaces between them. We were not allowed to enter the voice recorder. The field notes were detailed and described in the field diary, made immediately after leaving the center. The field notes included descriptions of the space where the activities took place, the objects and people that were present, the dialogues and the verbal participation that the women had, the actions and interactions between them, with their caregivers and with us, as well as the

emotions expressed. I was interested in detail, especially in the case of Maru, although they all caught my attention, with Maru I had a peculiar approach, she looked for me as much as I looked for her. All these observations allowed me to identify the ways in which a person with dementia acts accordingly to the sociocultural context.

Keywords: *Ethnography, Psychosocial Disability, Dementia, Women in Prison, Mexico.*

Ref.: 037M22020

RISK FACTORS FOR PSYCHOPATHY IN A SAMPLE OF INSTITUTIONALIZED ADOLESCENT OFFENDERS

Juvenile delinquency is an increasingly worrying issue in society, assuming increasing visibility and public recognition. Antisocial and persistent behavior is early revealed in many individuals through certain characteristics that will later lead them to become involved in delinquency, as well as crime in general. So, children and adolescents exhibiting these same characteristics, are seen as socially inadequate, since their mechanisms of interaction and problem solving are also socially inadequate. Various factors such as culture, family socialization practices and the child's temperament may maximize or minimize the probability of such behavior to occur. It is therefore essential to recognize these risk factors in the lives of these adolescents as early as possible, in an attempt to reduce adult crime. Qualitative study, through the analysis of fourteen cases of institutionalized adolescent offenders, aged between 14 and 17 years. The analysis of the presence of risk indicators for the development of psychopathy, which appear associated with deviant and maladaptive attitudes and behaviors during adolescence, was the main objective. It was found that many of these adolescents have many risk factors for antisocial behavior that could evolve (e.g., absence of guilt towards their actions, lack of empathy towards the victims, irresponsibility and impulsiveness), which may lead to the rooting of unacceptable norms of

social conduct, initiating a delinquent way of life. The presence of traits of coldness and emotional insensitivity, such as impulsiveness and irresponsibility, as well as the dimensions of grandiosity and manipulation, are shown to be present through the absence of guilt or remorse, absence of empathy and superficial affection, which later in adulthood may give rise to deviant and delinquent behavior. For a better understanding of the phenomenon, it is expected to identify antisocial behaviors in adolescents through this study, as well as risk factors that demonstrate that specific characteristics may evolve to more serious delinquent behaviors.

Keywords: *Risk Factors, Psychopathy, Antisocial Behavior, Adolescents, Institutionalized.*

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Ref.: I47M22020

PROMOTION OF HEALTH THROUGH THE INCENTIVE TO HEALTHY HABITS INTRAMURAL IN CEARÁ

Purdenciana Ribeiro
De Menezes

Although heart disease is increasing nowadays, people still pay little attention to the importance of physical activity, especially for maintaining heart health. Regular practice of physical exercise greatly benefits any individual. In addition, it is one of the main measures to prevent heart disease. And you just need to start, take the first step to put a sedentary lifestyle aside. The present work is guided by the objective of reporting the experience of applying actions to promote intramural physical activities in a prison unit in Ceará. Educational action on the importance of adopting healthy habits, inside the prison unit, having as facilitators the multidisciplinary team, composed of nursing, dentistry, medicine and psychology, from the prison health unit, held in the cell blocks of the prison. Penitentiary of Pacatuba, CE, on February 3, 2019, with a target audience of 412 prisoners, approached in the classrooms of the said prison unit. During the action some doubts were clarified, and the health unit of the unit was made available for problem-solving. At the time, it was explained about the importance of physical activity, giving emphasis to the care of the heart and cardiac pathologies, given the empowerment needs of essential care for this aspect. It was explained about the importance of prisoners also practicing physical activities, suggesting the practice of sports in the blocks when released for

sunbathing. It was observed that the prison situation can make the inmates very accommodated and that the support to the practice of physical activities inside the prison can encourage the practice. Therefore, this type of approach in a prison environment is opportune, given that most inmates have a lot of idle time, so that this time can be used for the adoption of physical activities, health care and acquisition of knowledge.

Keywords: *Health Promotion, Prison*

Ref.: I45M22020

INTEGRATIVE ACTIONS FOR THE HEALTH OF WOMEN DEPRIVED OF FREEDOM: PRACTICING ART FOR HEALTH EDUCATION

It is recommended by the Ministry of Health, to offer comprehensive care to women's health that considers the specific needs of black, lesbian, rural and forestry women, sex workers and indigenous people, among others, where they are also inserted. deprived of liberty. It is essential to promote health care for incarcerated women, including the promotion of actions to prevent and control sexually transmitted diseases and HIV / AIDS infection in this population, expanding access and qualifying the health care of prisoners. This study aims to report the experience of conducting workshops to promote women's health in prison. The action-research method was used, with a qualitative approach to the results. This is an experience report of actions that took place from August 2018 to January 2019, in a female penitentiary unit in the Metropolitan Region of the State of Ceará. The actions were developed in the form of painting and art workshops, aimed at women prisoners in prison; the actions were carried out primarily on Tuesdays of each week, addressing health-related topics. The workshops had as actors the nurse, the nursing technician, the psychologist and a class of, on average, 10 to 15 inmates, who participated in the school and who expressed interest in participating and the indicated teachers. Faced with the formation of the group, the penitentiary education teacher offered the classroom space for the health team to implement the action, where the workshops were

held. 04 themes were addressed, which dealt with issues for health promotion and self-care. With the actions, there was a great demand for health care to address issues related to the workshops presented. An increased quantum was obtained in more than half of cervical cancer prevention exams; the demand for family planning, condoms, blood tests and individual consultations increased by 82%. It was observed that health-related issues started to be treated as a priority in the lives of women affected by the actions. After the actions, gains were obtained in the attention to women covering prenatal care, control of cervical cancer; STD / AIDS diagnosis, counseling and treatment (from preventive activities, such as condom distribution and preparation of educational material, to diagnostic and treatment actions according to the syndromic approach strategy); attention to mental health (prevention of psychosocial problems, health problems resulting from the use of alcohol and other drugs); immunizations; assessment and guidance for family planning. The relaxed approach to the prisoner, makes the situation of prison less serious, so that with the actions taken, it was obtained not only the gain in physical health but also the improvement in mental health and not least, the biggest gain, which is considered in this report with the gain of confidence of people so stigmatized.

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De Menezes

Keywords: *Women's Health, Prison, Health Promotion.*

Ref.: I43M2020

THE ART OF PROMOTING THE HEALTH OF MEN DEPRIVED OF FREEDOM

Purdenciana Ribeiro
De Menezes

Health promotion, currently considered a conceptual field and praxis, has influenced the organization of the health system in several countries and regions of the world. Collective work encourages the development of educational programs, involving arts for health promotion, aimed at the prison population. In this context, it is up to health education to promote healthy lifestyle habits, articulating technical and popular knowledge and mobilizing individual and collective resources, promoted through painting. Collective work encourages the development of educational health promotion programs aimed at the prison population. The present work is guided by the objective of reporting the experience of applying actions to promote the health of incarcerated men. It is action research, with a qualitative approach, consisting of an account of the experience lived by the prison health team, of a prison in the state of Ceará. In this report, it refers to educational actions carried out from October 2018 to February 2019. The actions are passed on to prisoners, by the prison health team, composed of the nurse, nursing technician, dentist, dental assistant, dental assistant, pharmacy and doctor. For this, groups are formed that meet to elaborate the actions, being a period for each theme and after the random selection of the group the presentation begins. While a group presents the workshop, the other students participate by observing and

writing down the aspects they consider relevant to the discussion that occurs at the end of the presentation. During the process of building the pedagogical workshops in each action, it was observed that some trainees resisted the methodology used, demonstrating difficulty in the collective construction of knowledge about empowerment and co-responsibility. However, in the course of the workshops, this posture gave rise to a collective construction that was pleasurable and of great relevance to everyone, as they began to identify their weaknesses in their knowledge and from then on they came to understand that the important thing is not knowledge, or correct ideas or behavior, but the increase in the trainee's capacity as an agent of his own social transformation, to detect real problems and seek original and creative solutions. It is important to address the health promotion of prisoners, through the art of painting, since it is observed that there is a predominance of the biomedical model of health care for incarcerated men. We believe that this research addresses practices and knowledge in a field still little explored. The need to move forward on this theme is emphasized, since this work aims to add knowledge about the health of the prisoner and its interfaces.

Keywords: *Prison, Men's Health, Health Promotion.*

Ref.: 208M22020

PRISONERS WITH DISABILITIES IN THE 21ST CENTURY

People with disabilities include those who have long-term physical, mental, intellectual or sensory deficiencies that, by interacting with various barriers, may impede their full and effective participation in society, on equal terms with others. The difficulties faced by people with disabilities in society are magnified in prison, given the nature of the environment of confinement and restriction and the violence resulting from overcrowding, from the lack of proper differentiation and supervision of the prisoner, among others. Overcrowding in correctional facilities can worsen disability, due to neglect, psychological strain, and lack of adequate medical care, situations typical of overcrowded prisons. To ensure the equal treatment of prisoners with disabilities and the protection of their human rights, prison authorities need to develop policies and strategies that address the needs of this vulnerable group within prison. These policies should be based on the United Nations Convention on the Rights of Persons with Disabilities and on national legislation, and deal as a matter of priority with personnel training, classification, allocation of places, health care, access to programs and services, safety, release preparation, early parole, and compassionate release. Inmates with disabilities make up a particularly vulnerable group, whose situation and special needs have not been a recurring study at present. Despite the fact that

statistics related to the number of prisoners with disabilities are scarce, some studies indicate that, due to the increasing prison population in most countries and the significant increase in elderly prisoners in others, there is also an increasing number of people with disabilities in prison. The difficulties faced by people with disabilities in society are magnified in prison, given the nature of the environment of confinement and restriction and the violence resulting from overcrowding, from the lack of proper differentiation and supervision of the prisoner, among others. Incarceration represents an extremely cruel punishment for offenders with disabilities, as their situation often worsens and becomes a heavy burden on the resources of the prison system. Human rights concerns regarding the vulnerable state of prisoners with disabilities and their increasing number, due to the increase in the prison population for the elderly in many countries, require the creation of policies and strategies that reduce the incarceration of criminals with disabilities, at the same time that it guarantees that the human rights of disabled people in prison and their needs are protected.

Keywords: *Disability, Discrimination, Seclusion.*

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HEALTH COMMUNICATION IN DEPRIVATION OF LIBERTY ENVIRONMENTS: THE CONSTRUCTION OF INDICATORS FOR ANALYSIS OF TUBERCULOSIS PREVENTION CAMPAIGN

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This work aims to establish reflections on the methodology for analyzing health communication actions applied to prisons. The text is elaborated in the scope of the project "Prisões Livres de Tuberculose" (<https://www.prisoeslivresdetb.com.br/>), a partnership of Fiocruz with Brazil's Justice and Public Security and Health Ministries. It assumes the collaboration in the development of communication and educational material and practices with people deprived of liberty and their families, as well as health and safety professionals, in the prevention against tuberculosis. The reflections on the process of construction of indicators and analysis are based on theoretical approaches on spaces of restriction of freedom, taking as reference works of Arendt (1988) and Frankl (1991), and on references that understand communication in a dialogical way, thinking about a health communication process (Deslandes & Miter, 2009) that encompasses different participatory mechanisms and processes for the production, distribution and access of content, even taking into account the disparities resulting from power relations. In institutionalized environments of deprivation of liberty, these issues become even more relevant from the perspective of communication, since in these conditions the freedom restriction of expression and access to information become, in many cases, an obstacle to policies aimed at awareness, education and mobilization of prisoners on, for example, health issues. Based on these approaches, this research estab-

lishes bases for the construction of a model of indicators for the analysis of communication and health actions related to the production, distribution and access processes for the distribution of educational material as well as the awareness of actors involved in the prison environment about tuberculosis prevention. The restricted information chain, combined with communication strategies that mostly use traditional and / or verticalized patterns limited to the transmission (and not necessarily sharing) of content, can generate barriers to the exercise of fundamental rights -which must be guaranteed even to persons deprived of certain liberties (PINTO & FIGUEIREDO, 2019), such as the right to communication and the right to health. In this perspective, the praxis based on specific theoretical-methodological cuts -such as the communication pedagogy methods developed by Mario Kaplún (2002) and the ethnography present in the work of Oracy Nogueira (2009) -contributed to the elaboration of an alternative for the analysis and the development of indicators for the evaluation of health communication initiatives in prisons. The indicator proposal was also based on metrics systematized by UNESCO publications *One world and many voices* (1978) and *Indicators of Media Development* (2018) and by interviews with ten key actors in communication and health.

Keywords: *Health Communication, Tuberculosis; Prison System, Monitoring.*

Ref.: 063MI2020

CRIME OR PUNISHMENT PENAL OR ADMINISTRATIVE SANCTION IN TERMS OF MEDICAL LIABILITY IN MEDICALLY ASSISTED REPRODUCTION TECHNICS IN IBERIAN CONTEXT

Ruling Portuguese and Spanish Laws on Medically Assisted Reproduction are not so different in general, but this study shows they go completely different ways in what concerns Medical Liability and sanctions for the physicians or Medical Teams that perform against this law in Portugal and in Spain. Our study describes bought legislative solutions in terms of juridical sanction of Medical wrongful actions in this matter. This is a compared Law Study between the Medically Assisted Reproduction Iberian Laws: Spanish Law 14/2006 and Portuguese 32/2006 Law, which analyses from these 2 punitive perspectives of punishment, the solutions for Medical Liability justice in Medically Assisted Reproduction Technics in this Iberian context. In our study, we show bough legal solutions from a critical and constructive point of view, through doing a comparative analysis of the texts of the laws in question, showing that the Portuguese Law has a Crime and Penal justice evaluation of the wrong Medical conduct very different from the Spanish Administrative sanction system of Medical justice for wrongful action in terms of Medical Liability in Medically Assisted Reproduction Technics Law point of view. In this, we conclude, therefore, that for creating the possibility for these systems of Health Reproductive Human Rights to be protected and to grow together in the future, (as we suggest), that the Spanish perspective that

is more opened and do no criminalize first face medical conducts, and that brings first administrative sanctions to Medical professionals and hospitals that performed out of this laws, should indeed, in this field, influence more profoundly the Portuguese system that has a more conservative vision that in our opinion should be similar to the Spanish proposal, because really there is not a scientific reason for this difference of treatment of medical conduct in Portugal and in Spain, were the same conduct could easily be a Crime with Criminal Penal sanction, and prison for the Portuguese Medical Doctor, were in Spain, the same conduct, is only subject to a fine and Administrative juridical action. In conclusion, first face Criminalization of Medical Liability in general and particularly in terms of Medically Assisted Reproduction do not assist to the protection of health care human and reproductive rights.

Keywords: *Medically Assisted Reproduction Technics Liability, Compared Iberian Medical Law, Penal Justice, Administrative Justice, Human Rights.*

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Ref.: I19M22020

**INCARCERATION OF WOMEN IN THE MODULATED
PENITENTIARY OF IJUÍ / RS:
THE CASE OF A MALE PRISON INSTITUTION
IN THE CONTEXT OF THE COVID-19**

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de Oliveira**

University of La Salle

& Salo de Carvalho

Federal University of Rio de Janeiro

Official data from the Brazilian Penitentiary Department (DEPEN) shows that Brazilian prisons have the fourth-largest female prison population in the world (approximately 50 thousand women prisoners), in a context of considerable vacancy deficit. With the enactment of the Covid-19 Pandemic, the public authorities established criteria for the release through Recommendation 62, of March 17, 2020, edited by the National Council of Justice (CNJ). In this scenario of mass incarceration of women in Brazil in the midst of the pandemic crisis, the study seeks to analyze the effectiveness of the CNJ rules from the analysis of the prison situation in the northwest of Rio Grande do Sul (RS), more specifically the circumstances surrounding the processes of (de) imprisoning women in the State Modulated Penitentiary of Ijuí (PMI), one of the prison institutions that make up the state's 3rd Penitentiary Region. From feminist and critical criminologies (theoretical frameworks), within the framework of criminal abolitionism, the research seeks to verify the real obstacles to decarcerization (dynamics of the punitive system) even when there are norms in this sense (statics of the punitive system). The research was carried out through documentary analysis of criminal records and the processes of prisoners and semi-structured interviews with women under prison segregation (methodological procedures),

and specifically aims to (a) verify the level of effectiveness of the limiting rules of maintenance and decree of arrests in the context of the pandemic; and (b) to identify the punitive burdens suffered by women deprived of their liberty, that is, the higher level of restrictions on rights imposed on women compared to the rights granted to men imprisoned in the same environment, notably because the prison institution is analyzed (masculinely) mixed. The general objective of the investigation is to verify whether, in fact, changes in the prison situation of women occurred during the Covid-19 pandemic or whether the history of violation of rights remains in this context. The central hypothesis of the study is to remain in illegal conditions of incarceration despite the crisis, a situation legitimized by judicial and administrative decisions that serve to improve policies that naturalize the silencing and death of these undesirable bodies. In a preliminary way, it is possible to maintain that the changes that occurred in the lives of women who are currently in prison in PMI are minimal, basically related to the policy of visiting and receiving supplies, with virtually no effectiveness of the regulations in the CNJ.

Keywords: *Critical Criminology, Feminist Criminology, Female Incarceration, Covid-19 Pandemic, Prisons.*

Ref.: I85M22020

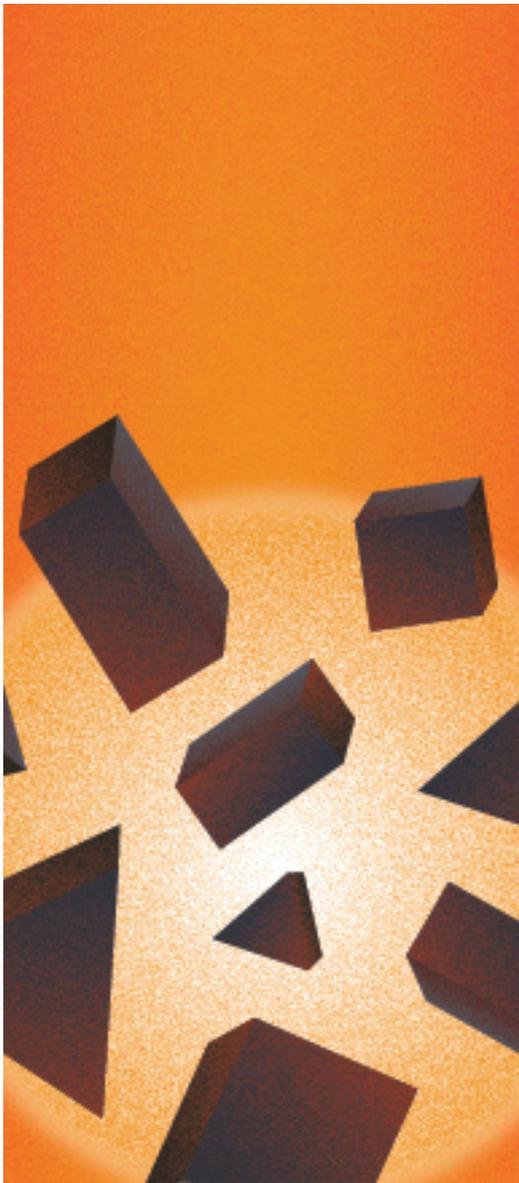
INCARCERATION OF WOMEN AND THE FUNCTIONING OF THE BRAZILIAN PENAL SYSTEM IN THE CONTEXT OF THE COVID-19 PANDEMIC

In 2015, when the Brazilian prison population was composed of 698,618 prisoners (DEPEN, 2020), the “State of Unconstitutional Affairs” was recognized by the Plenary of the Supreme Court, by majority, considering, mainly “the massive and persistent violation of fundamental rights, resulting from structural failures and bankruptcy of public policies” (ADPF347 MC/DF). This serious situation is reflected in the mortality rate per 100,000 inhabitants in prisons, three times higher than in the general population (CNJ, 2017). Despite this decision, in 2020, the Brazilian prison system, with 750,000 people (DEPEN, 2019) and with an occupancy rate of 171.6%, is therefore an environment conducive to the propagation of covid-19. In March, after the recognition of the first cases of covid-19, the Federal Government proposed the separation of prisoners infected by sheets or isolation in containers. In the context of prison management, the main measure to contain the pandemic was the suspension of visits. The most important measure adopted to prevent the spread of the virus in prisons was Recommendation No. 62 of the CNJ, which, following international guidelines, directs judges to adopt, among others, measures to reduce incarceration. It is in this context, there is a daily increase in the deaths of prison staff and inmates. It is necessary to consider that, historically, young and black men and women are the recipients of this policy of social control and death in Brazil; and that recent analysis of data from the Epidemiological Bulletins of the Ministry

of Health indicates that the number of blacks killed by coronavirus is five times higher than that of the rest of the population (Public, 2020). From the perspective of the writings of Angela Davis (2018), it is necessary to consider that gender structures the prison system and, among other things, specific situations, such as the presence of pregnant women and newborns in prison, need more attention. In Brazil, despite the decision of the Supreme Court given in the case file of habeas corpus collective n. 143641/2018, irregularities are also found (PSOL/IBCCRIM, ADPF 684). The present work then starts from the following question: does the pandemic give rise to new demands in relation to incarcerated women or enhances the penalty as a means of racialized social control and gender? The research aims to analyze the functioning of the Brazilian penal system with regard to the guarantee of rights to women incarcerated by criminal enforcement agencies in Brazil in the context of a pandemic, confronting the perspective of imprisonment as an instrument for maintaining patriarchalism and racism. The work is based on a documentary research –legislation, reports and judicial decisions –and theoretical research, which has as its theoretical framework the critical theories that consider criteria of race and gender for analysis of the functioning of the penal system (Davis, Alexander, Flauzina).

Keywords: *Incarceration, Covid-19, Penal System, Women, Guarantee of Rights.*

Alessandra Prado
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ETHNOGRAPHIC PERSPECTIVES IN PRISON: MEANINGS OF INCARCERATION, CONCEPTIONS OF JUSTICE AND SUBJECTIVITIES

Ref.: I27MI2020

NEW TRENDS FOR THE COLLECTIVE MANAGEMENT OF PUNITIVE REACTION?

It is nothing new for anyone that the mechanisms of criminal selectivity are present at the various levels of the punitive apparatus. Right from the definition of the facts typified as a crime, from the realm of politics and ideology, to the remaining levels: the selection of crimes to be investigated by the police authorities, the application of judicial selectivity mechanisms and finally the application of penalties.

Common knowledge is also the fact, studied extensively, that the prison sentence, which should constitute the *ultima ratio* of punitive responses, has in recent decades been asserting itself as the main penalty, especially directed against agents who have several vulnerabilities, and focussed on crimes essentially against private property, with less impact on the society, when compared to other types of crimes - economic and environmental.

Authors that we address in the exhibition argue that a noticeable retraction of social status policies corresponded to this exponential increase in the application of prison sentences.

However, after decades of massive worldwide incarceration, we have seen a gradual decrease in prison statistics and a slowdown in the response of States to crime, which seems to indicate a paradigm shift in relation to the collective management of crime and punishment and a diferente treatment of those who are excluded from the pro-

ductive system, to whom the punitive system is especially directed.

Changes in the legislative scope and practices in Europe and the USA reveal a movement that, although not very expressive, seems to indicate a turning point, through the use of different strategies and alternatives to prison.

The author, through the analysis of determined indicators, national and international statistical and legislative elements, questions whether this movement will correspond to a turning point in the philosophy of punishment, integrated by concerns of reinsertion of the agents, through the reinforcement of alternative community and social responses and institutional structures, or whether, on the contrary, this movement expresses a more cruel facet and a new development of the neoliberal strategy in the management of crime and its agents.

Keywords: *Incarceration, Covid-19, Penal System, Women, Guarantee of Rights.*

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Ref.: 094M22020

REINTEGRATION OF FEMALE PRISONERS: PRACTICES OF RESISTANCE AND MEANINGS FROM THE ETHNOGRAPHIC AND SOCIAL WORK PERSPECTIVE

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This report aims to reflect, from the fieldwork with female prisoners enrolled in reintegration processes in the city of Granada, on a phenomenon that has been denounced from different areas, namely: the co-optation of the discourse on women's rights as a strategy of States to control vulnerable populations. Aspect in which the researcher Ana Alcázar-Campos and I have been working together (Valenzuela-Vela & Alcázar-Campos, 2020). Thus, although the so-called "punitive turn" of public policies is known within the Social Sciences (Wacquant, 2010), it is not so much, on the one hand, the co-optation of the discourse of women's rights by the States, contributing to the consolidation of criminal justice as a control apparatus (Gottschalk, 2006; Bumiller, 2008; Coker, 2001; Halley, 2008). And, on the other hand, the specific way in which social control is exercised for men and women, where is very important their adaptation to the image of "good mother" in order to access certain features or benefits of the so-called welfare state. The work presented is part of a more extensive doctoral thesis which I began in 2017 in the context of Andalusia (with the funding of FPU Programme-University Teacher Training, that is part of the Spanish Ministry of Education). The research aims are, firstly, to look at the ways in which the Spanish Penitentiary System is involved in the reintegration process for female

inmates and how the State combines "resocializing" and control functions in a context of stigmatization and exclusion. Secondly, it explores the experiences, strategies of resistance, and agency that women in prisión develop during this process. Identify the main conflicts and difficulties they encounter after leaving the ordinary prisons, how they live and what meanings they give to their processes, as well as the strategies they follow (individually or collectively) after they leave centers. To take a closer look at the women in prison situation, I carried out interviews and participant observation on women in semi-open regimes serving sentences in the Social Integration Center (hereinafter referred to as CIS), women in semi-open regimes but not attending CIS, women on probation, and women who have been released. I have also held discussions with different professionals, both working in the Center and working for Non-Governmental Organizations (NGOs), who have direct or indirect contact with these women.

Keywords: *Prison, Women, Control, Reintegration.*

Ref.: I57M22020

METHODOLOGICAL CONTRIBUTIONS TO ETHNOGRAPHIC OBSERVATION IN SOCIOLOGY

Within our ongoing Sociology Ph.D., we have been dwelling on the artistic creative experience and on the modalities of subjectivation inherent to it, in institutional contexts. One of the projects that cooperates with ours is named "CORPOEMCADEIA", which is promoted by Companhia Olga Roriz and envisages the promotion of social inclusion and crime prevention through artistic practice and its creative and relational dynamics, at the moment acting on 12 inmates of the Linhó Prison.

The concept of experience, as we understand it, is affiliated to the pragmatist philosophical tradition, the method that appears to us as adequate to sociologically ponder creativity without tending, neither to individualistic approaches, that see creativity solely as a personal skill, nor to perspectives of a structuralist inclination that see creativity as an ideological-discursive effect. Experience is neither objective nor subjective, rather impersonal. This does not mean that it is neutral; on the contrary, it occurs solely on the condition of encompassing an affective tonality, reliant on the organization of an inter-affective field that comprises the organism and the environment. Thus, it

is from one and the same leap that the environment becomes a specific situation and that the organism becomes a subject, passage through which the organism's automatic reaction to the environment converts to action upon the environment. Therefore, subjectivation are established through and within the possibility of environment manipulation, which requires the emergence of a sign. The notion of possibility is offered by and within a sign, giving way to action –the action admits, however, the most varied sensorial-cognitive regimes of involvement in the activity. The fact that experience draws us away from any substantial approach, opting for a transactional dimension, makes us rethink the methods used for the production of data. If the experience and the subjectivation occurs by the rising of a sign (which is based, not on signification, but rather on the practical synchronization of the body in respect to the environment), that is, plunging to the future, towards the possibility, not being confined, therefore, to the empirical state of things –then, we ought to be armed with tools susceptible of inhabiting the internal dynamics of the situations. The ordering of the course

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Ref.: I57M22020

METHODOLOGICAL CONTRIBUTIONS TO ETHNOGRAPHIC OBSERVATION IN SOCIOLOGY

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of the activity are not reduced to the performance of pre-defined roles and the use of language, being necessary to observe the body with its sensory and affective dimensions. If non-participant observation of the sessions seems to be indicated to identify and describe the plurality of the modalities of involvement in action e its coordination, the participant observation allows to experiment in the skin the equally important perceptions, sensations and affective tones promoted by dance and fundamental for the (re)subjectivation. If the first consists in the writing of a board diary focused in the collective organization of the situation, the second, due to the immersion of the researcher, requires new data recording formats. Insofar, we suggest a reflection on the potentials of alternating and articulating between participant and non-participant observation that we will apply for a year and half.

Keywords: *Sociology, Experience, Arts, Prisional Context, Pragmatism.*

Ref.: I63MI2020

POSITIVE EXPERIENCES AND CHILDHOOD VICTIMIZATION: A RETROSPECTIVE STUDY WITH MALE INMATES

Introduction: Positive childhood experiences have a positive effect on adulthood. On the other hand, some of the abused children suffer from impulsiveness and problems of aggression in adulthood. Thus, there is a relationship between child abuse and criminal behavior in adulthood. The main objective of this study was to analyze the relationship between positive childhood experiences and childhood victimization trauma among incarcerated males. **Methodology:** To carry out this study, we requested authorization to the Directorate-general of Reintegration and Prison Services and to the Directors of the prisons where we collected the sample. The inmates that participated in this research signed the informed consent, which contained the objectives, procedures, and confidentiality of the study. This protocol was also approved by the Institutional Review Board of the University and by the Ethics Committee of the Instituto Universitário Egas Moniz. The sample was composed of 121 incarcerated males aged between 18 and 73 years old ($M=36.97$, $SD=11.1$). Participants answered face-to-face with a sociodemographic questionnaire, the

Childhood Trauma Questionnaire (CTQ), and the Benevolent Childhood Experiences Scale (BCEs). **Results:** The experience of emotional neglect ($M=10.00$, $SD=5.29$) showed the highest incidence of child victimization. We found negative and significant correlations between benevolent childhood experiences and childhood trauma ($r=-.61$, $p<.01$). Precisely, between safety, interpersonal support, quality of life and emotional abuse, emotional neglect, physical abuse, and physical neglect; and between sexual abuse and safety, and interpersonal support. **Discussion/Conclusion:** This study showed that the experience of traumatic experiences is linked with lower scores of positive experiences of life in childhood. Besides, it was also possible to identify high levels of emotional neglect in male inmates, suggesting the relationship between victimization and criminal behavior. Our results identify the need to intervene early in children to prevent criminal behavior.

Keywords: *Positive Experiences, Childhood Victimization, Inmates.*

Renata Guarda
& Telma C. Almeida
Egas Moniz University

Ref.: 003M22020

AUDIOVISUAL AS POSSIBILITY OF DISPUTING IMAGINARIES BY THE PRISON POPULATION

**Giulia Medeiros
& Aline Wendpap**
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Cultural mergers, which have been happening recently, between the center and the world periphery, allow new elements to emerge from this mixture. In this context, we have the audiovisual boom, a tool and language accessible to a large part of the contemporary population. In view of this panorama, it is asked: would it be possible for the audiovisual to become a life-changing tool? This hypothesis is based on bibliographic references, which relate life in society and its institutions, being part of a broader political project of the economy and global cultures. With the advance of modern capitalism and its development, we realize the importance of media for power relations in contemporary times. Maintaining the hegemonic imaginary occurs mainly through the mass media, a concept developed by Canclini to characterize the mass media. The respective research aims to develop a critical analysis, about the potential of audiovisual production in redefining social subjects and practices, based on the empirical experience of an audiovisual workshop, in a penitentiary system. Such an experience, carried out in 2013, with the participation of individuals in deprivation of liberty,

resulted in a documentary, which tells the stories of the participants in their own versions. Even if it is an event, in a specific way, it is possible to talk about how the audiovisual, especially the one produced on the margins, acts in the process of disputing the imaginary and opens gaps for decolonial proposals of knowledge and power. Based on a bibliographic survey of authors of Cultural Studies and decolonial theories, we analyze how the audiovisual can echo the voices of a group of individuals in a situation of deprivation of liberty, who are treated in a marginalized way by the mass media, providing an imaginary watered to stereotypes and oppression. Research is a tool that can give more volume to the needs of including art in public policies, especially within the prison system, which, in general, does not take into account the voice of a population, deprived of rights, since childhood, oppressed, both by the economic order to the omission of the State and by the construction of its subjectivities. Would it be possible through audiovisual to rewrite these stories?

Keywords: *Audiovisual, Social Imaginary, Prison System, Decoloniality, Public Policy.*

Ref.: I49M22020

THE NEED FOR ALTERNATIVE PRE-TRIAL DETENTION MEASURES TOWARDS THE REALISATION OF COMMON STANDARDS

Recent decades have witnessed a substantial increase in pre-trial detention numbers. In Europe, about one-fourth of all prisoners are pre-trial detainees. Research reveals that in many jurisdictions pre-trial detention is overused. The state has the duty and the right to order pre-trial detention if there are substantiated and qualified reasons that a suspect will not stand trial or offend again. On the other hand, pre-trial detention is ordered against men who according to the ECHR are presumed innocent, while a suspicion by itself may not justify detention. Pre-trial detention means the most severe, intrusive measure against fundamental, human rights despite the presumption of innocence. In the light of this pre-trial detention has to be an ultima ratio, which only may be used if there are qualified reasons and if there is no alternative available to secure both, (far-reaching) liberty and the proceedings. Furthermore, the highest levels of legal safeguards to protect the ones who are affected or who are threatened to be affected by pre-trial detention must apply. The literature points to a tripartite set of negative consequences stemming from excessive employment of pre-trial detention. We observe national-level consequences (like financial costs), organizational problems for the prison systems (e.g. overcrowding and prison conditions) and most importantly high costs and pain on the individual level of detainees and their families. In many countries, alternative measures to pre-trial detention appear to be seldom used

and this is particularly true for foreign suspects. With the Framework Decision 2009/829 and the thereby introduced European Supervision Order (ESO) the European Union aims to protect the often highly vulnerable group of foreign defendants, promotes the application of alternative measures, and thus consolidates its Human Rights-oriented posture. This paper aims at analyzing the negative effects of pretrial detention, with some focus on foreign defendants, before delving into the potential of alternative measures and the ESO. We will discuss prevailing obstacles to a coherent application of the EU instrument and the importance of the realization of common standards in the EU. With the ESO the EU not only aims to oppose the problems related to pre-trial detention and to value the application of alternative measures. The ESO also can be seen as another step to foster a shared legal culture with common standards. We conclude that a more extensive application of alternative measures also overcoming national borders, asks for further activities to directly involve the key actors who are central to realize change. We, therefore, will also explore options with a potential for awareness-raising and capacity building aiming directly at judges and magistrates, who are in decisive roles in the application of alternative measures and the consolidation of Human Rights compliant regimes.

Keywords: *Preventive Detention, European Supervision Order, Alternative Measures, European Union, Human Rights.*

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PRISONS, CRIMINAL ORGANIZATIONS, DRUG CRIMINAL- IZATION AND INCARCERATION



Ref.: 078MI2020

PORTUGUESE CARCERAL SYSTEM THROUGH THE EYES OF ORGANISED CRIME – A GENDER-FOCUSED ANALYSIS ON PUNISHMENT EFFECTIVENESS

It is commonly accepted by academics that organized crime stands as a new form of modern deviance, which trespasses boundaries and challenges the very concept of crime. The dynamic flow of organised crime questions the very heart of the system's capacity of restraining such delinquency, namely, on how the carceral system responds to such crime trends and the growing massification of inmates inside prison walls. Despite the low rate of incarcerated men and women convicted for organized crime in Portugal, one may observe an increase in the number of inmates convicted for trafficking of narcotics crimes. Although one may argue that organised crime is, most of the times, a "men's thing", that is not entirely true. Men and women respond differently in terms of rehabilitative prospects, once incarcerated. In terms of imprisonment effectiveness, this may raise several problems which need diverse and renovated responses from inside the punitive system, and demand new tools, specifically those able to better endow carceral professionals and reinforce their daily intervention on a holistic-based vision. While some authors tend to believe in the "power of release", towards an abolitionist era, the new wave of organised, transnational delinquency, which sometimes flourishes inside powerful structures and even within the state structures, poses intricate challenges in the tra-

ditional incarceration model, forcing others to believe in the "power of incarceration". Alongside this bidirectional phenomenon, we are currently living under a profound security-focused moment which may fashion disruptive options, contrary to the rehabilitation goals foreseen in article 40 of the Portuguese Penal Code. Through this approach we aim to depict the main concerns within organised crime inside the prison institution, analysing the gender impact on organised crime in Portuguese incarceration system. The questions we intend to answer revolve around the evaluation of levels of intervention on both men and women during the incarceration period, through statistical data and academic studies supported by empirical research. Ultimately our goal is to verify whether the prison sentence can be effective on combating recidivism, and its reflections on men and women in the field of organised crime. It is crucial to understand how does our system cope with this type of inmates, given the incapacity of prison walls to filter crime. Current perceptions of engaging organised crime may vary according to gender, and, likewise, the model of incarceration must be put into perspective, if we still want to believe in such an effective system and its potential, bringing back into society responsible men and women.

Inês Farinha

Keywords: *Punitive System, Prison, Gender, Effectiveness, Recidivism.*

Ref.: 062M22020

**THE WAR ON ORGANIZED CRIME AFTER REDEMOCRATIZATION
IN BRAZIL:
FROM HUMAN RIGHTS DISCOURSE
TO MASS INCARCERATION**

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This presentation analyzes how the specter of “organized crime” influenced the formulation of penal policies by the Brazilian Federal Government following re-democratization. Based on legislation enacted by the Cardoso (1995-2002) and Lula da Silva (2003-2010) administrations, we hypothesize that the existence of networks and practices linked to black markets in Brazilian cities and prisons was used as a key justification for the implementation of a series of repressive policies and surveillance measures. The article is based on a review of the Cardoso and Lula da Silva administrations, including their respective policy proposals during presidential campaigns, National Public Safety Plans, actual public safety and national security policies, and changes to criminal legislation targeting organized crime. The research also analyzes official data on crime, violence, and incarceration during this time. Moreover, it is important to highlight that we chose to study these presidential terms because they are considered a democratically stable period in Brazil, while illegal network activities grew stronger across the country and an extraordinary growth in Brazil’s imprisonment rates took place. In particular, the presentation traces how “criminal organizations” –especially those connected to the illegal sale of drugs and firearms –came to be considered by the Brazilian government as one of the most prominent

threats to national security and public safety and, therefore, to the protection of Human Rights and democratic rule of law. In this way, these networks were considered a dangerous enemy, both internal and external, which required preemptive action and tough measures from the security forces. We argue that, as a result of viewing the issue in these terms, Brazilian policymakers relied on militaristic strategies, such as the use of armed forces in operations to “maintain law and order” and the creation of the “Public Safety National Force”, and on wide-ranging penal legislation targeting organized crime, money laundering, and drugs. We argue, however, that these policies failed to prevent the strengthening of criminal organizations during this time and failed to achieve any of the allegedly intended goals of protecting Human Rights. The main effect of this political option for militarizing crime control in Brazil was the widening of the punitive network, especially the rising rates of imprisonment and police brutality against members of marginalized groups. In conclusion, we argue that this paradigm of war on organized crime –which grew even stronger after the analyzed period –has led and continues to lead to further violations of constitutional guarantees in Brazil.

Keywords: *Organized Crime, Punishment, Criminal Policy, Mass Incarceration, Public Safety.*

Ref.: 064M22020

CRIMINAL ORGANIZATIONS AND REBELLIONS IN BRAZILIAN PRISONS: AN ANALYSIS OF OBJECTIVE (AS A CAUSE) AND SUBJECTIVE (AS A SYMPTOM) VIOLENCES

The general objective aims to verify if the rebellions fomented by Criminal Organizations in the Brazilian Prison System and perceived outside jail (subjective violence) are a reflection of the systemic violence resulted from the regular functioning of the incarceration process in Brazil. The specific objectives are: a) realize the counterpoint between Subjective (manifest) and Objective (Hidden) Violence's to show that Subjective Violence (Slavoj Zizek) is, perhaps, only the most visible proposal of all the other possible interpretations, considering sensitive aspects of this phenomenon; b) understand the schemes that govern the goals of subjects' domination in the visibility policies of Subjective Violence and "election" (René Girard) of the motivating agent of this violence that reproduces itself socially; c) explain how the process of Institutionalized Criminal Control occurs from what is known as "Legitimate Violence" (Max Weber) from three stages: Legitimate Violence in the primary criminalization process; Legitimate violence in the secondary criminalization process; and, finally, legitimate violence and the process of incarceration; d) demonstrate that the manifestations of criminal organizations linked to prisons and absorbed into these environments are a reflection of Systemic Violence practiced by criminal control segments against a person arrested in the "regular" incarceration process. In the end, the following results were obtained: i) violence is an interpretation, it is an attribution of meaning. The same act may seem violent or not, depending

on the context in which it is inserted and the point of view from which it is observed; ii) the mystification of the rebellions contributes to the process of invisibility of the fundamental forms of Systemic Violence, notably from the institutions themselves from which, to a large extent, Subjective Violence is only its product; iii) the cause (Objective Violence) is not always revealed by traditional instruments of containment, but by violent reactions of "anti-violence" (symptom); iv) upon entering the prison environment, the prisoner faces violations of rights that go beyond his freedom to come and go (penalty limits), from which the State ends up producing and reproducing the violence that the state itself should end. This research is justified to the extent that retribution through criminal execution aims to deny the (criminal) fact. However, when the state denies legally guaranteed rights in the execution of the sentence, the sentence itself is denied, consolidating a Criminal Law that lives from the incomplete realization of its own project. This denial of denial (Hegel) – is also a denial of the rights of the prisoner who denied the law when he practices a crime – is the very logical matrix of the failure of the State's project to stop Subjective Violence. Regarding the Research Method, we adopted the dialectical method (in the study of the denial of rights by those who instituted the law) and the sociological method (to understand the role of this phenomenon in the rebellions fomented by Criminal Organizations).

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Keywords: *Criminal Organizations, Rebellions, Objective Violence, Subjective Violence, Prison System.*

Ref.: 227M22020

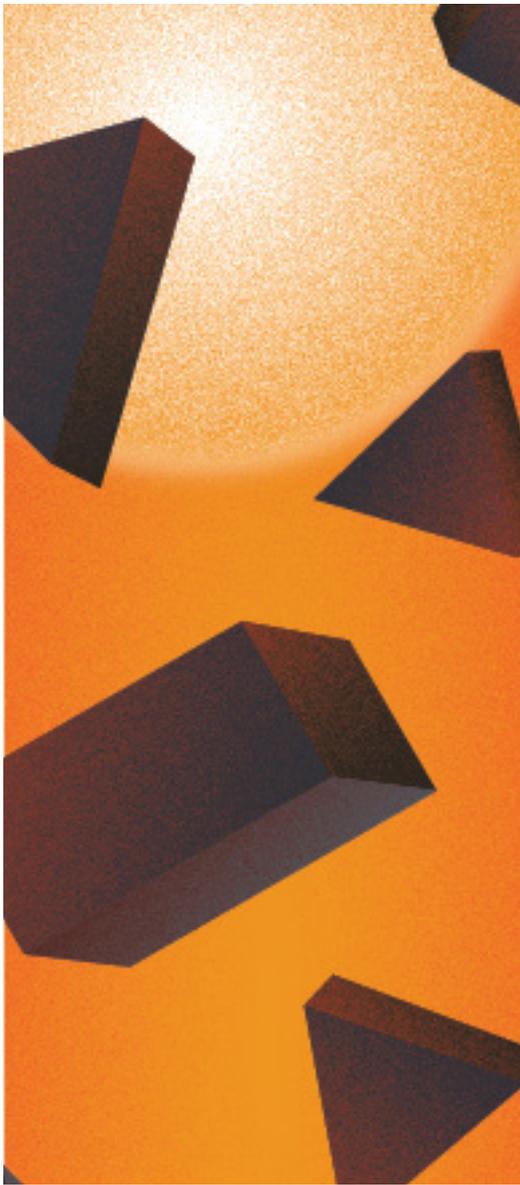
WOMEN'S CRIMINALIZATION FOR ILLICIT DRUG TRAFFICKING IN BRAZIL FROM A MARXIST FEMINIST CRIMINOLOGY PERSPECTIVE

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Penal punitivism and mass incarceration are the new ways of managing the excluded people from the globalized economy and the socially marginalized ones, with the "war on drugs" being the center of social classes control by the capitalist society. However, it is necessary to consider the dynamics and experiences of vulnerability in female representation determined by the social construction of gender, race and sexuality roles in an imperialist capitalist world to comprehend women's criminalization for illicit drug trafficking. This paper is a literature review of Feminist Criminology, with an intersectional approach that adopts Marxist Feminism as a theoretical framework, and specifically its Social Reproduction Theory, that spotlights the work that produces the workforce. The analysis relates neoliberal economic policies in Brazil, racialization and feminization of poverty and sexual division of labor to women's mode of insertion and participation in the illicit drug market. In Brazil, between the early 2000s and June 2016, the female prison population increased by 656%, with 62% of female incarceration being linked to drug trafficking, despite the male percentage being only 26%, according to Levantamento Nacional de Informações Penitenciárias -INFOPEN MULHERES (National Survey of Penitentiary Gendered Information) from the Departamento Penitenciário Nacional -DEPEN (National Penitentiary Department). At the same time, according to disaggregated data about Brazilian labor market in Pesquisas Nacionais por Amostra de Domicílio -PNADs (National Household Sample Surveys) from the Instituto

Brasileiro de Geografia e Estatística - IBGE (Brazilian Institute of Geography and Statistics) it's possible to infer that, although the labor market has become more accessible to women, this cannot be pointed as a sign of women's emancipation. Actually, globalized capitalism transformations made the capital need the female workforce in unsafe and underpaid occupations in the labor market. At the same time, the responsibility for social reproduction work has not been removed from women, ensuring in their dual exploitation by capital. Thus, the feminization of poverty resulting from neoliberal economic policies and the international, sexual and racial division of labor influence women to search for alternative means of survival, that allow them to accumulate it with the social reproduction labor, exactly where the illicit drug market is included. Since sexual division of labor is reproduced in drug trafficking hierarchical organization, women enter the trafficking scheme by exercising secondary functions, mainly in the transport of drugs, and because of that the Penal System selects them more easily. The role war on drugs plays in expanding penal system affects mainly those who are under a greater structure of oppression. Therefore, women's criminalization for drug trafficking reveals the gendered economic exploitation and social oppression in a capitalist system.

Keywords: *Criminalization of Women, War on Drugs, Social Reproduction Theory, Sexual Division of Labor, Marxist Feminist Criminology.*



REGIONAL SYSTEMS OF HUMAN RIGHTS AND HUMAN RIGHTS VIOLATIONS IN PRISON

Ref.: 006MI2020

THE PRISONER'S FAMILY UNDER THE PROTECTION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

This paper aims to make a reflection on whether the restrictions to the protection of "family life" of the prisoners of the Council of Europe's Member States comply with the principles laid down in the European Convention on Human Rights. In fact, after concluding that the Convention of Rome does not guarantee specific rights to prisoners and after making an excursus on the several instruments created within this "club of democracies" in order to protect the human rights of prisoners, we intend to outline the general lines of the European Court of Human Rights' case-law on this regard, especially reading articles 8 and 12 of the Convention, which grants protection to the "right to respect for private and family life" and to the "right to marry". Thus, we intend to analyse the topic of visitation rights, temporary releases and telephone calls as well as prisoners' parental rights. We also aim to examine the prisoners' right to marry, to find a family and to maintain a married life. Based on the extensive corpus of case-law on the protection of prisoner's "family life, we will find that the Court attaches considerable importance to the proportional-

ity test of the restrictive measure and that in this analysis the Court takes into account the duration of the restriction, as well as the reasons pointed out by authorities or the consideration of other less restrictive measures. On the other hand, regarding the denial of the permission to temporary release, the European Court verifies whether the measure is necessary in a democratic society, taking in consideration factors such as the stage of the process, the nature of the crime committed, prisoner's personality, the severity of the relative's illness, the type of relationship or the possibility of supervision. In what concerns supervision, interception and censorship of correspondence, we will see that the Court's assessment generally focuses on finding whether the measure is according to law. Finally, we will analyse some case regarding the right to "intimate visits" or *ius connubii*.

Keywords: *Prisoners, European Court of Human Rights, Family Life; Visits, Rights' Restrictions.*

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Ref.: 01 IM22020

INTERNAL LAW AND TRANSPHOBIC VIOLENCE IN A MALE PRISON IN MÉXICO CITY

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Asking if Mexican prisons are democratic could sound rhetorical, even ironic, and maybe both, mostly if we focus on sexuality. This presentation aims to define the "internal law" and to analyze how the dispositif of sexuality operates toward trans* women imprisoned in a male prison in Mexico City, in order to understand how sexual norms that come from the heteropatriarchal model intersected with the "internal law" produce transphobic violence. The talk is based on the queer theory, Foucault's works on sexuality and power, Segato's theory about war against women's bodies and on a fieldwork realized between 2015 and 2019 in Mexico City, with prisoners and former prisoners. In 2015 and 2016, I realized eleven in-depth interviews and two writing workshops with ten gays and trans* prisoners; in 2018 and 2019, I realized in-depth interviews with five former prisoners and shared several moments and every-day life spaces with them. This method is inspired on the socio-anthropological life trajectories method and on feminist methodology, which allows breaking important barriers between who investigates and who is investigated. The Foucault's dis-

positif of sexuality works in a particular way inside prison and turns into what I name the "prison dispositif of sexuality". This is the result of the heteropatriarchal model and laws defined by both prisoners and prison workers, all involved in the Mexican war context. This "legal" configuration inside prison is a new one comparing with the "legal pluralism" analyzed at the beginning of the 21st century by Enríquez Rubio. Mexican's data and reality have changed, also prison reality. So, appears what I define as "internal law". Its effects are materialized through violence toward trans* women whose bodies serve for rape, male appropriation and exchange between powerful individuals. I want to demonstrate how specific violence toward trans* women imprisoned in a male prison deepens violent dynamics that occur out of the prison. So, it questions the meaning of a sentence in the actual Mexican prison system. Also, it may help to think about staff's training and education to guarantee basic human rights for imprisoned trans* people.

Keywords: *Prison, Trans*, Gender, Violence, Mexico.*

Ref.: I86M22020

THE INTERSECTIONAL VIEW OF WOMEN DEPRIVED OF THEIR LIBERTY IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

The theoretical framework mainly comprises the analysis of normative sources, soft law instruments and interpretation of the Inter-American Human Rights System. While the IACHR has several reports on persons deprived of their liberty and the special vulnerability of women in this situation, the Inter-American Court has specific cases, such as the case of Loayza Tamayo v. Peru; case Gelman v. Uruguay; case J vs Peru; case Maritza Urrutia vs. Guatemala, and perhaps the most emblematic, Prison Miguel Castro Castro vs. Peru. As for the methodology, the study was carried out in three stages. Preliminarily, the bibliographic review, as well as a study of the normative and interpretive guidelines present in the Inter-American Human Rights System. Then, a qualitative and quantitative research in relation to the contentious cases analyzed by the Inter-American Court will follow. Finally, after data collection, the subjective interpretation of the data obtained will be carried out, performing a comparative and critical analysis, in order to identify the main problems encountered. As a result, it was possible to see that in all the cases analyzed,

the gender factor interfered not only in the judgment of the sentence, but also in the granting of reparations. Likewise, it is possible to observe developments in the jurisprudence of the Inter-American Court in verses explicitly on intersectionality, although the Belém do Pará Convention still seems to have a limited scope in these situations. Given all of the above, it is understood that the intersectional bias is shown as the best interpretative means for the demands of women deprived of liberty, in order to expand the protection of rights, as has already been done in a timid way by the Inter-American Human Rights System.

Keywords: *Women; Prison, Overlapping Vulnerability, Inter-American.*

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Ref.: I77M22020

ETHICAL CHALLENGES FOR ACADEMIC INVESTIGATION AND THE POSSIBILITY OF BUILDING CITIZENSHIP IN SPACES OF HUMAN RIGHTS VIOLATIONS

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Introduction: We aim to discuss the ethical challenges of teaching, in prison context, from the experience of the university extension project of remission by reading "Ler é Liberdade" ("Reading is freedom"), which provided twenty places for closed regime inmates, distributed between women and men. This Project was developed during the second half of the year 2019, through partnership between the Instituto de Letras e Artes (ILA), the Universidade Federal do Rio Grande (FURG) and the Penitenciária Estadual do Rio Grande (PERG). **Methodology:** In the present study, we used the dialectical method, based on the confrontation of the prison reality, with qualitative approach and bibliographic technique, in order to address the pedagogical experience with a class consisting of twelve inmates from the isolation cells destined to people segregated for crimes against sexual freedom, which suffer death threats, LGBT population and faction members. **Discussion of results:** The reflexion about ethical challenge in academic investigation and the possibility of construction of citizenship in a space of human rights violation and deprivation of basic citizenship rights took place in the scope of the application of pedagogical method idealized by Paulo Freire, which, among other aspects, considers the dialectical thinking of human plurality. Besides, it understands that reading the world precedes reading

the word. In this context, an education that claims to be emancipatory cannot be separated from the world and from the reality of learners. In this perspective, the self-narration process of learners in a closed regime –made by words, images, or orally – is considered as interpretation and reading of the student's world and, therefore, as reading, interpretation and problematization of individuals themselves in prison space. The emancipatory education in the prison system, which is marked by material precariousness and human vulnerability, requires educators who understand that human behavior is inserted in social relations. **Conclusion:** The learners' narratives express and represent the violence of the prison system as constitutive of the self-report and, in a dialectical relation, permeates the academic research and the teaching activity beyond social denunciation, extending to an instance of mutual critical understanding of human rights violations. From this critical understanding, we believe in the possibility of building citizenship in spaces of violation of human rights.

Keywords: *Ethical Challenges, Academic Investigation, Prison System, Narrative of Oneself, Citizenship.*



HUMAN RIGHTS, BUSINESS AND PRISON



Ref.: 034M22020

THE INFLUENCE OF CAPITALISM IN THE LABORPHERIC LOGIC OF THE FEMALE PRISON SYSTEM AND THE EFFECTIVENESS OF WORK WORKSHOPS FOR REINTEGRATION

Work programs in the female prisons of Brazil are far from promoting participants' personal dignity, their learning new marketable skills, or even providing a potential source of remuneration. The real effect of imprisonment work programs is inflicting a painful conscience and imposing atonement. Critical criminology presents the actual ineffectiveness of prisons and demystifies how capitalism influences thinking about work in European, North American, and Brazilian jails. In relation to female prisons, critical criminology reflects the androgynous character of laws, the inadequate architecture in prisons, and the improper work settings for women. Factual reality presents unattractive work, focused on domestic chores, with low profitability and subject to discontinuity due to policy changes in Brazilian prison administrations. Through bibliographic research with a descriptive inductive method, the first stage sought to carry out a theoretical approach to critical criminology on the influence of European and North American capitalism and subsequently the differential of Brazilian capitalism in the development of work programs

in the prisons of these countries. Systematizing the feminist criminology and its approach to prison issues in Brazil was the aim of the second stage of this research. In the third stage, through the description of empirical works carried out in some Brazilian states, the reality of women inmates inside the walls was presented. The results were: the moral nature of work, as conceived by European liberalism, does not fit into the Brazilian reality that retains traces of slavery and colonialism simultaneously with liberal capitalism. These characteristics are reflected in prisons, as they hold the lower-class population in inferior jobs and gives the inmates a poor-quality education. As a result, the work carried out in these programs is not intended to generate adequate compensation, much less emancipate participants, but rather neutralizes, stigmatizes and exterminates, as they died in the worst conditions living in prison. Critical feminist criminology denounces the prison system in its architecture and its rules that do not aim at gender differentiation. Patriarchal policymakers and administrators created this result with antiquated and

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THE INFLUENCE OF CAPITALISM IN THE LABORPHERIC LOGIC OF THE FEMALE PRISON SYSTEM
AND THE EFFECTIVENESS OF WORK WORKSHOPS FOR REINTEGRATION

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conventional perspectives that did not consider gender differences and failed to visualize female needs inside prisons. In practice, the work carried out by female inmates does not compensate them at levels comparable to the general labor market. Their remuneration is low, and the work is not very attractive. There is a discontinuity within the work programs because those who plan and implement them are political appointees, subject to rotation. We can conclude that, in Brazilian women's prisons, there are few policies for the implementation of work with an emancipatory character, such as training in trades that can be absorbed by the labor market in external society. Most of the crafts produced by participants are handmade and focused on residential care. Other factors that block the goal of emancipating participants include a punitive attitude among policymakers that the State should not reward prisoners with the same compensation as free citizens. It also includes the lack of continuity of effective labor therapy policies due to the constant change of penitentiary managers by the prison system impedes.

Keywords: *Brazilian Prison, Female Prison Work, Critical Criminology.*

Ref.: 036M22020

**WORK IN PRISONS:
THE GENDER DIFFERENCE THAT INTENSIFIES
WITH THE INCARCERATION AND INDICATES THE LACK
OF HUMAN DIGNITY**

According to the gender statistics: social indicators of women in Brazil (IBGE, 2010), the female participation in the labour market tripled over the years, however receive 75% of men's salary and occupy about 39,1% of commanding positions. In the penitentiary system, the situation is reversed, the number of incarcerated women who work is higher compared to men, however the conditions referring to human dignity when we speak about gender are unconstitutional. This project have as the leading goal to bring to the academic debate the issue of dignity in the work environment of imprisoned women, once that the prison system increases and ratifies gender differences. To archive, the research purpose, the methodology used will be bibliographic and documentary based on the analysis of data from the profile of incarcerated women, access to work and education in the prison environment. Only 7% of prison establishments are destined exclusively to women, while 75% of prisons are aimed exclusively to men. With a prison population of 37.828 incarcerated women, according to a study from Pastoral Carcerária in collaboration with Ong Conectas (2012), these women are part of vulnerable groups and social exclusion with low schooling, single mothers with an average of more than two children and 95% of them had already been victims of violence at some point in life. When we speak about labour, we realize 34,03% of women in labour activities in pris-

ons, larger than the percentage of men in labour activities, about 18,9% (G1, 2019). The percentage of the incarcerated women population that works doesn't show the effectiveness of their rights or equal employment in the prison environment, once that the major cause of the arrests is the crime of drugs trafficking, used by many to supplement the family income. We are talking about women without jobs or education that end up in trafficking. The access to work for women is segregated, highly perceptible when comparing wages, we are not speaking about the lack of education, because the percentage of women with higher education is superior, we talk about prejudice towards gender. In terms of incarcerated women the conjuncture aggravates, the prison situation is unconstitutional, to begin with the lack of prisons destined to women as in the fifth article, item XLVIII, what impacts their work and education. The work is segregating, and in the prison environment where the resocialization is absent, nonexistent, the incarcerated women live in a vicious cycle of lack of human dignity, segregation, don't having opportunities of reinsertion in the labour market, insertion, for those who are mostly heads of families, unemployed and resort to crime, without support from the state, whether they are deprived of their freedom or not.

Keywords: *Women, Prison, Work, Human Dignity.*

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Ref.: 053M22020

THE INCORPORATION OF WOMEN'S EMPOWERMENT PRINCIPLES (WEPS) AS CRITERIA FOR GRANTING THE NATIONAL SOCIAL RESPONSIBILITY STAMP FOR PRISON WORK

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In 2000, Kofi Annan, then Secretary General of the United Nations (UN), launched the Global Compact (GC), with the aim of promoting that companies align their strategies and activities around ten principles structured in three areas: human rights, work and environment. In 2004, he added the area related to the fight against corruption. GC is today the largest corporate sustainability initiative in the world, encompassing more than 13,000 companies from 160 countries, aimed at achieving the Sustainable Development Goals (SDGs). In this sense, based on Objective 5 (Gender Equality), the GC and UN Women approved, in 2010, the Women's Empowerment Principles (WEPS) for companies to incorporate values and practices of gender equity and women's empowerment. In this context, our work aims to propose the incorporation of WEPS as a criterion for the granting of the National Seal of Social Responsibility for Prison Work (RESCUE). RESCUE was created in 2017 by the National Penitentiary Department (DEPEN), of the Brazilian State, with the purpose of recognizing public and private institutions that

hire people deprived of their liberty or those released from the national prison system. Gender discrimination against women in the labor market remains a scourge for our society. This situation is even more aggravated in the case of women prisoners or those leaving the prison system. It is, therefore, crucial to recognize this intersectionality and implement measures that can help to reverse this situation of discrimination. In order to carry out this work, we resorted to the survey and bibliographic examination of the subjects addressed, as well as documentary analysis of national and international legislation. In this way, it was verified that the incorporation of WEPS to the RESGATA will encourage the association of more companies to the first and will fortify the protection afforded by the second to women prisoners or members of the prison system.

Keywords: *Global Compact, RESCUE, WEPS, Gender Discrimination, Women Prisoners.*

Ref.: 059M22020

THE TRAJECTORY OF PRIVATE PRISONS IN BRAZIL: AN ANALYSIS OF THE CONTEST FOR LEGITIMACY IN PUBLIC DISCOURSE

This article presupposes that efforts to delegate prison management to private companies require active legitimation, given that they call into question both the state monopoly on coercive power as well as the compatibility of the profit motive with the social significance of punishment. This is especially relevant in Brazil, where enduring enthusiasm from political and economic actors has not prevented the issue from becoming a subject of controversy and contestation. Whether in terms of expensive contracts that place a heavy fiscal burden on public coffers, persistent questions around constitutionality, or serious security deficiencies, private prisons in Brazil have largely failed to fulfill promises of cost-effectiveness and improved prisoner welfare. By investigating two spheres of the public debate in Brazil regarding prison privatization, we illuminate the discursive forces that sustain the model's relevance and political viability, even as these flaws and shortcomings come to light in different states. First, we analyze the frames present in 405 articles published on the topic by three major Brazilian newspapers from 1984 to 2019, with the aim of determining the extent to which mass-media agenda-setting followed persistent and politically relevant patterns capable of shaping the parameters

of public debate. Then, in recognizing social media's growing influence on public opinion, we examine comments posted by Facebook users in response to three posts on the Brazilian Senate public page about prison privatization. The newspaper analysis demonstrates not only the predominance of market rationality over legal and political considerations but also the appropriation of arguments concerning prisoner rehabilitation in order to defend the proposal at key junctures. In social media, on the other hand, we observe the prevalence of penal populist rhetoric that promotes the model based on the imperative to "make inmates suffer". We conclude that, although the debates about private prisons in mass and social media involve distinct and seemingly antithetical legitimation dynamics, they also reveal a degree of complementarity between neoliberal and neoconservative discourses that appears to challenge the implementation of penal policies based on the rule of law in current-day Brazil.

Keywords: *Privatization, Legitimacy, Neoliberalism, Neoconservatism, Mass Media.*

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Ref.: I33MI2020

ECOLOGICAL ECONOMICS IN PRISON WORK ADMINISTRATION

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Previous research suggests that finding a proper job and maintaining it can decrease former inmates' odds of reoffending and helps them in the rehabilitation process. Therefore, employment is known to be a key factor in helping to reduce reoffending. Research confirms that social reintegration is directly linked to re-entry into the labour market and prison workshops aim to fulfill a vital role in providing and maintaining essential work habits (Latissa, 2012). This is where prison work shows its significant importance by developing inmates' fundamental skills and maintaining their minds occupied while providing work habits and ethics. Additionally, the prison staff and prison administrations also need the training to deliver these plausible programmes in prison. In fact, the success of the first depends, in a great portion, on the success of the staff's training. Providing the staff with business management skills is a necessary step to increase prison work quality and quantity, by developing updated, innovative and applicable prison workshops; thus, increasing the chances to succeed in inmates' rehabilitation starting from prison. Based on this idea, three training courses, with a total of 77 participants, were organised and delivered to a heterogeneous group of prison staff, namely: prison

managers, prison administrators, prison officers, educators, and teachers, from different countries: Portugal, Romania and Turkey. The aims of these training courses were to prepare prison staff to identify opportunities, develop and manage "prison work", increasing the opportunities of qualified work for inmates, develop their work skills and generation of own funds. The results obtained from these training courses showed that all participants increased and developed not only specific and hard skills (with particular focus on the usage of ICT in the economic field, marketing and prison work and industries awareness), but also valuable soft skills (business communication, work in multidisciplinary teams and other). It is essential to keep the prison staff updated, trained and aware of new ideas, plans, methods, to create meaningful workshops that actually provide inmates with an opportunity outside the gate into the labour market. ECO-PRIS training course showed the need to invest in prison work to pursue the rehabilitation mission effectively

Keywords: *Prison Work, Staff Training, Business Management, Reintegration, Recidivism.*

Ref.: I79MI2020

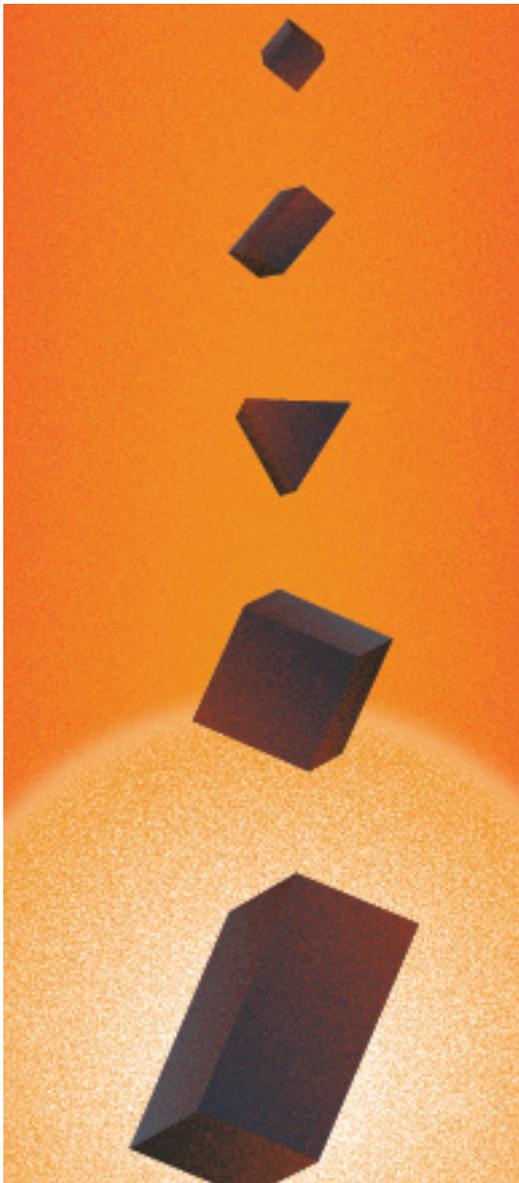
THE INSERTION OF PRISONERS IN THE PROVISION OF SERVICES WITHIN THE BRAZILIAN PRISON SYSTEM: REINTEGRATION INTO THE LABOR MARKET

According to the National Register of Inspections of Criminal Establishments (CNIIEP), a database maintained by the National Council of Justice (CNJ) and which provides an overview of Brazilian prisons, through the geopresidium platform, the country currently has 434,993 thousand places distributed 2,775 custody establishments. On the other hand, the National Penitentiary Department (DEPEN), an organ linked to the federal government, released last February the updated national survey of penitentiary information, through the infopen system, referring to 2019, which pointed out that there were 773,151 thousand incarcerated people in Brazil, in all sentence enforcement regimes, including in this number, pre-trial detainees who, in reality in Brazilian prison, account for almost half of the prison mass, 41.5% (CNJ, 2019). This denotes a deficit of vacancies in all states of the federation, which varies from 10.87% (Bahia) to 165.36% (Recife), according to geopresidium data, updated month by month by the Criminal Execution Courts. In addition to this overcrowding scenario, the structural conditions of Brazilian prisons have historically fallen far short of minimal ideals, with many being unhealthy and with little or no prospect of resocialization itself. Above all, in the sense of offering professional or occupational activities that, in addition to seeking the remission of the sentence, provide the prisoner with the possibility

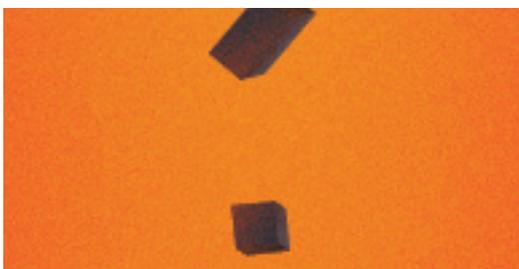
of contributing to society in the future and the recovery of their self-esteem as a human being subject to rights (principle of dignity) the human person) and, from the point of view of the social-collective, that prevents him from returning to criminality, in this sense, it deserves the point that the rate of criminal reiteration in Brazil is also high; 70%, according to a report by the Institute for Applied Economic Research (IPEA). In this tuning fork, even though forced labor is prohibited in the country (Federal Constitution, article 5, item XLVII, item "c"), it is common ground that many want to work spontaneously, and pursuing this spectrum, the present study will address the current job possibilities within the prison system, using the labor of the prisoner, either as submitted to the bidding companies that operate in the system, or in the form of cooperatives. The working method will be based on the observation of successful experiences across the country, the discussion will take place around the modalities of these work fronts as well as the results obtained. It is hoped to achieve a general and optimistic panorama about these experiences, in order to use them as examples for similar realities, in Brazil and in the world.

Keywords: *Human Dignity, Resocialization, Prison Population.*

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ADOLESCENTS IN THE SOCIO -EDUCATIONAL SYSTEM



Ref.: 017M22020

STRATEGIES FOR CONSENSUAL CONFLICT RESOLUTION IN THE SOCIO-EDUCATIONAL SYSTEM: EXPERIENCE REPORTS

We can define the field of the use of strategies for consensual conflict resolution in the socio-educational system in Brazil as a field under construction. Based on the field experience of three researchers, who conducted a national research on "Strategies for consensual conflict resolution within the framework of deprivation of liberty units" funded by the Ministry of Women, Family and Human Rights (MMFDH) and implemented by the Non-Governmental Organization. -Terre des Hommes, we will present in this article the summary of three different methodological accounts about the research carried out. This article aims to present the experience of the researchers with the research about the socio-educational system and the utilization of methodologies for consensual conflict resolution, mainly, in the field of the deprivation of liberty. Initially, we assigned the Brazilian states to each researcher and a documentary analysis of the internal regulations of the internment units of each state was carried out. It is noteworthy that the research, primarily of a qualitative nature, was conducted through on-site visits in the 27 states of the federation

and the interview methodology, using semi-structured questionnaires, was the main collection instrument. The field diary and the photography we are also used. In the results part, we highlighted the experiences and the learnings of the researchers during the fieldwork. Among them, we could quote the utilization of the auto compositive methodologies in the socio-educational system, mainly the emphasis given to restorative justice. We saw that for an effective work related to the utilization of auto compositive practices in the field of the socio-educational system it was necessary to fortify the guarantee of rights net. We also discussed the strategies to the fieldwork of the researchers. Thus, when concluding the research, we realized that the use of the qualitative methodological premise corresponded satisfactorily considering the researches involving public policies and human rights, especially regarding the collection of data that still exists in a subjective field that lacks systematization.

Keywords: *Qualitative Methodologies, Socio-educational System, Consensual Conflict Resolution, Deprivation of Liberty.*

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AN EXPLORATORY STUDY OF PLEA BARGAINING IN THE JUVENILE JUSTICE SYSTEM

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Nowadays plea bargaining is a common and accepted legal practice in adult and juvenile justice system. Even though most of criminal convictions come from negotiated pleas, little empirical research has focused exclusively in this field. Despite its popularity and prevalence, plea bargaining is not without controversy and this mechanism has been criticized for a host of issues. Through a plea bargain, the defendant agrees to plead guilty to the charges in return of a lenient sentence and procedural agility of the case. This negotiation between the prosecution and the lawyer is characterized by its lack of transparency shortly before the hearing. In the specific case of juveniles, they are more likely than adults to have deficits in the capacities necessary to be competent at trial, are less likely to fully appreciate future consequences, are more likely to be influenced by peers and parents and are less likely to understand their rights. These deficiencies have largely been ascribed to their immature socioemotional, cognitive and neurological development. So, although many researches have examined youth legal capacities, there is scant research

on juvenile decision-making in the context of plea bargaining. Recent studies suggest that plea bargain decisions are made quickly, with limited information, and are motivated by short-term outcomes. This study was designed to examine the plea bargaining process in juvenile courts among a sample of 219 juveniles offenders in Castilla-La Mancha (Spain). Our preliminary results find that 67% of juveniles are convicted through a plea bargain. Moreover, gender, age, type of offense, recidivism and number of victims are not correlated with the plea bargain process. Therefore, it is explored if other structural variables can influence this plea bargain process. Thus, in the preliminary analysis it has been found that juveniles with a public defender are more likely to accept a plea bargain. Results and implications of this work are discussed.

Keywords: *Plea Bargaining, Sentence Reduction, Negotiated Justice, Juvenile Offender, Adolescent Decision Making.*

Ref.: I18M22020

GENDER INFLUENCE IN SENTENCING IN THE JUVENILE JUSTICE SYSTEM

There is a wide scientific consensus that gender is an extralegal factor that influences sentencing in criminal justice systems. There are different explanations about the influence of gender; moreover, there is controversy about its possible effect in the sentences. Some research finds a benevolent treatment towards women, but others support that they are treated worse. The selective chivalry theory suggests that women receive lenient sentences when they commit crimes according to the female gender role, but they receive more severe penalties when they distance from it. Most empirical research in this field focuses on adult justice. However, juvenile justice system could be especially permeable to gender. Some researchers suggest that girls don't benefit from a benevolent treatment. This fact is related to the concept of judicial paternalism, which suggests that girls are judged for less serious crimes than boys and they receive more formal supervision than them. This concept has been studied in Anglo-Saxon countries, but it is scarcely explored in another cultural context, like Spain. The goal of this paper is to analyse the

influence of the gender in the sentencing processes of the Spanish juvenile justice system, controlling legal variables (type of crime, seriousness, prior record) and extralegal variables (scholar and familiar factors of processed youth). Moreover, it will be verified if these strategies have evolved over the years. For this purpose, we used three subsamples of open files in juvenile justice: one of 1996-1998, other of 2001-2002 and another of 2012-2018. Overall, the sample includes data from more than 3000 youths processed between 1996 and 2018 in Castilla-La Mancha (Spain) courts. Some preliminary results show that gender has little influence in judicial decisions in Spain. Other extralegal factors, as school performance or familiar problems, seems to influence more the decisions than gender. Results show that youth with problematic life are punished more severely than their counterparts.

Keywords: *Gender, Juvenile Justice System, Sentencing, Decision-making.*

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Ref.: 243M22020

WHAT'S CRITICAL ABOUT JUVENILE PROBATION? THE CASE OF YOUNG WOMEN OFFENDERS IN SÃO PAULO

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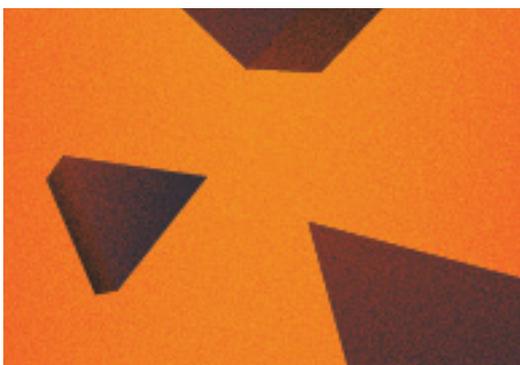
The object of this research is the social-educative care offered to young women in juvenile probation in the city of São Paulo. The field research was conducted in five facilities that offer the non-custodial measure of juvenile probation in the city of São Paulo. The central question is to analyze the potential of probation in promoting the affirmation or transformation of the gender identities of these adolescents, considering the material (redistributive) and symbolic (recognition) dimensions of their trajectories. Considering these aspects is necessary because socio-educational policies focus on the economic dimension as the center of socio-educational interventions and, by doing so, neglect the symbolic dimension while also ignoring other markers that affect this population, such as gender and class. First of all, it's important to clarify the theoretical perspective of gender adopted in this research. Nancy Fraser built her notion of gender in her theory of justice, therefore, in the debate about justice, democracy and redistribution and recognition. The philosopher analyzed some groups that contain simultaneous demands for redistribution and recognition to verify the possibilities of minimizing the mutual interferences that may emerge when both types of injustices are present. I argue that, historically, the Brazilian juvenile justice system has turned to the poor population. In addition, The Statute of the

Child and the Adolescent is focused on remedies that only take into account the material and economic dimension of these adolescents' trajectories. In short, when the socio-educational policies focus on affirmative redistribution programs, they can also be considered affirmative redistributive politicizes, however, these policies ignore the fact that such girls in special face issues and problems that are not only material, but also symbolic. Moreover, the practices of juvenile probation in São Paulo are similar -up to a certain point- to other socio-educational measures because they are based on a reified gender identity. For Nancy Fraser, the issue of reification is the tendency to simplify and freeze collective identities neglecting the plurality of identities of these adolescents, which can be seen in the case of these girls in the Brazilian juvenile justice system. In conclusion, this socio-educational policy emphasizes the material aspect and redistributive remedies and, by doing so, offers insufficient answers to the injustices that bivalent collectivities suffer which is the case of young girls in probation in Brazil, and aggravates gender injustices by basing their practices on a reified notion of identity.

Keywords: *Young Women Offenders, Probation, Gender, Recognition, Redistribution.*



PRISON AND MIGRATIONS



Ref.: I35M22020

ARRESTED MIGRANTS IN BRAZIL: TRAJECTORIES AND STIGMA IN THE PRISIONAL SYSTEM PARANAENSE

The Brazilian prison system have more than 700.000 prisoners. Among them, a small number of migrants are not yet properly registered in the National Penitentiary Data (Levantamento Nacional de Informações Penitenciárias -Infopen). According to the state, all of them are foreigners, corresponding to 0,30% of the mentioned population. This paper aims to identify such group, to analysis their profile and their trajectories within Brazilian prison system with a case study of 13 migrants who were deprived of freedom in Curitiba and metropolitan region in November 2016. The 13 migrants related to this study were connected to more than 20 criminal processes. Through an analysis of documents, we present the crimes they were involved, their social origin, age and gender. In addition, we also develop an analysis about their demands, which are different from those of other prisoners, but mainly how the criminalization of the migration act is represented in such life histories. Checking the registers, we classify the crimes under three different groups: 1) Crimes concerning Brazilian anti-drugs law; 2) Crimes against public goods and 3) Crimes against life. Con-

cerning the prisoners' profile, we identify two groups: Migrants who belonged to criminal organizations and who used their transience for crimes they were connected and Migrants who committed occasional crimes, i.e., without a complex planning or involvement with organized groups. This second group is composed by young people under vulnerable social conditions worsened by the impossibility of exercising their citizenship and, consequently, of the warranty such exercise allow. As a whole, we notice a clear division in prisoner migrant universe. By on side, there are those whose crimes were committed in more than one country. Thus, they could be imprisoned in Brazil or other territories. They are international offenders. By the other side, there are young people whose trajectories are materialized on a discourse full of stigma used by agents who operate the Brazilian justice system and which practical implications are the consequence of the use of punitive control held by the state through those same agents.

Keywords: *Arrested Migrants, Criminal Trajectories, Criminalization of Migrants.*

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Ref.: I99M22020

A GENDERED DEPORTATION INFRASTRUCTURE: SPANISH DEPORTATION CENTERS' SPATIAL CONDITIONS AND VIOLENCES

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Foreigner Detention Centers are a territorial infrastructure where migrants pending expulsion are forcibly detained for up to sixty days or their expulsion order is executed. Without being considered as a carceral institution, the logics of architectural and spatial production of these centers respond—from their legal creation in 1985—to a carceral paradigm. However, the absence of a clear regulation until last decade, have provoked an infracarceral status that led to a series of exceptional violences. The research will start from this historical context to analyze specific violence from a gendered perspective to unveil the specific violences that enclosed women suffered due to different factors. Critical mapping of historical events, from its creation in 1985 to the present, will be used to extract information regarding the spatial conditions of the female inmates within this institution. This will allow us to focus on the inner violences related with its built environment and specially the bureaucratic, legal and architectural differences between male and female inmates. Indicators will be used to better categorize and understand the bureaucratic, legal, and architectural asymmetries present between male and female inmates. Thus, indicators related to architectural, sexual, health and regulatory violence are indicated as the indicators used during the data extraction phase. Throughout the data extraction phase, different case studies have been found that allow us to

understand the greater degree of spatial violence suffered by women within these institutions. A series of events linked to different types of violence are indicated below: The death of Samba Martine, an inmate in the center of Aluche, due to the lack of medical treatment (health violence). Differences in the spatial organization of male inmates and female inmates due to the lower comparison ratio. This excludes women from certain spaces and equipment in the centers (courtyards, cleaning services ...). The case of sexual violence and trafficking in women by police officers in the center of Capuchinos, Málaga. Through these case studies, complemented by similar events of lesser importance, the following data are obtained, which show an overlap of violence on the bodies of the female inmates. Thus, to a body already forced into extraordinary spatial violence due to its confinement in this institution, there is added an exclusive violence based on its gender. Only an intersectional reading of this prison institution, which does not homogenize the prison population, has been able to uncover the differences and asymmetries existing at the spatial, architectural and regulatory level in the functioning of these centers.

Keywords: *Borderscapes, Foreign Detention Centers, Carceral Institutions, Spatial Violence.*

Ref.: I36MI2020

MAPPING MIGRATION DETENTION IN MEXICO: ESTACIONES MIGRATORIAS, TORTUROUS AND GENDERED SPACES

In the ongoing dynamics of migration politics, undocumented migration and asylum-seeking are increasingly criminalized and practices of (arbitrary) detention of undocumented migrants are becoming the norm. Furthermore, empirical studies show that migration detention leaves psychological marks on the detained subjects. From a theoretical point of view, following Agamben's idea of "the camp" as a paradigmatic figure of differential, migration detention must be regarded as the space, where totalitarianism manifest: Detention facilities might be regarded as opaque institutions and spaces of exception, where the sovereign state of exception performs itself. While Agamben argues that the space of detention produces new forms of total subjectivation where migrant detainees are under "total" domination, this assumption is contested by more systemic perspectives that situate migration detention within gendered and racialized migration regimes within global capitalism. The latter point towards intersectional processes of subjectivation and underline the possibility of different forms of agency within migration detention. In

order to investigate and visibilize institutional practices of migration detention a psycho-geographical method, based on the ideas from feminist and critical migration research is proposed. It was applied in the case of the Mexican detention facilities, the so-called Estaciones Migratorias: N = 20 formerly detained migrants who had been caught on their way to the U.S. mapped the particular spatial structure of the Estación Migratoria, together with their subjective experiences, feelings and bodily sensations. Five of the interviewees were women, one person identified as part of the LGBTQI-community, one person was detained together with a physically disabled child. Particular sensibility was given to (I) the structure and functioning of the detention institution and (II) on subjectivation processes, with an analytical focus on intersectional modes of subjectivation, as well as on moments of agency and resistance. The emerging maps and narratives reveal (I) a structural exposition to extreme conditions, that –if this exposition had been conducted by a particular state official –could be declared torture. As a consequence, the concept of the "tortur-

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MAPPING MIGRATION DETENTION IN MEXICO: ESTACIONES MIGRATORIAS, TORTUROUS AND GENDERED SPACES

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ous space”, derived from the theoretical debate about spaces of exception and the United Nation standards on torture, is discussed. (II) While some detainees were even used to exercise repression against other detainees, different forms of subjectivation emerged: In contrast to open forms of resistance like the claiming of rights and hunger strikes, the interviewees revealed different strategies of hidden agency, e.g. in order to care for each other, to reinstall some sort of ordinariness or bearability. Despite their differences, these particular forms of subjectivation contest the institutional forms of subjection. Detention practices within Mexican Estaciones Migratorias contradict democratic principles and deny detainees rights systematically. Still, different forms of open and hidden agency might “democratize” life among detainees, especially with a gendered perspective on care work within detention centre. The intersectional analysis reveals gendered, sexualized and racialized differences, in the modes of institutional functioning as well as in forms of resistance.

Keywords: *Migration Detention, Subjectivation, (Hidden) Agency, Intersectionality, Feminist Geographies.*

Ref.: I30MI2020

FEMINISM, INTERSECTIONALITY AND FOREIGN FEMININE RECLUSION

Women have been made invisible, both theoretically and empirically, within the criminal and penal system (Gomes & Granja, 2015). According to Matos and Machado (2007) it is only from the last decades of the twentieth century that the first steps in the study of the trajectories of women inmates are taken with gender issues as a lens of analysis. The reality of foreign female inmates is even more critical and hidden. Although foreign citizens/citizens, particularly immigrants, tend to be seen socially as more prone to criminal activity (Matos & Barbosa, 2015; Matos et al., 2013), administrative data and empirical studies show that this is a stereotype and a fallacy (Fonseca, 2010; Oliveira & Gomes, 2018). Data from the General Directorate of Reinsertion and Prison Services of 2019 show that, of the total of 12,867 inmates in Portugal, only 1971 are foreigners (15.3%). The number of foreign inmates registers 201, out of a universe of 859 female inmates (23.3%). In addition, it is noticeable that many of the foreign inmates are people in transit and not immigrants, having neither residence nor professional activity in Portugal

(Oliveira & Gomes, 2018). The aim of this work is not only to problematize the urgency of studying these realities in a more in-depth way, but also to list the contributions that Multilateral Feminisms, and in particular the Theory of Intersectionality, could bring as an analytical and methodological look to the study on foreign female imprisonment.

Keywords: *Foreign Women Prisoners, Feminism, Intersectionality.*

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Ref.: 226M22020

MUSLIM FAITH DIVERSITY VERSUS MISCONCEPTIONS OF PRISON INTERVENTION

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This presentation will address the institutional denial that may be displayed within the prison context towards Muslim faith diversity. This communication concerns an ethnographic approach with male foreigner inmates in a Portuguese setting of Closed Regime. It will be drawn attention to firsthand experiences and gatherings of prisoners who share a Muslim creed from Guinea-Bissau and Morocco. The case study which will be presented relies in an in loco research where field notes have been made throughout several wings and where it was possible to make scanning and photographs of personal objects selected by the inmates themselves. This empirical collection was the ground for the in-depth interviews based on the daily routines within prison doors as well as life trajectories previous to imprisonment. It will be demonstrated that by sharing a Muslim belief that leads to a collective sense of belonging and to a valorization of sensitive aspects that sometimes are misunderstood by those who work within the prison environment. It will be exhibited that even though they identify themselves with transversal appointments of Muslim culture and religion, that the externalization of Muslim affiliation may assume different representations and practical meanings. Going hand in hand with studies which have been made prison indoors and outdoors, it has been verified that the Muslim belongingness may be lived in different experiences, rhythms and perceptions. Albeit the complexity and heterogeneity of Islam, one is liable to find out ambiguous and

inaccurate ways of dealing with Muslim inmates by internal and external institutional intervenient during the period of a custodial sentence. One must bear in mind that there are provisions which are displayed in order to accomplish the freedom religious principle, namely towards the Muslim faith, such as the dietary requirement or the authorization of entrance of objects with religious ends. However, once outlining the Muslim presence behind bars, one can easily come across with biased assumptions which may result in nuances of: bureaucratic delays, stigma, mistrust, suspicious of dangerousness and targeted discrimination. In that sense, massive prejudices may be triggered by prison staffs on a day-to-day basis relied in the lack of acknowledgment of Islam specificities, a certain degree of ethnocentrism, social alarm or even racial differentiation. Nowadays, those who are deprived from freedom and who claim to be Muslim are more susceptible to be perceived under the lens of essentialism, added culpability, rigidity and extremism which may hamper rehabilitation possibilities underpinned with full dignity. If migrants may turn to be the public "enemies" (Guia, 2018) within European frame, those who have a Muslim faith and who have to face a judicial sentence within prison doors are at the risk of particular hindrances that neither prison system neither civil society should be absent minded.

Keywords: *Prison, Muslim Faith, Diversity, Discrimination.*



**HUMAN RIGHTS,
JUDICIALIZATION
OF LIFE, CRIMINAL
PROCEDURAL
GUARANTEES,
PUNITIVE POWER
AND RESTORATIVE
JUSTICE**

Ref.: 045M22020

EPISTEMOLOGICAL CONTROL OF THE CHAIN OF CUSTODY OF THE EVIDENCE OF TELEPHONE INTERCEPTIONS IN THE BRAZILIAN AND PORTUGUESE LEGAL SYSTEM

This paper will present that the lack of epistemological control can cause a break in the chain of custody and has been a reason for nullifying evidences. A chain of custody of telephone interceptions, which is a form of criminal procedural guarantee and a form of epistemological control of evidence in criminal proceedings, so that it is increasingly important, being strictly applied to the legal process and basic requirements, like the presumption of innocence, contradictory and broad defense, among others. In addition, a chain of custody collaborates to search for truth in the process, contributing to a final decision in the process applied in judicial conviction and not in belief based on the judge's imaginary. This research was possible through the critical analysis of legal judgments in the Portuguese and Brazilian legal system, analyzed as the consequences of breaking the chain of custody in telephone interceptions, which are increasingly proliferating in criminal proceedings, often compromising and causing the illegal process. As a result, after the analysis of jurisprudence, it was realized that the theory of breaking the chain of custody of the evidence is alleged

when it is not available to defend or franchise the entirety of the recording or the audios of a telephone interception. The lack of epistemological control, which causes a break in the chain of custody, has been nullifying evidence, or it generates costs for courts and time lost in actions that do not comply with legal requirements, such as when the authorized employee loses the entire evidence, through adulteration or contamination, regardless of whether there is a lack of faith on the part of those who use it, or which compromises all of the test and the skills. In this sense, the preservation of the chain of custody or the legalization of evidence, and in the case of telephone interceptions, the suppression of dialogues or access to the defense of all means of evidence are considered sufficient for the nullity of the process, as it constitutes illicit evidence. It was found, with this research, that there is still, both Brazilian and Portuguese criminal proceedings, reimbursements and inquisitorial stays that refer to "judicial conviction", or are committed as criminal procedural guarantees and the legal process.

Keywords: *Chain of Custody, Epistemological Control, Evidences, Telephone Interceptions.*

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Ref.: 065MI2020

PRISON EXPERIENCE ON SOCIAL REINTEGRATION: A COMPARATIVE ANALYSIS BETWEEN ADULT AND YOUNG INMATE GROUPS

Ana Rita Ferreira Rodrigues

In Portugal, studies on social reintegration are scarce, and it is pertinent to understand how prisoners perceive both the prison context and the context of post seclusion. In this sense, this dissertation investigated the perceptions of prisoners on social reinsertion, taking into account their prison experience (primary or recidivist). In order to analyze specificities and convergences between inmates, with different ages, compared to social reintegration, a qualitative methodology was used, based on the content analysis of 22 interviews conducted with inmates, male, primary and recidivists, in different age groups (young adults and adults) at Porto and Lisbon prison establishments. In particular, (i) the life trajectories of primary and repeat offenders were explored in order to understand possible aspects that may have influenced their (re) involvement in crime; (ii) how the four social groups in analysis perceive their social reinsertion in a prison context and (iii) how they perceive their social reinsertion abroad. We conclude that in the life trajectories of these individuals that a very early school leaving, coexistence in environments conducive to

criminal acts, as well as the influence of peers, both in school and in the housing environments, had a great influence in the beginning of the transgressive acts, some in very young age. On this investigative mnemonic, the economic difficulties also appear as one of the greatest signs, not only for the beginning of the transgressive acts but also the propitiator of a new criminal involvement after seclusion. Another of the highlights is related to the monitoring of the prison population by the technicians, which is seen by this population as scarce and that makes the prisoners feel little supported and thus do not see any kind of preparation for reinsertion inside and out of prison. Post-seclusion expectations are focused mainly on family and work, but it is more difficult to find a new job because they have a criminal record based on an effective prison sentence and there are situations of discrimination, making it more difficult to restart their lives.

Keywords: *Prison, Social Reinsertion, Age, Recidivism.*

Ref.: 077MI2020

THE PORTUGUESE PRISON SYSTEM AND PROTECTION OF THE DOMESTIC VIOLENCE VICTIM: A BISECTOR ANALYSIS BETWEEN PREVENTIVE AND RESTORATIVE JUSTICE

In Portugal, the erosion of social fabric caused by domestic violence is inter-generationally present, complex and unsettling. It's estimated that, between 1991 and 2006, there were a total of 260,486 situations of domestic violence, which corresponds to an average of 27 cases per day. Although in Portugal domestic violence perpetrated by men over women is most common, especially in a marital context, it's extremely difficult to set a standard of who is the aggressor and who is the victim. It is accepted though, that violence can be imposed by anyone, regardless of origin, culture, religion, education, profession, etc. In the past few years several legal changes have occurred in order to reduce domestic violence crime and the prison system (since its preventive type to its condemnatory type) have been tested such as a model that guarantees maximum protection and defense to the violence domestic victim. Now, it's time to reflect about the recent creation by the Superior Council of Public Prosecutors of Specialized Integrated Sections of Domestic Violence (SEIVD), composed of Criminal Action Centers (NAP) and Family and Minors Centers (NFC), as a model of preventive justice. This organizational prototype came into force, although on an experimental basis, only in the DIAP District Sections of Lisbon and Oporto and is clearly distinct because it pretends to improve an articulation between criminal authorities and family and minors public organizations since domestic violence occurs in the family context and the victims have been put into danger due to the

disharmony between those jurisdictions. The connection of this bi-jurisdictional harmonization with the prison of the putative abuser must be the tested to obtain the balance between the fundamental rights, freedoms and guarantees that belong to the accused, and the full protection and maximum judicial defense for domestic violence victim, based also on the most elementary jus-constitutional principles. On the other hand, the intention is to take back the exam of mediation in criminal cases, as the face of a called restorative justice, which in the context of domestic violence had in the "justice encounters", on the article 39th of the law about prevention of domestic violence, the protection and assistance to its victims, the (best) paradigm of this model. Taking into account this dichotomy, the aim is to consider the opportunity to test a kind of criminal justice system that, by bringing together different models, in this case the ethical-preventive and the restorative, will be able to guarantee effective protection for domestic violence victim, at the same time as allows to the humanization of Criminal Law, requiring assertiveness on punitive system application and, in particular, on the imprisonment of the accused, considering the need to respond to social anxiety due to several and tragical domestic violence present situations, otherwise we are giving way to a rudimentary repressive justice.

Keywords: *Domestic Violence, Prison System, Rights of The Victim, Preventive Justice, Restorative Justice.*

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Ref.: 054MI2020

NON-VIOLENT COMMUNICATION FOR THE MANAGEMENT OF CRIMINAL CONFLICTS

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Law no. 21/2007, of 12 June, inaugurates criminal mediation in Portugal, following the guidelines provided for in article 10 of Framework Decision no. 2002/220 / JHA, of the Council of the European Union which aims that Member States to promote criminal mediation. In order for there to be criminal mediation, some requirements are required: the existence of a criminal case; that the conduct classified as a crime depends on a complaint or private accusation and that the facts have presumably been committed against people or against property, and provided that the abstract sentence is a prison sentence of up to 5 years or a fine; that it is not in fact classified as a crime against freedom or against sexual self-determination, in addition to the fact that the victim is 16 years old, inclusive, or older and that he is not facing a special process. Finally, crimes that are subject to mediation in Portugal are offenses to simple physical integrity or negligence, the threat, defamation, injury, violation of home or disturbance of private life, theft, abuse of trust, damage, the alteration of milestones, the scam, the scam to obtain

food, drinks or services and usury. As in mediation there must be willingness on the part of both parties to participate in the process, both the accused and the victim must request the opening of the mediation process. However, this is not the focus I intend to present. My objective in this article is to present the techniques of Non-Violent Communication, developed by Marshall Rosenberg, as a possibility of a tool to be used in the processes of criminal mediation, in addition to allowing the extension of the list provided for in the aforementioned legislation, which brings a limitation as to the possible criminal types, when, in practice, Marshall himself acted and managed criminal conflicts of infinitely greater magnitude, including violent crimes and historical disputes between nations.

Keywords: *Criminal Mediation, Non-violent Communication, Human Rights.*

Ref.: 095MI2020

**DEMOCRACY AND ITS DUE:
IS IT DEMOCRATIC PRISON?**

The objective of this development is to seek an answer related to the question of whether the prison is democratic or not. The discussion of the topic must begin with the very notion of democracy as a political regime. Because the issue has deep roots and leads us to important reflections, as there is no mention of democracy, excluding the birth of a new state, a constitution, fundamental rights and human rights themselves. Historical social evolution allows us to understand that the path of Democracy has been improving and enriching human chronology and that today they are basically translated into fundamental human rights. Extracting further, that the new community structure called Democratic State under the presence of a political regime was supported in the speech of the jurist Abraham Lincoln (1863), that is, "democracy is the government of the people, by the people and for the people". Consequently, the democratic state presupposes the delimitation of the exercise of power, proclaiming and guaranteeing basic individual and collective rights. Thus, the Brazilian Constitution (article 1), the Constitution of the Portuguese Republic (article 2) and the Social and Democratic State of Law of the Spanish Constitution (article 1) welcomed representative democracy, with states governed by laws, with free and fair elections and for the people, as well as the respect of public authorities for

fundamental rights and guarantees. In Brazil, the statistical data for December 2019 detect the diagnosis of the reality of the prison system, totaling more than seven hundred and fifty-five thousand people deprived of their liberty (all regimes) and a deficit above four hundred and forty-two thousand vacancies, demonstrating the overcrowding of Brazilian prisons and the subtraction of the dignity of detainees. Thus, the rational development of democracy requires emergency attention to the idea of new models of convictions and prisons, since the understanding of current standards frequently used contemplates the frivolity of evil in relation to the diversity of genders in the prison system. In this sense, the article will address the hostile presence of prison settlements and a possible state of affairs unconstitutional.

Keywords: *Democracy, Prison Overcrowding, Unconstitutional State of Affairs.*

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THE PROTECTION OF VICTIM'S HUMAN RIGHTS THROUGH RESTORATIVE JUSTICE AND THE CHALLENGES FOR THE ESTABLISHMENT OF A NEW PARADIGM

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During the period of primitive justice, the victim appeared as the protagonist in the criminal repression procedure. Gradually, the victim had its role neutralized and the contemporary justice system was designed to address only the perpetrator of the offense. The concern to develop scientific studies focused on the victims began to be glimpsed in the late 1940s, due to the atrocities committed during the Second World War. Along with the universalization and internationalization of human rights, the specific rights of victims were recognized in international and supranational documents. Although many states have modified its internal legislation to ensure recognition of victims and protection of their interests, there are no changes in the procedural structure that continues to view crime as a matter to be dealt with by the State, maintaining the bilateral configuration of criminal procedure -defendant and Public Justice. Thereby, the victim is instrumentalized, resulting in its objectification and the violation of its fundamental human rights, such as dignity, freedom and equality. The expansion of the possibility of consensual responses to the practice of crime implies a redefinition of the victims' role in the criminal procedure, especially regarding the new perspective granted to their needs. Instead of the exclusively punitive response imposed by the State, the inclusion of the victim in the procedural triad is a way to achieve its humanization. In this sense, Restorative Justice emerges as an instrument of interlocution between the State and society,

not only broadening the right of access to justice, but also recognizing and strengthening the victim's role before the justice system. Therefore, the resistance of professionals working in the legal area constitutes the biggest obstacle for Restorative Justice to be consolidated in the most diverse legal systems. Overcoming this reactionary paradigm involves transforming the legal professions through a process of multidisciplinary academic training capable of involving a systemic approach of the conflict and, thus, transcending the strictly dogmatic, technical and positivist model of law to allow that, in addition to the public dimension of crime, justice can also account for its interpersonal dimension. Therefore, based on the deductive approach method, in which the discursive extraction of knowledge is carried out through general premises applicable to concrete hypotheses, this essay seeks to analyze how the victim's needs and the damages arising from crime are considered from the perspective of fundamental human rights while presenting mechanisms capable of rethinking the criminal justice system beyond its public dimension and its strictly punitive bias. In this manner, it addresses the challenges and possibilities for Restorative Justice to be consolidated as a mechanism capable of guaranteeing the humanization of the criminal process from the perspective of the victim.

Keywords: *Criminal Justice System, Human Rights, Restorative Justice, Victim.*

Ref.: I26M22020

DNA AS “READY-MADE” EVIDENCE – AN ANALYSIS THROUGH PORTUGUESE JUDGES’ EYES

The introduction of biological evidence in inquisitorial justice systems raises particular modes of entanglement between professional cultures and perceptions of the probative value of evidence. In an apparent neutral construct, biological evidence challenges the perceived margins of critical assessment of the work and understandings of previous links in the chain of custody, like the criminal police, forensic experts, and the public prosecution services. While each piece of forensic evidence is the product of the work carried out by different epistemologies, it falls to the judge, as the ‘expert of experts’, to consider all the evidence which is collected at the crime scene and conveyed to the courtroom. In that process, the court emerges as an ‘accumulation center’ where all the evidence and the work of the varied epistemic cultures converge. It is up to the judge to gather all this conglomerated information and attempt to fit together the pieces of the puzzle that have been brought to court. This presentation aims to look at DNA technology through the eyes of Portuguese judges in order to understand the social representations surrounding

biological evidence held by those who have judicial decision-making power. It is important to assess its value as an aid to justice and how using it in court contributes to the delivery of justice in Portugal. The main question this study aims to answer is: How Portuguese judges’ value biological evidence? Fourteen semi-structured interviews were carried out with Portuguese judges in 2017 (three with judges of the Supreme Court of Justice and eleven with trial court judges). In this presentation the main results and narratives produced by judges will be presented. It is argued that there is a cultural rift between the worlds of science and law that leads to biological evidence being treated as ‘ready-made’ when it arrives in the courtroom, thus placing limits on the judge’s role in its appraisal.

Keywords: *Epistemic Cultures, Judges, Biological Evidence, Ready-Made Evidence, Cultural Rift.*

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EXPLORATORY DIMENSIONS AROUND THE HUMAN RIGHTS OF INDIGENOUS PEOPLES AND THE JURISDICTION OF THE PRISON SYSTEM IN CONTEMPORARY BRAZIL

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In Brazil of this 21st century the process of criminalization of the concerning indigenous ethnic, cultural and political, as well as the growing expansion and criminal and criminal implication of these people and communities is an emerging theme that acquires academic and societal resonance. The theme appears disappointing on the agenda of social sciences and humanities, especially for the traditional areas of Human Rights, Legal Anthropology and Indigenous Ethnology, among others that make up the national and international scientific field. The method used: In this context, based on documentary research in the specialized bibliography and in the available public databases and information processed in academic texts and indigenous human rights movements, we opted for an analytical approach to the theme, a qualitative nature, concerned with the presentation of emblematic cases, capable to evidence empirical difficulties and policies of access to criminal and criminal justice by people, collectives and indigenous peoples. Discussion: Historically, although from the formal legal point of view, Brazilian positive law was indifferent to the worldviews and the subjects belonging to the Amerindian peoples and collectivities, in practice it developed among us, from the colonial era to the presentism of their publican era, the nicknamed indigenist right pointed out by Marés (2009). Despite the theme of constituting constitutional jurisprudence, including the existence of legal instruments and unequivocal

mediation devices that confer on peoples and indigenous collectivities prerogatives as subjects of specific rights, lacks effectiveness and normativity in the field of public human rights policies. Conclusion: It emerges as imperative that in legal proceedings involving criminal justice, legal operators and specialists in the areas of social sciences and human rights, both in the academic and institutional spheres of the formulation of public policies, consider the asymmetric structure existing in social practices and penalties of hegemonic justice, within the scope of the executive and judicial powers of the country, against the referents and indigenous people and the deliberate unfeasibility of the application of national and international codes, norms foreseen in Conventions, Laws and Decrees. In view of the low effectiveness of the institutionalization of good practices and effective methodologies in the treatment of issues surrounding access to justice by indigenous peoples and people, especially in actions and processes derived from criminal justice, it's necessary to consider the shortage of investigations and systematic reflections on the presence of indigenous people in the Brazilian prison system and the exponential increase in the criminalization processes of indigenous referents and the collectives themselves, thus requiring monitoring of external and internal actors.

Keywords: *Indigenous Rights, Human Rights, Prison System, Criminal Justice.*

Ref.: I94M22020

**GENDERS ENTRAPPED. AN EMPIRICAL STUDY ON TRANSGENDER
INMATES IN ITALY**

The paper presents the findings of a research on the conditions of transgender people's detention in Italy. In Italy, transgender inmates are present in 8 prisons (Napoli, Roma, Firenze, Belluno, Rimini, Alba, Milano e Bollate) who have set up specific "protected" sections for this type of prisoners. These sections are located inside male prisons, with the exception of Firenze, where the transgender prisoners are placed inside the female area. Our research involved a first quantitative phase, in which some data were collected relating to transgender prisoners in Italian prisons in collaboration with the Department of Penitentiary Administration of the Ministry of Justice. Once collected the background data at national level, the research wanted to deepen, with the use of qualitative methodologies (semi-structured interviews with transgender prisoners and prison staff), the situation in two prisons, respectively in the north and southern Italy: that of Belluno (Baldenich) and that of Naples (Poggioreale). The presence of transgender detainees in prison forced the institution to redefine the boundaries of the binary system of sex differentiation that has always characterized the internal prison's organization. The institution's reaction is constituted by a process of differentiation and isolation,

apparently aimed at protecting the differences expressed by the transgender prisoners, but actually informed mainly by the managerial dimensions of security and internal order. The continuum of violence to which transgender prisoners are already subjected outside the penitentiary –as documented by critical criminology, queer, transfeminist and intersectional studies -intensifies inside the prison, where they end up suffering the consequences of a system based on the exaltation of sexual binary identities, the segregation of sexes and the concealment of the sexual sphere of prisoners. In such an apparently quite rigid context, however, the incongruity between sex and gender seems to lend itself to opening up cleavage in the penitentiary's (heterosexual) system: this is all the more true since the gender of transgender people, far from being a mere descriptive attribute, becomes a concept that immediately expresses a power of agency and self-determination that is not (and cannot be) foreseen by the restrictive regime, and is capable of questioning the heterosexual norm by highlighting its contradictions.

Keywords: *Transgender Inmates, Prison Organization, Heterosexual Norm, Transfeminist Studies, Intersectionality.*

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Ref.: 096MI2020

**BETWEEN TODAY AND TOMORROW:
“IDEAS ON THE RUN” IN A PIONEER EXPERIMENT
OF PARTICIPATORY BUDGETING IN THE ITALIAN PRISON
OF BOLLATE**

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The paper reflects on the results of the first year of a pioneer experiment of participatory budgeting (PB) in the detention center of Milan -Bollate, supported by an external fundraising path to funding some proposals elaborated by prisoners. Named by detainees “Ideas on the run”, and coordinated by BiPart social enterprise, the experimental project has been structured into phases aimed at collecting and progressively refining ideas of interventions and projects made by the prisoners for their benefit, while intensifying the relationship between them and the prison administration, and consolidating a dialogue with citizens, social organizations and companies outside. The democratic practice –monitored by the Centre for Social Studies of Coimbra University, through surveys and participatory observation –wants to increase the respect for detainees’ self-organizational and self-determination capacity in elaborating proposals of high-quality, that could favour a major convergence of future external funding and support actions which are felt as more meaningful by the convicted community. In particular, our focus refers to the analysis and clustering of the projects emerged from the deliberative phase of the process involving the detainees, and the first phase of “appreciation and support” to those ideas by the community of around 1000 male and 200 female inmates. Due to the unbalances existing among male and female sections of Bollate detention center, the project built two parallel participatory processes separated by gender, considering that the female community is smaller and located in buildings far from main facilities (working structures, services and the open area for contacts with families). Therefore, budget independence was assured to women’s proposals. Despite the complex rules of the prison, a series of inter-ward assemblies were made possible thanks to an agreement with the administration, to compensate the usual impossibility of different groups of detainees to communicate with each other and make a community-wide single PB process possible. Our analysis occurs after an intermediate voting phase for ranking proposals to access the next level of the participatory process, devoted to the detailed planning of ideas to be crowdfunded. We analyse

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BETWEEN TODAY AND TOMORROW:
“IDEAS ON THE RUN” IN A PIONEER EXPERIMENT OF PARTICIPATORY BUDGETING
IN THE ITALIAN PRISON OF BOLLATE

58 proposals (47 from men’s wards and 11 coming from women’s wards) which emerged during a series of facilitated ward-assemblies and were discussed among some representatives of detainees in inter-ward arenas. We propose three clusters referred to ideas that aim (1) to improve facilities and services inside the prison (so with a dimension of “improving the today life of detainees” inside); 2) to propose new (or enhance the quality of existing) programmes and training courses that bridge with a vision of the “tomorrow outside the prison”(which is also the present condition of the so-called “article 21” –the detainees allowed to work outside the prison); 3) to imagine transformations in the governance or regulations of the prisons, and eventually in the broader legal frameworks. While pointing out the visible difference between the types of proposals emerged in male and female wards (and more strongly supported in each one), we remark the role played by the disparity of physical conditions between the two.

Keywords: *Participatory Budgeting, Civic Crowdfunding, Bollate Prisons, Democratic Innovation.*

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PENAL INSTITUTIONS AS ANTICIPATORY SPACES

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Penal institutions engage in two basic modes of action: custody and care; they — unlike punishment or rehabilitation — are often regulated by national and international standards. Approaching institutional action in its most essential form gives rise to an important overlooked process: anticipation. Anticipation as an affective and temporal process involves (not) taking action in the present to avoid or produce a given future. Though not always explicitly stated as anticipation, future-oriented action is prevalent in penal policy. Discerning which futures to act on and how oscillates between predictable probabilities and uncertain hopeful or fearful possibilities. By considering carceral institutions as anticipatory spaces, we can engage in questions of how penal institutions—including private and nonprofit partners—anticipate carceral futures, how care and custody affect institutional engagement in possibilistic and probabilistic thinking, and what subjectivities of detained persons are produced by institutions' anticipatory actions. Conducted in Geneva, Switzerland over a two-month period, this research consisted of a nonlocal ethnography—an approach predicated on absence from physical spaces and interactions—using documents as object and method. Analyzing discourse in both institutional publications and complementary writings—e.g. news articles, reports from human rights bodies—provided a comprehensive sample of institutional action. In addition, I recycled the coding

process into a technique of experimental writing, arranging excerpts gathered from policies into mono- and dialogues. The exercise demonstrates the messy tensions governing institutional anticipatory action and situates policy into conversation with the subjectivities institutions produce. Findings suggest that penal institutions engage in probabilistic and possibilistic thinking within the confines of acceptable thresholds of custody and care. Perceptions of ideal integration—employable, authorized immigration status—limit the range of possible futures. Additionally, nonpenal partners expand institutional imaginaries of possibility and probability. Methodologically, the data collected does not reflect lived realities inside institutions. Its advantages lie in bypassing the physical, social, and bureaucratic barriers erected by closed institutions and diminishing reliance on interlocutors for data, alleviating stresses reported by some (formerly) incarcerated communities during participation. This combination does not aim to replace participant observation or local input but to complement their contributions. Nonlocal ethnography of penal policy provides a map to carceral institutions' anticipatory logics and values. With it, we can better understand the extent to which institutions embrace their obligations of custody and care. Furthermore, it highlights the points of possible intervention for reform and abolition.

Keywords: *Carceral Futures, Anticipation, Nonlocal Ethnography, Penal Policy, Experimental Writing.*

Ref.: I50M22020

**CONTRADICTIONS IN INTERNATIONAL JUDICIARY
COOPERATION INSTRUMENTS:
THE CASE OF THE EUROPEAN ARREST WARRANT,
ITS PITFALLS AND SOLUTIONS**

The desire to create a seamless open circulation area in the European Union, marked by freedom, security and justice implies the development of targeted strategies, which address the internal-external security nexus and its repercussions. This is especially true in the area of Justice and Home Affairs, regulated at EU-level, thus opening the way for the conceptualization and establishment of transnational, EU-wide instruments and mechanisms aimed at facilitating judicial exchanges amongst Member States. Integrated into a dialectic logic deriving from the willingness to establish a regional regime of Human Rights, under threat of an ever-increasing blur between spheres of security, instruments such as the European Arrest Warrant (EAW) are fundamentally governed by (and directed at the protection of) cornerstone Human Rights principles, characteristic of a normative and Human Security oriented European Union. Notwithstanding its formal flexibilization objectives, Framework Decision 2002/584 still faces severe obstacles to a full and fluid application, linked to pervasive difficulties in the harmonization and integration of

judicial and legal systems in EU Member States. A theoretically apolitical mechanism quickly becomes politically charged and instrumentalized in inter-governmental confrontation. Against these complex exchanges between national authorities, EU-led initiatives in the area of criminal judicial cooperation are often at the origin of a number of human rights violations, derived from their ineffective operation. With reference to EAW, this is true of conditions of detention. This scenario illustrates the maladjustment of purely structural solutions to multi-tiered challenges and sheds additional light on the inherent paradoxes to judicial cooperation within a supranational system of Human Rights protection. This paper outlines a pragmatic approach whereby stronger investment allows targeted judges and magistrates to meet, undertake capacity building, build mutual trust and have direct experience of one another's prison conditions, thereby addressing three known barriers to EAW implementation. Direct dialogue and an agenda based on real case studies actively contribute to closer transnational interactions between national

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CONTRADICTIONS IN INTERNATIONAL JUDICIARY COOPERATION INSTRUMENTS:
THE CASE OF THE EUROPEAN ARREST WARRANT, ITS PITFALLS AND SOLUTIONS

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actors, some of whom are formal contact points. As the discussion widens, so additional actors bring the professional perspectives of lawyers, prison governors and the academic community, simultaneously allowing this initial investment to benefit a second tier of actors. The result is a professional network of diverse actors, well-informed of each other's judicial systems and able to work together more effectively to implement this framework. The authors propose that this layered approach to known implementation barriers shows sustained positive results and illustrates how the focus of the network can grow to include the uptake of wider, interconnected EU-led initiatives. Thus, the goal of this paper is to draw attention to the implications for a regional Human Rights system of the unintended and paradoxical consequences of a poor application of structural solutions, whilst illustrating alternative methods and ongoing initiatives aiming to overcome known issues and thus achieve *ade facto* Union to protect Human Rights.

Keywords: *European Union, European Arrest Warrant, Human Rights, Detention Conditions, Capacity-building.*

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AN ATTENUATED PRISON FOR MOTHERS AND CHILDREN? A VISUAL ETHNOGRAPHIC RESEARCH IN A SPECIAL PRISON FOR CHILDREN

According to the European laws, an incarcerated mother with young children can choose to keep them with her, in jail. These laws are meant to protect the mother-child bond also in prison. Regulations about living conditions and age of children change depending on each European country. Italy has recently built a few 'ICAM-special attenuated custody institutes', designed for mothers and their children between the ages of 0 and 6. In some special cases, this range can extend up to the age of 10. Children have therefore an age that allows them to fully understand the place where they live. Following the question: 'Is prison a democratic space?' the purpose of this paper is to present a visual ethnography conducted in a special institute for mother and children inside the prison of Turin, in Italy. The principal aim of the visual ethnography is to understand the meaning of incarceration for mothers, and mostly for children. What sounds does a child listen to in a jail, what smells can he detect? What is the sense of space in a confined room? And, most importantly: do they understand that they live in prison and do they have dreams of evasion? The second aim of this practice-based research is to explore the potentialities of visual media and art in order to discover and also to represent the point of view of children. The overall intent is to use photography, video camera, VR 360°

shooting and animation to produce a multimedia ethnography about the topic. In this paper, I present the first part of the project and the method used with photography, as a medium to collect data about the prison space and the everyday life inside. My stance is that visual media and emerging technologies might help in the research in such a sensitive context as the jail. The multidisciplinary and experimental approach might create new forms of languages and experiences, trying to overcome some limits of traditional observation in visual anthropology. The in-depth "experiential" work with children employs participatory creative practices adapted to the prison system, in order to explore how images can work in a panopticon institution, where inmates are constantly watched by surveillance cameras, and how can explore the imaginary world of children, through the use of animation. The paper will arise some critical reflections about how to stimulate the participation of children in research and how to better represent their point of view about the ICAM –this new prison which pretends to be more 'child-friendly' but it caused severe consequences in the everyday life of children and their perspective about their possible future.

Keywords: *Children, Motherhood, Visual Anthropology, Children Prison, Visual Methods.*

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PAVING THE WAY TO A 21ST CENTURY INMATES' REHABILITATION

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Providing inmates with education and moreover with vocational training is considered an effective strategy to break the crime and recidivism cycle, preventing not only the criminal behaviour, but also giving them the capacity to earn (and adopt) a crime-free lifestyle. Often, recidivism is related with the difficulty in re-entering into society, and social, personal, and social constraints tend to contribute to that crime-free lifestyle. Therefore, vocational training provided to inmates must tackle critical constraints to their successful rehabilitation and reintegration. Constraints are not static and evolve with society, being one of most recent the hyper-connected digital society, where we are surrounded by IT devices and by software, in which not having basic knowledge or access to constant updates in this area is a major challenge. This is particularly the case when considering the prison context or impoverished people as inmates often are. In fact, many inmates are released into society without having the digital skills they need in order to interact with modern public services, access basic services (education, health, banking, housing, etc...),

or secure employment. Therefore, it is important that inmates are given the opportunity to develop ICT skills while serving their sentences, which encompass not only basic skills of daily use, but also skills that can be, in itself, a working tool, such as coding. We will present and explore some findings retrieved from the need's assessment carried out in the CodingOut project, focus on understanding what are the key domains of intervention and to be addressed in the training modules targeting inmates. The training aims not only to narrow the gap between the lack of skilled citizenship after release but will also increase the chances of inmates' find and retain qualified jobs, in one of the most sought-after professions of the 21st century.

Keywords: *Prison, Coding/Programming, Recidivism, Reintegration, Prison Education.*

Ref.: I8IMI2020

THE PERFORMANCE OF THE NATIONAL COUNCIL OF JUSTICE IN THE BRAZILIAN PRISON SYSTEM TO MINIMIZE THE IMPACTS OF CORONAVIRUS DISEASE 2019

The present scientific work seeks to analyze the posture of the National Council of Justice, with the objective of minimizing the impacts generated by the pandemic caused by the Coronavirus 2019 in the Brazilian prison system and protecting the Human Rights of persons deprived of their liberty, using the bibliographic methodology, with examination doctrine and jurisprudence. The public declaration of the pandemic situation issued by the World Health Organization, on March 11, 2020, had profound global impacts, affecting several areas of law, generating an unprecedented health crisis in the 21st century, leading authorities to adopt social isolation to prevent the spread of the disease. Thus, the research is justified by the need to understand the problem in the Brazilian prison environment, in which prisoners live in confinement and agglomeration spaces, mainly in view of the unhealthy conditions of the prison units, characteristics of the unconstitutional state of affairs of the Brazilian prison system recognized by the ADPF Supreme Court No. 347, facts related to the substantial rate of transmissibility of the virus. In this scenario, given the specificities of the context in which incarcerated people live and to reduce the epidemiological risks of virus transmission to protect the health of persons deprived of liberty, public agents and visitors, the administrative body of the Judiciary issued on 3/17/2020, Recommendation 62/2020, which establishes guidelines for judges and courts to take preventive measures, to minimize the

spread of COVID-19 in the criminal and socio-educational justice system, with the encouragement of reviewing the arrests of people in risk groups and at the end sentence, provided that they have not committed violent or serious crimes and do not belong to criminal organizations. The Recommendation was amended by Recommendation No. 68, of June 17, 2020, which, among other measures, determines the expert examination in the face of evidence of torture or other cruel, inhuman or degrading treatment, extending the validity of said recommendation for 90 days. It turns out that the CNJ guidelines are not being effectively applied by magistrates, since, according to data released by the CNJ, there was an increase of 800% in the rates of contamination in Brazilian prisons since May, reaching more than 2,200 cases in June. According to these data, 32,500 people were removed from prison units in the three months due to compliance with Recommendation 62/2020, with adaptation to house arrest or electronic monitoring, which represents 4.8% of the total number of people deprived of liberty. As a partial conclusion, it was found that the CNJ has been taking measures so that the bodies that make up the Brazilian Judiciary can adhere to the established guidelines, however the adherence is occurring in a timid way, verified by the numbers presented by the CNJ.

Keywords: *Performance, National Council of Justice, Prison System, Impacts, Coronavirus Disease 2019.*

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CUSTODY AUDIENCE AND PRISONS IN RIO DE JANEIRO

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In the 1990s, in Brazil, it was common for the distinction between the dealer and the user to be based on the articles of the old drug law, that is, on criminalizing someone for drugs through articles "16" or "12". It was the actual article numbers of the laws that represented socially and distinguished a user (16) from a drug dealer (12) and, of course, how the police could or could not incriminate anyone within the criminal justice system in Brazil. After 2006, the Brazilian State enacted the so-called New Drug Law in order to move the drug user to the health system while increasing the punishment for traffickers. This new device is part of the phenomenon of intensification of incarceration in Brazil, especially the increase in criminalization for drug trade today in 30% of the entire prison population in the country. Such a finding, that there was no displacement of users to the public health system and that this is one of the explanatory factors for the intensification of criminalization by drugs today was carried out for the city of São Paulo, in my doctoral thesis at USP. Therefore, this research now presents drug criminalization in the

city of Rio de Janeiro with ethnography carried out in custody hearings with operators and accused of the criminal justice system in Rio de Janeiro inside the Benfica prison, in the city of Rio de Janeiro.

Keywords: *Audiences, Prisons, Rio de Janeiro, Drugs, Justice.*

Ref.: 24IM22020

**PRISON:
AN INCUBATION FOR RADICAL BEHAVIOR**

Radicalization is increasingly associated with critical security issues. It is one of the key points for the understanding of these same phenomena, and of terrorism in particular. It is defined as a complex process through which groups or individuals undergo a psychological transformation that leads them to move away from traditions, supporting extreme political, social and religious ideologies. Nevertheless, this definition is not consensual, as any related to such a volatile topic as human behavior. In the absence of a common definition of radicalization, this is dependent on the judgment and counterargument presented in opposition to the terrorist groups. These understanding results primarily from the reality existing in a particular area and time period, as well as from the nature of the threat and the perception of the other as being the enemy. The concept of radicalization is often understood as a process of developing extremist ideologies, and, to some extent, it is used to denote a major precursor to terrorism. Nonetheless, there are some differences between radicalization and extremism that should be

addressed and connected. Radicalization can be thought of as the process of socialization to extremism which can be manifested in terrorism, and where extremism implies an active subversion of democratic values and the rule of law. Therefore It is critical to understand how individuals perceived as outside the norm and how this labeling can cause this same pattern deviation. Prison is considered one of the incubators for the radicalization of individuals that access subversive agendas as an alternative pathway. This construction of personality and behavioral modification should be conceived and analyzed within the different socialization instances of the individual. Being said we propose an interpretation of the prison environment as a catalyst for the enhanced heterogeneity of individual characteristics that gather around a common goal, the disruption of the established order, creating a further alienation from state representation.

Keywords: *Prison, Radicalization, Human Behavior.*

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**FROM PRIVATE TO PUBLIC:
SOCIAL MOTHERS, OVERLAPPING VIOLENCE
AND ACCESSIBILITY TO JUSTICE AND CITIZENSHIP
IN BRAZIL**

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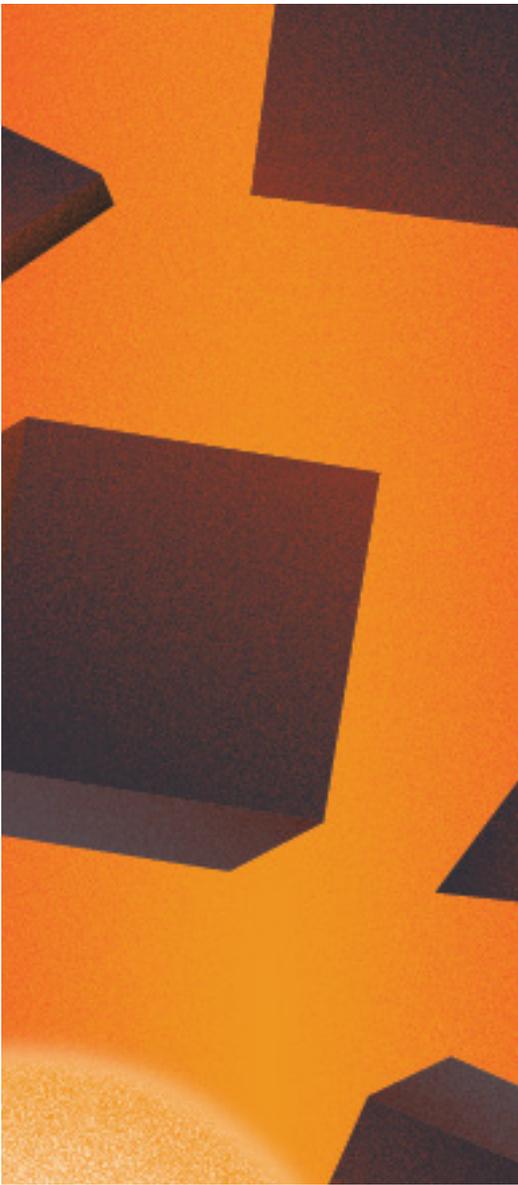
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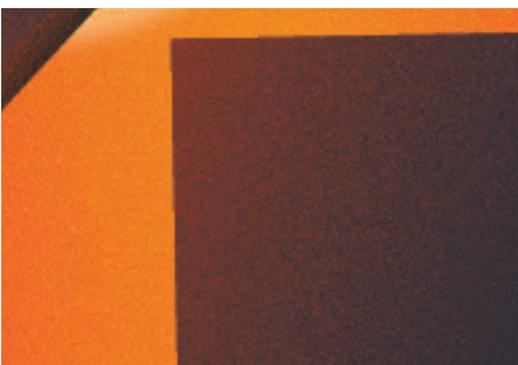
In the Present Time, the Brazilian justice system has recorded numbers of cases of "violence over gambling" (Cavalcanti, 2018), especially to black youth. This stems from a necro politics and non-accessibility to justice, adding greater vulnerabilities in urban contexts, intersectionality (class, territories, race/color) and categories related to family and gender. The purpose of this communication is to analyze the discourses and processes of "social mothers", women who claim -through social movements and efforts to promote investigations and the right to the right -citizenship and justice. Always making their voices, occupying spaces, taking and making them aware. Critical theory and feminists' epistemologies to changes attributed to roles, representations and actions of motherhood and family relationships in a very different way from the first waves. It is common to attribute to the family, and especially to the female figure, the responsibility for the trajectories, the protection and the ethics when caring for children, the same with advances regarding the division of time, attention and monitoring. However, in the Brazilian case, moth-

erhood is configured in other dimensions and references: from victims of torture to murders by the police, strong presence of violence. Therefore, in the scenario of intensification of violence, using a qualitative methodology and the use of collected samples, it is possible to analyze methods of value or binomial family-maternity (in some cases of the social mother-grandmother). Mothers of "bandits", missing, dead persons or the violent take up spaces in the mass media and political actions in favor of justice and accessibility in Brazil. Rio de Janeiro, Salvador, São Paulo and Vitória are locus of research. Results can be used as lengthy lawsuits, silencing witnesses, individualizing cases (despite the collective character), creating civic and social networks and movements to guarantee rights and mourning.

Keywords: *Human Rights, Justice, Mothers, Violence, Maternity.*



VIDEO RECORDING PRESENTATIONS



Ref.: 075M22020

MISINFORMATION AND CONFLICTING ACTIONS OF BRAZILIAN PRISON POLICY IN FUNCTION OF THE PANDEMIC

This article aims to highlight the conflicting actions of the Brazilian prison policy regarding the global pandemic situation that generates misinformation and promotes invisibility of yet another aggression due to contagion suffered by the prisoners' population. This whole scene contributes to persistent violations of human rights and the dignity of the human person, especially in prisons that are marked by complete unhealthiness and exacerbated overcrowding. The methodology used starts from the doctrinal and legal analysis, in addition to examining the clash between decisions of the State organs: in the Judiciary, the National Council of Justice and the Public Ministry; in the Executive Power, the Ministry of Justice in opposition to the recommendations of the Federal Senate and State Governments, as well as institutions directly involved in the execution of prison policy, notably with regard to the release of prisoners to avoid contagion, including prison officers, finding resistance in entities such as the Federal Council and Regional Councils of Medicine. In this sense, as an object of research, this article seeks to address protective measures employed to prisoners held in prison and to professionals in the prison system such as testing, isolation of prisoners who belong to risk groups and suspension of visits, to avoid the danger of contagion that could cause rebellions in detention facilities. As a

partial result, it seeks to show that contagion by the virus has uncovered, even more intensely, the terrible conditions to which the Brazilian prison population is subjected, exposing the inefficiency of the various State institutions and of society as a whole, to adequately confront this terrible social malaise, structural and historical, of the prison system. Finally, we highlight the corrupt actions of Law operators, by providing false certificates to promote the release of uncontaminated prisoners, in addition to the alarming statistical data of the increase in homicides caused by released prisoners, or even with regime change for house arrest, as well as the fact that they themselves become victims of murders, due to disputes between organized groups of the criminal underworld, notably among those involved in drug trafficking, for the control of distribution points, which it demonstrates that they remained protected in prison by the State from this insidious form of combat that has been waged in the general context of our society.

Keywords: *Brazilian Prison Policy, Pandemic, Conflicts of State Institutions, Misinformation, Aggressions against Human Rights.*

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THE ORIGIN OF PRISON SYSTEMS

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From a criminological point of view, the study of prison system is vital to try to understand the characteristics that identify the evolution of prisons, both at European and international level, with special emphasis on what happened in Spain. Therefore, this research focuses on the study of the several prison systems, which serve as a reference to identify the key elements of prison procedures throughout history. On the other hand, this study will carry out a detailed analysis of different researchers who focused their research on the evolution of prison systems. In this sense, it is worth noting the work carried out by Bentham, Howard or Beccaria, who consider themselves to be the great revolutionaries of the prison systems. In this sense, John Howard was the author of the important book "The State of England and Wales Prisons", which was considered an essential book for the study of the prisons of the United Kingdom. On the other hand, Cesare Beccaria wrote the book "On Crimes and Punishments", which is an essential work from a criminological and legal point of view. Finally, Jeremy Bentham established the panoptic system,

a great evolution that continues to be the subject of several scientific investigations. In reference to prison systems, this paper will analyze those that have been important throughout history, with special emphasis on the cellular or philadelphic system, the Auburnian system, the reform system and, finally, the progressive system, which can be identified as a clear antecedent of the systems that prevail today in prisons. In this sense, in Spain, for example, after living with several penitentiary systems, today the system of scientific individualization is in force, which can be considered as a great evolution and improvement with respect to those previously mentioned. Obviously, we still do not know what the next actions will be to continue improving the lives of the inmates inside the prison.

Keywords: *Prison, Systems, Criminology.*

Ref.: 009M22020

**CONSTITUTIONAL AND LEGAL FRAMEWORK OF THE DEPRIVATION OF LIBERTY:
FUNDAMENTAL RIGHTS, GOALS OF PENALTIES AND PROCEDURAL GUARANTEES**

In the old days, punishing meant public revenge, namely through death in a public square and provocation of physical damage, in a logic of an eye for an eye and a tooth for a tooth. However, that has changed with the humanist movements, which have forced to treat the convicted with dignity. The deprivation of liberty is the most serious sanction, which, however, must respect the human dignity and the right to personal integrity. Death penalty is constitutionally prohibited under portuguese law, as well as penalties with a perpetual character or of unlimited or indefinite duration. An essentially expository/descriptive method, with qualitative content, composed of legislative and doctrinal analysis. Discussion of results: With regard to the purposes of penalties: for absolute theories, punishment is conceived as an absolute, metaphysical and ethical requirement, secondary to the pure demand for justice; for retribution theories, the demand for punishment in accordance with justice translates into the conception of the penalty as a punishment, so that the evil of crime is answered with the evil of penalty, as a way to repair the evil committed; for relative theories, the legitimacy of the penalty depends on its need and effectiveness to prevent the practice of crimes, so the penalty is not justified by itself, but it has a relative and circumstantial purpose, a utility, which is translated in the circumstance of functioning as an

obstacle to the practice of new crimes; the theory of special prevention aims to dissuade the convict from the practice of new crimes; for the theory of general prevention, the penalty serves as an example, in order to intimidate potential criminals. Articles 20 and 32 of the Constitution, respectively, provide defense guarantees, such as access to the law and effective judicial protection and, specifically, guarantees of criminal prosecution. In addition, the Penal Code regulates several guarantees of the convicted. Nowadays, the social reintegration of the convict is one of the essential objectives of Criminal Law, so, the State must provide the convict with all the necessary conditions for his reintegration into society. In a Democracy ruled by Law, the intervention of Criminal Law is only justified in obedience to the constitutional principles of necessity and subsidiarity. Criminal sanctions cannot be dissociated from another principle, as an insurmountable limit of the penalty: the principle of guilt. So, in no case can there be a penalty without guilt, or the measure of the penalty exceeds the measure of guilt. Penalties, even the deprivation of liberty, will in no way put into question the principle of the dignity of the human person and the guarantees of defense of the condemned.

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Keywords: *Constitutional and Legal Framework, Deprivation of Liberty, Fundamental Rights, Goals of Penalties, Procedural Guarantees.*

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THE NEED FOR EFFECTIVE PROTECTION TO THE PROVISIONALLY IMPRISONED WOMAN IN THE BRAZILIAN CRIMINAL SYSTEM: THE (IN)EFFECTIVENESS OF THE COLLECTIVE HABEAS CORPUS 143.641

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The rise in the incarcerated female population has shown that the scenario of overcrowding and precariousness of Brazilian prison facilities is incapable of meeting female specific needs, especially regarding the protection of pregnant women or nursing mothers and/or mothers of children under 12, which constitutes a disrespect not only to the incarcerated women but also the rights of children and adolescents. Moreover, the systematic violation of the fundamental right of presumption of innocence through the indiscriminate use of preventive detention is added to this scenario. Arising from this context of violations, the present study aims to deal with the necessary protection of female pretrial detainees, mothers or pregnant women in the Brazilian legal order, as well as to analyze the effects of the collective habeas corpus 143.641 decision, issued by the Federal Supreme Court. For such end, the deductive method was used, with primary sources, especially technical reports produced by public and private law entities contained in the collective habeas corpus 143.641 itself, which moved through the procedures

before the Federal Supreme Court, secondary sources, through searches in electronic sites that address gender-related violence in Brazil and bibliographic research, collecting various works related to the topic in question, notably by Robert Alexy, considering the difficulties found in implementing the protection of fundamental rights in the case in question. As the work progressed, the decision of the collective habeas corpus that determined the State and Federal Courts should substitute, by law, preventive imprisonment for home detention for all women who are pregnant, post-partum mothers, or mothers who have under-12-year-old or handicapped children, except for cases of violent crimes or serious threat against descendants or still, in very exceptional situations, was viewed as correct. Even though it was a decision with immediate and self-executing effects, the noncompliance by the Judiciary Power itself, which failed to act ex officio, consequently failed to provide effectiveness to the decision. In view of this noncompliance and with the intent to produce effectiveness in the sense of obtaining the protection of fundamental

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THE NEED FOR EFFECTIVE PROTECTION TO THE PROVISIONALLY IMPRISONED WOMAN
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rights of pretrial female detainees, the proposal put forward is that of the possibility of each magistrate's individual liability, as well as the State's own strict liability due to their omission regarding the sustainment of undue imprisonments. Furthermore, it was noted that, in case the national jurisdiction was not able to restrain the violations perpetrated, there would be room for a report to be filed to the Commission and the Interamerican Court of Human Rights. A conclusion was reached that the violations perpetrated in the prison environment in the face of women in preventive imprisonment and their children were evident in Brazil, for which reason it becomes extremely necessary and urgent for certain measures to be adopted. These need to be capable of guaranteeing the effectiveness of the decision within the habeas corpus, and the Federal Constitution itself and international treaties.

Keywords: *Female Incarceration, Illegal Imprisonment, Protection of Maternity, Protection of Incarcerated Women, Violation of Fundamental Rights.*

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Ref.: I09M22020

ACCESS TO HIGHER EDUCATION AS A FUNDAMENTAL RIGHT OF PERSONS DEPRIVED OF LIBERTY. CASE LOJA – ECUADOR

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The article analyzes the right to higher education, as a fundamental right that the State must guarantee to individuals, it starts from the analysis of the principles indicated in the Constitution of the Republic of Ecuador (CRE), the current legislation, the different plans and public policies of the State, which have been created to recognize the effective enjoyment to the right of higher education, since one of the aim of education, is to transform society, through the transmission of values, culture, norms, besides comprehend that the right to the education is inherent to the dignity of the individual and all people should have the possibility of accessing it, including those groups that have historically been discriminated against such as the persons deprived of liberty (PDL), since the only right affected is ambulatory mobility It is necessary to bear in mind that the PDLs are serving a punitive sentence, which is understood as a measure of reparation or solution to social conflict, and each individual undergoes an individualized rehabilitation plan, so that they acquire skills and knowledge, so that in the future, when serving their sentence they may be able reintegrated into society, for this reason, the recognition of the right to education is transversal and is framed within the aims of the rehabilitation process, in addition to the fact that the prison system has as a priority the development of the capacities of the PDLs to fulfill their role in reformer or re-socializing individuals. The research process carried out a qualitative study, which was

supported by technological means for reasons of accessibility to the group and reflection questions were raised, this being a quality of the human being, which allows analyzing their actions and reflects their self-knowledge within their individuality, to know the perception of people deprived of liberty who are studying higher education, on the advantages and disadvantages of the training process. On the other hand, a quantitative study was carried out which focuses on the analysis of data on persons deprived of liberty who are pursuing their higher studies in distance mode at the Private Technical University of Loja (UTPL), during the years of 2017 to 2019. Among the most relevant results of the research are the affirmative action policies and the different strategies proposed by the UTPL, being a pioneering institution in distance education and maintaining an inclusive approach towards priority attention groups as recognized in the CRE to the PDLs, are determined the study areas, the university careers that are most in-demand by this population segment, besides access in terms of gender, place or social rehabilitation center in which they are serving the sentence, as well as the level of state support for higher education and the endogenous and exogenous factors that influence the formation process are determined.

Keywords: *Inclusion, Higher Education, People Deprived of Liberty, Right to Education, Human Rights.*

Ref.: 073M22020

THE BRAZILIAN QUESTION AS TO THE RELATIONSHIP OF JAIL AND MATERNITY IN PANDEMIC TIMES

The subject of research in this article aims to address issues related to female criminality, focused on the double particularity involving the condition of a woman and mother imprisoned in the Brazilian prison system, presenting the relationships of vulnerabilities with regard to their access to health, as well as that of their children, coping strategies as positive practices in the prison context and the struggle for the exercise of citizenship, in the quality of dignity of the human person, against persistent violations of human rights, which mark the lives of inmates, particularity now, during the coronavirus pandemic. The methodology used is based on the doctrinal analysis, as well as on the legal normative context, also focusing on the specific precedents addressing issues related to motherhood in prison, including about breaking the bond between mothers and children, in addition to the family context, if applicable, inside and outside the prison and/or regarding the referral of children to State institutions intended for their shelter, in cases in which this family bond is nonexistent. Likewise, the study objectively aims to present the contrasting contradictions of the government agencies of the Brazilian State, regarding the implementation of this specific prison policy, in which the Supreme Court's own precedents clash with decisions of Lower Courts Judges, who refused to change the prison regime of those sentenced to house arrest, nor did they release

the mothers not yet convicted to return to their homes. As a partial result, the study proposes Collective Habeas Corpus, filed by 16 Public Defender's Offices, with the 1 PhD in Philosophy from Universidade do Vale do Rio dos Sinos, master's in philosophy from Pontifícia Universidade Católica –PUC/RS. Bachelor of Law from Universidade do Vale dos Sinos. Lawyer. Email: hiquekeske@hotmail.com² PhD in Law from Universidade de Burgos, Master in Law from Universidade de Santa Cruz do Sul, Specialist in Law from Universidade de Santa Cruz do Sul, Lawyer, Professor of the Law Course at Faculdade Estácio de Sá/Porto Alegre. Federal Supreme Court, so that mothers and women in the postpartum period, according to a survey carried out by the Department of Penitentiary Information, of the Ministry of Justice and Public Security, are moved to house arrest, as a way of preserving their lives and that of their children, far from experiencing the unhealthy conditions of detention centers, in view of their classification as a maximum risk group for contagion. Lastly, an alert is issued in the sense of the silence of government agencies regarding the situations of hospital admissions, in case of contagion, resulting in a somewhat invisibility of this public, who is already notoriously violated in their human condition.

Keywords: *Motherhood in Prison, Coronavirus Pandemic, Conflicting Decisions by the State Powers, Violations of Human Rights.*

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GENDER INEQUALITIES AND DOMESTIC VIOLENCE: REFLECTIONS FROM PRISON

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Since the beginning, we have experienced a patriarchal system, in which the man had the economic, political and sexual power over the woman, with the woman being relegated some roles to be fulfilled, the mother, the wife, the reproducer and for having her performance. Restricted to the domestic environment, it was considered by Criminal Law incapable of committing some kinds of crimes. As a criminal, the woman to be the perpetrator of any deviation would first receive a social punishment, for not having fulfilled her role and if that deviation constituted a criminal type, she would secondly receive a formal punishment from the State, predetermined by the gender patriarchal order. The present study aims to demonstrate the evolution of this paradigm and the role of women in the legal environment, as a victim and a criminal, analyzing in parallel the reference of women, who, although authors, have already been victims of some type of domestic and family violence in some previous moment of their lives. In addition, it is intended to reflect on the Brazilian prison situation as a guarantor of women's rights. The method

used will be qualitative and narrative, consisting of analyzing data about incarcerated women and will address the following points: addressing the historical evolution of the problem and its main situational factors for increasing rates, previous relationship of violence suffered and the performance of public agencies. Therefore, we can verify that female crime is related to several social factors experienced by women, such as discrimination, historical prejudice and gender inequality, in addition to realizing that the vast majority of women in prison in Brazil are black and have no elementary education. complete. The work is of great relevance since it reflects the abandonment of women and their precarious situation when serving time in Brazilian prisons. It is hoped that this work can serve as a support for a better understanding of the issues that permeate women in prison and that it can raise new discussions that will provide greater awareness regarding the prevention of domestic violence and women's rights, even though they are incarcerated.

Keywords: *Criminality, Gender, Offending Women, Prison.*

Ref.: 074M22020

THE HISTORICAL PATH OF THE IMPLEMENTATION/CONSOLIDATION OF THE LGBT WING IN THE PUBLIC JAIL OF PORTO ALEGRE/BRAZIL

In the present article, the object of research turns to address issues related to female crime, focused on the double specificity that involves the condition of woman and mother imprisoned in the Brazilian prison system, presenting the imbrications of vulnerabilities with regard to their access to health, as well as that of their children, coping strategies as positive practices in the prison context and the struggle for the exercise of citizenship, as the dignity of the human person, in the face of the persistent violations of human rights, which mark life convicted, especially now, in the face of the coronavirus pandemic. The methodology used starts from the doctrinal analysis, as well as from the legal-normative context, also focusing on the specific Jurisprudence that deals with issues related to motherhood in prison, including about the break of the bond between mothers and children, as well as the family context, when it occurs, inside and outside the prison and / or concerning the referral of children to State institutions destined to their shelter, in cases where this family bond does not exist. Likewise, as an objective of study, it seeks to present

the disparate contradictions of the public organs of the Brazilian State, regarding the execution of this specific prison policy, in which the Supreme Federal Court's own instances collide with decisions of 1st Instance Judges, who they refused to change the prison regime for those sentenced to house arrest, nor did they release the mothers still without a sentence to return to their homes. As a partial result, it is the Collective Habeas Corpus, required by 16 Public Defenders, with the Federal Supreme Court, so that mothers and puerperal women, according to a survey carried out by the Department of Penitentiary Information, of the Ministry of Justice and Public Security, are taken house arrest, as a way of preserving their lives and that of their children, far from experiencing the unhealthy conditions of prison houses, as a result of constituting, in this way, a maximum risk group for contagion. Finally, an alert is launched about the sense of silence of public agencies regarding situations of hospital admissions, in case of contagion, producing a kind of invisibility about this public already notoriously attacked in their human condition.

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Keywords: *Motherhood in Prison, Coronavirus Pandemic, Disparate Decisions by the State Powers, Aggressions Against Human Rights.*

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WOMEN IN CONCENTRATION CAMPS, ARGENTINA (1976-1983)

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If something distinguishes the modern state and, at the same time, differentiates it from the types of state that preceded it, it is having achieved a monopoly on violence. This power allows it to have all possible legal resources to implement repressive measures, under the control of coercive institutions. However, reality has shown that states can free themselves from correlative imitations of the rule of law and apply rationally directed violence to eliminate, destroy or at least weaken certain human groups. In this way, we place ourselves before our object of study, to inquire into the specificity of violence against women, while they were in captivity. The Inter-American Convention to Prevent, Eradicate and Punish Violence against Women clearly summarizes what, here, we understand as violence against woman: "any action or conduct, based on gender, that causes death, harm or physical, sexual or psychological suffering to the woman". We will address the experience of four political activists in the concentration camps of the city of Paraná (capital of the province of Entre Ríos). As women, in the context of human

rights violations, they suffered a particular form of torture: sexual violence. The World Health Organization defines sexual violence as: "any sexual act, the attempt to consummate a sexual act, unwanted sexual comments or innuendoes, or actions to commercialize or use in any other way the sexuality of a person through coercion by other person". Although the definition does not distinguish sex or sexual orientation, it is a fact that this type of violence is almost exclusively perpetrated against women. This paper proposes an approach to a dimension of the practices of State terrorism in Argentina: torture in the concentration camps. More specifically, about the torture suffered by women during their captivity. For this, we analyze the experience of four political activists, kidnapped in the province of Entre Ríos. The text reviews three distinct moments, the before, during and after State terrorism. Each one of them allows, without deflating the magnitude of what happened, understanding how the objective structures of the State are modified to exterminate the reduced groups to a negativized otherness.

Keywords: *Violence, Captivity, Women, Torture, Argentina.*

Ref.: 092M22020

DISRESPECT FOR THE DIGNITY OF “BEING A WOMAN”: INTERSECTIONAL WOMEN IN PRISON

According to the data released by the National Penitentiary Department (Departamento Penitenciário Nacional -DEPEN), through Infopen, in 2019 Brazil had 748,009 prisoners confined in prison units, with the female population corresponding to more than 37 thousand. In 2017, the year of the survey by the last Infopen Women, 37% of the inmates were provisional and most of the inmates, who are black or brown and from a less affluent social class, had committed the crime of drug trafficking. In this way, the theme of the present research and general objective is to discuss the female reality in prison, specifically in Brazil, paying attention to the existing intersectionality and the macho patriarchal heritage that permeates society. It appears that the prison is masculine and masculinizing, a fact that makes women deprived of their freedom even more invisible to society and to the prison system itself. To this end, the study has the following specific objectives: a) to evaluate the reality of women in Brazilian prisons, analyzing in the light of the dignity of the human person, how the prison system treats them in relation to their

peculiarities of “being a woman”; b) analyze and discuss the reasons that led them to the world of crime, analyzing the social, racial and family profile of women deprived of their liberty; and c) understand what changes are needed in the Brazilian prison system and whether there is a true application of constitutional legislation in the light of its fundamental principles and guarantees and how much machismo and gender inequality still influence the current prison model. The methodology used was qualitative research, through an inductive method with bibliographic and documentary analysis. By analyzing the concatenated data, it can be concluded that despite the edition of different normative acts that seek to meet the dictates of the Democratic State of Law adopted by the Constitution of the Republic, the situation of women in Brazilian prison, which has already been recognized as unconstitutional through *Arguição de Descumprimento de Preceito Fundamental* nº 347, does not respect the dignity of the human person, constituting a true policy of state and genocidal government.

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Keywords: *Women, Prison, Dignity.*

Ref.: 088M22020

PUNITIVE VS RESTORATIVE. HOW THE SYSTEM CHARACTERISTIC INFLUENCE THE DECISION OF BECOMING MOTHER DURING PRISONS IN MEXICO AND ROMANIA

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The research aims to explain the reason behind the woman's decision to become mother during the sentence in Mexico and Romania. Data collection took place using semi-structural interview in the largest women's prison in Latin America, Saint Martha Social Rehabilitation Center -Mexico City and Târgșor Prison the only female prison in Romania and tries to identify similarities and differences in terms of convicted woman motivation to conceive a child in a time when their rights and freedom are restricted. The study was also analyzing laws and prison facilities for children in both countries and when this comparison was overlapped with the interview results, it turned out that beyond the social influence that in order to validate woman as an individ, still presses her to fulfill the biological role of giving birth, there is the need she has to adapt her fears and wishes to the system coercion. Even after the 2016 reform of the National Criminal Law in Mexico, the criminal justice system remains a punitive one, characterized by high limits of punishments, successive execution of convictions for concurrent crimes, mandatory preventive custody for along list of criminal offenses and limited possibility to request parole and probation. At the same time Romania pushed by the European Commission climate, is making notable progress towards a restorative justice system. From 2014, the Criminal Code reduced the limits of penalties and give an important role to alternative detention measures. The results shows that in Romania only one woman conceived during conjugal visit,

the rest were being pregnant at the time they started prison while in Mexico, with 2 exceptions, children were conceived during the sentence, most of them with a men also convicted. Mothers from both prisons had similar age when they gave birth for the first time behind bars, the average in Romania was 30 years old and 28 in Mexico but the mexicanes were about 6 years younger then Romanians, when they started prison and their sentence, is significantly longer. If in Romania the average sentence is 6 years in Mexico is 27 years. Regardless nationality, all the respondents of the study, maintain that they can imagine life without having kids. Besides that, the context of the relatively short sentences made the Romanians declare that in the best interest of the child, they would have avoided pregnancy if they had known about the conviction, maybe postponed for later, while in Mexico postponement was not possible, women claim that they chose to become mothers after a long time in detention (on average 5.7 years) because they counted that by the time of release, their fertile period would have ended and that's why they made this decision even if they list multiple disadvantages of motherhood in prison. The study opens discussions about the relativity of justice by showing women placed in the same disadvantaged situation –detention but located in different legal contexts depending on the country.

Keywords: *Punitive Justice, Female Prison, Motherhood, Mexico, Romania.*

Ref.: 219M22020

THE SOCIO-EDUCATIONAL PROFILES OF FOREIGN WOMEN IN SPANISH PRISONS. AN INTERSECTIONAL ANALYSIS

The over-representation of foreign women who are incarcerated in Spain finds its roots in a process of mass imprisonment of the foreign population that started at the beginning of the 21st century and has caused profound structural consequences. Among these, feminist criminology has highlighted very pronounced discriminations and harsh conditions in the imprisonment experiences of immigrant women. This has been called as a 'triple sentence', which begins in the criminal justice system with the intersection of diverse axes of gender and racial oppression, and does not end after their release, creating a situation of marginality that seriously threatens the successful re-entry into their communities. This study analyses the main socio-educational characteristics of these women, taking specific account of their migratory project, with the aim of overcoming the invisibility to which they are subjected and the systematic neglect of their needs. To this end, a quantitative, non-experimental, descriptive investigation has been conducted with a data-producing sample composed of 159 foreign women that are serving a sentence in Spanish prisons. They were administered a sociodemographic questionnaire as a semi-structured interview, composed of 67 questions (56 closed and 11 open) grouped into 7 categories: individual and family profile, migration project, educational attainment, professional experience, drug use, criminal career, and life in prison. The obtained data reveal a range of socio-educational characteristics that define these

women as a heterogeneous group with their own identity, totally differentiated from the profile of white inmates. In general terms, it can be affirmed that they are young (59.1% are under 36 years old), single women (42.1%), with children (76.8%) that have achieved a medium-high level of education (13.2% have completed a university degree and 50% have finished secondary school). They mostly come from South America (57.9%) and they are convicted of offenses against public health (76.9%). After the quantitative analysis of the data, the results show statistically significant differences in the profile of the inmates according to their migratory project. Thus, two distinct groups are identified with regard to such project: those who already lived in Spain before entering prison and had emigrated mainly for economic reasons; and those who were detained at the border and do not hold a life course in the country. It can be concluded that these differentiated groups present a series of different educational intervention needs that must be addressed by the penitentiary administration. The ethnic and cultural plurality of the inmate population should be understood as an axiological criterion in prison programming and shall be further studied, since the guarantee of full and effective re-entry in a society defined by that same plurality depends on it.

Keywords: *Gender, Migrations, Foreign Women, Incarcerated Women, Socio-Educational Profiles.*

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Ref.: 220M22020

THE INTERSECTIONALITY OF GENDER AND ETHNICITY IN THE PRISON. NA EDUCATIVE CHALLENGE

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At the beginning of the 21st century, a process of massive imprisonment of the foreign population began in Spain, due to their hyper-criminalization and the implementation of 'get-tough' policies. In this context, immigrant women were not only imprisoned in greater proportion, but also for the commission of less serious crimes. In recent years, feminist literature has shown how discipline, infantilization, feminization, medicalization and domesticity are promoted in women's prisons and how this creates situations of inequity that are deeply mediated by the intersection of structural factors such as gender, ethnicity, and class. This paper is aimed at analysing the oppressive practices and institutional discriminations suffered by foreign women in the criminal justice system. For that purpose, a mixed methodology has been used: firstly, a quantitative analysis of official statistics was carried out with the objective of comparing imprisonment rates according to different variables; and secondly, a qualitative review of the literature was developed, focusing the scope in the field of feminist criminology, in order to reveal the systematic patterns of oppression and institutional discrimination that take place in prisons worldwide, which are exacerbated by the intersectionality of gender and ethnicity. The results of this research show that in 2000 the imprisonment rate of foreign women was ten times higher than the total female rate. Two decades later, despite a gradual decrease that continued until 2013, it is still three

times higher. In this sense, although the Western trend of foreigners' mass imprisonment has aroused relative interest in the literature, the same has not happened when it comes to women. In addition to the obvious invisibility they are subjected to, in prison they suffer structural sexism and racism. After their release, poverty, precarious employment, and social stigma generate difficult situations of multiple marginalization that will seriously hinder their re-entry into the community. On the other hand, 25% of the female prison population is Roma, a group that, despite being Spanish, also faces institutional racism from a very early age. Hence, they are criminalized because of their ethnicity, just as foreign women are. It is essential that prisons begin to embrace the gender-responsive treatment that prevails in the international panorama, taking into account how ethnicity and other structural factors have defined their pathways to crime. This approach focuses on the specific needs of each woman while addressing specific risk factors such as abuse, trauma, family and social relationships, or substance abuse. Additionally, consideration should also be given to minimizing the situations of social exclusion in which women are placed after prison. Pedagogical action in the community seems to be the most powerful way to achieve this goal.

Keywords: *Female Prisoners, Foreign Women, Mass Incarceration, Migrations, Intersectionality.*

Ref.: I72M22020

CHILD PROTECTION IN THE PRISON SYSTEM: A NECESSARY DEBATE

This study proposes to debate about the coexistence of children with their parents when they are taken to the prison system. Child protection is a formal and humanely recognized right, whether through the Universal Declaration of the Rights of Children, or through the Universal Declaration of Human Rights, being included in several Constitutions. In Brazil, the situation is no different. The Federal Constitution, as well as ordinary legislation, represented primarily by the Civil Code and the Statute of Children and Adolescents, ensure the right to a child with full protection for physical, mental and social development. The protection provided involves family life, breastfeeding, the right to school, the right to play, among others. Although the Law of Penal Executions and the Statute of the Child and Adolescent provide for the possibility of coexistence of the child after birth and until it completes 07 years of age, guaranteeing medical-hospital follow-up and daycare centers, the factual situation has proved to be different from the legal provisions. The physical space of a prison house in Brazil is far from having adequate conditions for the

prisoner's resocialization, and, regarding the possibility of maternal-filial coexistence, much remains to be done, both in physical facilities and in relation to the services provided. In addition to the care regarding physical environments, there is a need for attention to the education of the child living in the mother's prison and the preparation for the final moment, when, then, there will be the departure from the prison. As an alternative to this situation, the Brazilian Judiciary has decided to grant a prison sentence under home regime, which also opposes the very idea of punishing the criminal fact and contrary to society. Another aspect that deserves a careful look is related to the right to exercise paternity when the child lives with the mother in prison, which can cause significant damage to the right to coexistence. Thus, the theme is relevant, current and pertinent to contemporaneity. The method to be used is empiricist and deductive, being used through qualitative research through bibliographic and jurisprudential consultation.

Keywords: *Child, Comprehensive Protection, Prison, Coexistence.*

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Ref.: I02M22020

MATERNITY TRAJECTORY IN PRISON

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This presentation comes from the doctoral research entitled "Maternity in prison: Patterns of the interaction of inmate mothers and minor children who live with them at the Santa Martha Acatitla Women's Center for Social Readaptation." Thanks to the feminist movement in the 1970s, among other studies, those related to women in prison began, identifying conditions of life in confinement such as motherhood. Even though it is recognized that in some countries such as Europe the subject has been studied through various investigations, the information is still limited, particularly in Latin American countries such as Mexico. Feminism has demonstrated that motherhood is not an essential characteristic of women, but a social construction regulated by demographic, economic and political discourses issued by the State and its institutions whose set of beliefs and meanings give rise to models to which mothers they must adhere to the upbringing of children, in case of contravening them, without any consideration being given to their life circumstances, women will be considered as "bad mothers". Ideological framework that configures inmate mothers who live in prison with minor children, a different situation compared to men who are fathers and who also enter prison, leaving the entire responsibility of the children to the mothers. The purpose of this paper is to make known the meaning given to motherhood by reclusive mothers with minor children who live with them, as well as the circumstances in which they accomplish the upbringing

in a confinement setting, governed by routines that organize daily life, by constant vigilance and the lack of conditions that obstruct the development of their children. The procedure used in the research was qualitative and the fieldwork was carried out from ethnography. The information was obtained through participant observation and exhaustive interviews, activities that were achieved during the nine months of immersion in the field. In Mexico, of the 309 correctional facilities, only 21 are exclusively for women; This does not mean that all have been created precisely for this population and 40 destined for a mixed population, in both cases, as in most of the country's prisons, the lack of facilities and budget do not guarantee the minimum necessary conditions to provide to women and minor children who accompany them a dignified and safe stay. Given the shortage and lack of family support and the abandonment of the couple, mothers are solely responsible for the maintenance and care of their children, the command of motherhood is inescapable, even in these places. Consequently, given the evidence obtained, the answer to the question of this Symposium: Is prison a democratic space? It is stated that it is not, motherhood in prison is conclusive proof of gender inequalities. The establishment thought and designed for men where women continue to be an appendix to the Penitentiary System.

Keywords: *Motherhood, Prison, Feminism, Gender Inequalities, Minors Living in Prison.*

Ref.: 250M22020

EXTRAORDINARY APPEAL OF REVIEW – THE ULTIMATE PROCEDURE GUARANTEE AGAINST UNFAIR INCARCERATION

When the judicial decision is not coherent with the truth of the facts, not consistent with what really happened or, this is, when the version of the facts inserted on the decision does not fit reality, that decision deserves to be called unjust, due to the incomplete or incorrect investigation of material truth. If those injustice results from a mistake of assessment or judgment, by the judge or jurors, resulting from the exercise of the judicial function, we have a decision with a judicial error. This decision is far from being a fair decision as less chances that this decision is under judicial appeal. This leads us to consider the harmful consequences of judicial error in a final and unappealable decision and, therefore, no longer subjected to an ordinary appeal. Furthermore, if this decision is condemnatory and, above all, if it condemns in the most severe penalty that Portuguese penal system provides -the prison sentence -, the consequences of the judicial error of that decision can destroy the justice in the judicial process. This means that, in the end, we may be unjustly condemning an innocent person to deprivation of liberty, a fundamental right found in the

Constitution of the Portuguese Republic (CRP) and which can only be restricted in very exceptional cases, also provided in the CRP. Thus, if the right to appeal is a procedure guarantee of fundamental defense -also provided in the number 1 of the article 32 of the CRP, the extraordinary appeal for review in these situation assumes particular relevance in the protection of the primacy of justice, allowing that a final decision already immutable in the legal order might be -for justice reasons -replaced by a new decision resulting from a new judgment on the same facts that rise to the revised decision. This work intends to point out the risk of judicial error in the context of a prison' condemnatory decision sentence and to emphasize the relevance of the ultimate mechanism for overcoming this error, regarding the final decisions -the extraordinary appeal of review.

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Keywords: *Judicial Mistake, Unfair Incarceration, Criminal Procedure Guarantees, Right of Appeal, Extraordinary Appeal for Review.*

Ref.: 02IM22020

MEDIATION, MATERNITY AND PRISON: THE INTERSECTION OF THE THREE PILLARS

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The writing deals with the relationship between conflict mediation, motherhood and incarceration, questioning the nature of being a mother today and the incorporation of motherhood in the role of women in the family and in society. The reflection starts from the historical analysis of the role played by women over time, works with the separation between mother and child, after their birth and ponders on the place of fathers and mothers in this relationship. It puts into play the illusory and symbolic connection of the relationship between mother and child in which the third party is always present. From this perspective, the work is systematized obeying the empirical methodology, using the narratives of women prisoners and their reflections on experiences in prison and family distancing. The extension activity was carried out in the prison in weekly workshops held in 2018 and the data came from the diaries constructed by the women participating in the Citizenship Desk project. By understanding what is said and unspoken, it is possible to understand the reception (or not) by the other, perceiving the meanings in (dis) alignment and looking for mediating ways for the understanding between the members that integrate the family structure. The results obtained corroborate the hypothesis launched, namely: that, as a result of historically founded discursive practices, women remain in a lower position than men, and social and legal discourse despite trying to cover up discrimination and prejudice reveals traces of other senses, which are reflected in family and relationships. On the other

hand, the prison issue, above all, reaffirms the subjection of the restriction of freedom and the various restrictions that women face in their maternal relationship. In this sense, how can motherhood be developed in the context of incarceration without the effective listening of this mother and her relationship with the child (ren)? In this sense, it is necessary in the Democratic State of Law, to develop mediation tools within the prison, as one of the bridges of access to justice, in the sense of access to information. In this step, the qualified listening of these imprisoned mothers, and their relationship with the penalty and with their family, despite the personality that accompanies the criminal sanction, erected at the constitutional principle can bring transformations. Thus, to think that it is possible to consider the prospect of transforming established paradigms and that, in fact, there is the possibility of reflecting, in addition to the assumptions established historically, is to take care of the evolution of a society and to safeguard the dignity and equality of its members. In addition, in prison spaces, subjections can lead to multiple overpunctuations that incarceration triggers in your rights and duties as a person and as a mother. It is concluded that the mediation tools are a response to the harmonious composition of the family, as it provides and strengthens family bonds as it positively interferes in the phenomenon of the inclusion of third parties, enabling changes in attitude and behavior, despite the prison.

Keywords: *Maternity, Mediation, Prison, Third.*

Ref.: 222M22020

MODEL OF PROFESSIONAL MENTORING FOR ORPHANED CHILDREN IN THE SYSTEM OF SECONDARY VOCATIONAL EDUCATION IN RUSSIA

The system of secondary vocational education in modern society appears as one of the basic institutions for the creation of labor resources and a guarantor of innovative development of the economy. At the same time, the domestic SVE system is characterized by the implementation of the social function complex, namely, socialization and education of the younger generation, as well as the professional and personal development of adolescents with certain limitations and difficulties in development, and in particular of orphaned children. By automatic admission of orphaned children in SVE institutions, many directors of professional colleges note the low level of general vocational training in this category, which does not allow them to successfully study and to get a job in the future. The level of social maladjustment of orphaned children is several times higher than that of ordinary children. According to research, only 10% to 30% of orphaned children normally adapt to an independent life as a result of socialization disorders. Orphans who grow up in orphanages, brought up by custodians, become easy prey for the underworld, because the socialization conditions for orphaned children differ sharply from the socialization conditions for children from families. These special conditions lead to specific (deformed, emotionally deficient) personal development, so they readily succumb to criminal temptations and manipulations. According to statistics, almost every second gradu-

ate of the orphanage was in the "risk" group (he/she was a homeless person, was under examination, or committed offenses, and mostly property ones: robberies, felony assault). For all the above circumstances, orphaned children have a reduced potential for adaptation to the conditions of ordinary life outside the orphanage. Accordingly, overcoming these limitations and building up the adaptive and professional capacities of orphans is the main goal of the institutions of the SVE system. The instrument for achieving this goal is the institution of mentoring, where the processes of becoming of professional skills and the formation of the student's personal values are intensified. Effective and organized mentoring of students in SVE conditions is both a means and a lever of professional training and development of orphans, while under the equal status education and upbringing, which radically impacts the development trajectory of orphaned children and contributes to the formation of spiritual and moral immunity to asocial behavior that this has been proven in research.

Keywords: *Education, Orphaned Children, Socialization, Adaptation, Mentoring.*

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THE POSITION OF THE SUPREME FEDERAL COURT OF BRAZIL (STF) GIVEN RECOMMENDATION NO. 62 OF THE NATIONAL COUNCIL OF JUSTICE (CNJ)

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The pandemic caused by COVID-19 has led many governments, including the Brazilian, to adopt incisive measures of viral containment, and this in practically all the specters of society. In the prison system, however, this is not so. Brazil, through the National Council of Justice, has only drawn up the Recommendation No. 62, which only suggests the reevaluation of prisons, it recommends the application of open and home regime measures, the revision of decisions that impose semi liberty or even internment, the granting of early exits or the extension of the return of temporary exits, as well as it indicates the exceptionality that prisons should have at this time, given the pandemic scenario. It is not binding because it is only a recommendation. In practice, then, what is noticeable is that few magistrates have followed the parameters set by it, mainly due to media pressure, sensationalist, melodramatic and Manicheism (criminal law of the spectacle), who forget that in Brazil there is an overcrowding of the prison system, with a deficit of about 300 thousand vacancies, as well as that the prisoners live in extreme precariousness and worrying conditions, without minimum and adequate possibilities of access to sanitation. It is not insignificant to emphasize that a large part of the prison population has pre-existing diseases and illnesses of the most diverse, falling into the group of risk of Coronavirus. Adding to this the absence or ineffectiveness of access to health

and basic assistance services, there is an extremely propitious cauldron for the large scale spread of the virus, with the consequent death of thousands of people. The Court should act, when provoked, to guarantee and enforce the fundamental rights and guarantees of those in such a situation, since it is the guardian of the Federal Constitution. However, that does not seem to be what is happening. In principle, a minister of the Court, in an interview, was against the recommendation, because it could "generate an unprecedented crisis in national public security. However, it is based on the hypothesis that it is its non-compliance that will generate an unprecedented (humanitarian) crisis, given the imminence of prison collapse and deaths, which could even provoke rebellions and conflicts of the most diverse. Faced with such a scenario, the work aims at understanding what has been the stance of the Court given Recommendation No. 62, not only from dialectics and the manifestations of the Court and its ministers, whether verbal or written, but also jurisprudential, that is, by analyzing the decisions of the court that deal with the matter. To do so, the work relies on a descriptive-exploratory legal methodology, inductive reasoning, and the theoretical method, using specialized bibliography and specific jurisprudential research, an undertaking that is justified, both for academia and society, given the relevance and actuality of the issue.

Keywords: *Supreme Federal Court of Brazil, Recommendation No. 62, Covid-19, Prison System.*

Ref.: 259M22020

THE RETENTION OF BASIC EMERGENCY INCOME FOR FAMILY MEMBERS OF INMATES IN BRAZIL: A DISCRIMINATORY AND SEGREGATIONIST ECHO?

COVID-19 is a viral disease with a very high rate of transmissibility and hospitalization, it can spread to a large number of people in a short period, causing inflation and the consequent collapse of hospitals, which are not able to support all the demand. In an attempt to mitigate such effects, a considerable number of countries have adopted quarantine procedures as a strategy of containment, allowing only the operation of essential activities. With the closure of trade and activities considered non-essential, a large contingent of the population, composed mainly of informal and self-employed workers, is prevented from working and consequently obtaining monthly income. To maintain this part of the population in this period, the States must adopt social-economic benefits, such as the Basic Emergency Income instituted in Brazil. This benefit imports the payment of R\$ 600.00 for the period of 3 months, which can be extended (and probably will be), for all adults without employment ties (unemployed, informal workers and self-employed), and the amount of R\$ 1,200.00 for all mothers who support their family nucleus alone. There are only four limitations to the receipt: a maximum of two people per family can earn it; the income of the beneficiary family must be at most 3 minimum wages or 0.5 minimum wages per capita; the beneficiary may not have received more than R\$28,559.70 in taxable income in the year 2018; and such income may not be accumulated with any other social benefit granted by the Brazilian gov-

ernment, except for the family stipend. Once these requirements are met, it must be granted as a plan. However, in an a priori analysis, it seems that this is not what is happening. According to reports in the national media, the payment of the benefit to family members of inmates is met with some form of disposal. According to the information disclosed, in a letter sent to the Federal Public Ministry by the Ministry of Citizenship, Dataprev, the company that processes the population's data for the granting of the benefit, would have stated that it temporarily restricted the access of relatives of prisoners to the aid, as established by the Ministry of Citizenship. However, there are no conditions in the legislation itself that define this type of government action. The fact that someone is incarcerated has nothing to do with obtaining assistance for their family. This impoundment, in a first analysis, seems to be a manifestly illegal act, since it is outside of any normative parameter. In this scenario, based on a descriptive-exploratory legal methodology, deductive reasoning, and the theoretical method, the work aims to understand the reasons for containing this financial flow and whether this is ultimately an echo or a reflection of the stigmas caused by the prison system, which often go beyond the person of the prisoner himself and fall on part of his social nucleus, configuring a kind of biopolitics of control and segregation.

Keywords: *Basic Emergency Income; Family Members of Inmates; Restriction; Segregation.*

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**EPISTEMOLOGICAL CONSTRAINT:
NOTES ON HUMAN RIGHTS AND (THE ABSENCE OF)
PUBLIC POLICIES ON COVID-19 IN THE BRAZILIAN
PRISON SYSTEM**

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In 2015 the Federal Supreme Court of Brazil (STF) recognized that in Brazil the prison system represents an unconstitutional state of affairs, given the degrading and unworthy living conditions to which prisoners are subjected, with intermittent human rights violations, not only vertically, but even from a horizontal point of view. In addition to overcrowding, where there are only 460,000 vacancies for about 770,000 people, there is a lack of minimal and adequate access to health, hygiene and food. Brazil (and most of the countries in the world) is currently going through a pandemic caused by COVID-19, a highly infectious viral disease with a very high mortality rate, especially in people with pre-existing diseases or conditions, as is the case of a large portion of the prison population. To try to contain the advance of Coronavirus in penitentiaries, the Brazilian government, through the National Council of Justice (CNJ), edited the Recommendation No. 62, which in summary suggests to judges to reassess prisons, especially those of a provisional nature, indicating that imprisonment should only be maintained in exceptional cases. It occurs that, because it is a mere recommendation, it does not have a binding character, that is, it is not obligatory, which makes that very few judges follow the guidelines outlined by it. Therefore, in practice, little or nothing has changed. However, the maintenance of this sce-

nario is leaning towards an imminent collapse of the Brazilian prison system, with the death of thousands of people. Faced with this scenario at the federal level, this research aims to understand and scrutinize the public prison policies adopted by each Brazilian state concerning the pandemic caused by COVID-19 and, from that, investigate its possible (and probable) impacts. Finally, it aims to propose measures that seek to minimize them, given the social responsibility that the entire community has for the lives of these people, in respect for human rights and the principle of the dignity of the human person, bulwarks of the 1988 Federal Constitution and international treaties internalized by Brazil. For this, the work is based on a descriptive-exploratory legal methodology, deductive reasoning and the theoretical method, using specialized bibliography and official data regarding the advancement of Coronavirus in penitentiaries. It should be mentioned that the work is justified, both for academia and society, not only because of its epistemological constraint aspect, since it is possible that one is facing one of the greatest human rights violations in national territory, even though it is veiled and latent, but also because it will try to point out possible solutions to solve the issue, despite its complexity.

Keywords: *Epistemological Constraint, Human Rights, Prison System, Covid-19, Brazil.*

Ref.: 087M22020

THE INVISIBILITY OF THE FEMALE TEENAGER WHO SERVES A SOCIO-EDUCATIONAL MEASURE OF CONFINEMENT IN THE FEDERAL DISTRICT, BRAZIL

The female adolescent who enters the socio-educational system to serve in the modality of confinement faces a brutal reality of gender disparity. It is a structure that, frighteningly, reproduces patterns of the prison system and condemns these girls to the abandonment and stigma of a "criminal", in dissonance with the Brazilian "Estatuto da Criança e do Adolescente -ECA". Initially, the present study compiles the bibliography of official data on the young women confined in the Federal District in order to outline a profile of these girls. In addition, is also analyzed the available data on the living conditions of the young women in the units: their relationships with companions, agents, the outside world and their own feminine essence. The State often fails with these girls. In a socio-educational measure, what is expected is a fertile environment to learning and growth. However, the structures of the Socio-Educational Units are unprepared and don't prioritize study, psychological support or specialized female healthcare. Institutionalization reflects in a particular way on women, forced to frame their being in a patriarchal system, blind to the female needs and particularities, and a predominantly male police culture. Ultimately, this paper relates the treatment given with the paths that are followed by the girls after they served the measure in the Federal District. Naturally, each girl has her own personality and particularities that must be seen and recognized. Nevertheless, the similarity of their profiles shows a cruel reality:

they are young black women, poor, who live in peripheral areas, involved in drug trafficking, and with early sexual development, some are pregnant or even mothers. Many of them are involved in the practice of crimes in the family context, influenced by their guardians or, in most cases, by their sexual partners, who exploit their bodies and their work in exchange of protection from other dealers. Young girls, who face a difficult and uncertain life from an early age, enter a system that deepens the chasm between them and society. In the Federal District units, there are few interactions with others, limited time on sunbathing, meals are simple, and life is strict. Uncertainty, anxiety and idleness reign. Suicide attempts are not uncommon. Surely some of the girls, after the confinement, get jobs or go to college. However, they are a minority of cases. Most girls who face the confinement in the Federal District rediscover their routine practices on the street and usually end up in prison as adults or even return to the same establishment months or days later. The institutionalization in adolescence is almost like a preparation for what the future holds for these young women. It is a perverse and degrading reality, in which the feminine is bestialized to fit into an archetype of survival socially designed by and for men and reproduced in the institutions that should mean a future escape for these confined girls.

Keywords: *Confinement, Female, Adolescent, Federal District.*

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Ref.: I08M22020

EDUCATION FOR FREEDOM: A STUDY OF FEMALE PRISONS IN BRAZIL

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The implementation of a female prison system in Brazil occurred late, justified at the time by the low rate of women incarcerated over the past century, nevertheless this situation has changed. The latest survey carried out by the National Penitentiary Department indicated that the number of women in prison has grown 567.4% in 14 years. This growth is almost three times bigger than the one presented by men. Most of these women are serving time for involvement with drug trafficking. The majority of these women were charged with and convicted as accomplices, such as transportation and sale of small amounts of narcotics. All of this is corroborated by the low education of the inmates, where the majority did not complete elementary school, being subjected to underemployment or male dependency. Because of that, this research, which uses the deductive method, aims to analyze the profile of the female prison, pointing out the relevance of education in women's autonomy in order to become one of the main subjects in the criminal prevention process. To this end, the article begins by the analysis of female prisons in a historical and social context, to enter the study of the profile of convicts and finally to situate education, in Amartya Sen's approach, as a process of expansion of freedoms. Thus, this study establishes the following problem: in what proportion can women's education help reduce the number of prisoners? As it is assumed that the high number of women who have their freedom removed has a profile that involves absence of school education, subjection to underemployment and mainly male dependency. It was noticed that historically the male perspective has always

prevailed in the prison context, which was justified due to the much higher volume of men inserted into the prison system. Since they are a minority in the system, women generally stay in totally inappropriate units that fail to contemplate the diverse characteristics of the female gender. Most women in prison nowadays are young, black, who already have children, and who are responsible for the family support. Besides, they have a low level of education, which led them to informal work and, often, to trafficking. This data collection depicts the failures of the State to present public policies to contain crime and social inequalities, which, if well designed and implemented, could provide greater opportunities for these marginalized classes of the Brazilian population. Regarding that, the public policy approach proposed by Amartya Sen is connected to the importance of the person and the need of having the conditions for the development of capabilities. Variables connected to the condition of women as active agent directly influence their well-being, especially the potential of women to earn income and, for that, to have access to education. Access to education makes women better informed and qualified and only then they can make full use of their capabilities. Higher schooling is the chance for these women to acquire a formal job. Furthermore, women also obtain more active voice as they depend less on others, consolidating education along with reducing female incarceration.

Keywords: *Prison System, Female Prison, Education; Freedom, Public Policy.*

Ref.: I88M22020

REFLECTIONS ON EDUCATION FOR RESOCIALIZATION OF WOMEN IN CHARGE IN THE PRISON UNIT OF BUBU, CARIACICA/ES: A FUNDAMENTAL RIGHT OR DUTY?

The Brazilian prison system is full of problems that interfere with the process of resocialization of the prisoner. Among the various ways of working on resocialization based on the Penal Execution Law, the teaching and learning process is predominantly the most present form in the various Brazilian prisons, not necessarily because of resocialization, but also because of the reality of most of the prisoners, usually without the most basic levels of education. Taking the Female Penitentiary of Cariacica, State of Espírito Santo, as a reference, this article aims to investigate and analyze how the formal education offered in that prison facility contributes to the resocialization of women in prison. The need to identify the perspective and perception of these incarcerated subjects regarding the formal education offered and what is the influence on resocialization is the problem that permeates the research. To achieve the proposed objectives, the method used in data collection included bibliographic and legislative studies, in doctrines, scientific articles, master's dissertations, doctoral theses and legislation in force, conducting quantitative

and qualitative research, of deductive reasoning, as well as conducting empirical data collection, through interviews with the interns who participate in the educational project, which were chosen at random. As a result of the research, it was found, on the one hand, that the system offers formal education in veiled and unofficial adaptation to the Fordist model, in a new configuration of control and discipline, linked to the discipline system implemented in the researched prison establishment, with the apparent objective of "taming bodies", in contrast to the objectives proposed by the Brazilian educational program and, on the other hand, that the interns perceive education as the possibility of positive contact with the outside world, as well as a source of hope for days of freedom, besides to be a pretext for the reduction of the penalty imposed, despite all the problems encountered, which is not necessarily a kind of resocialization.

Keywords: *Education, Women, Prison, Resocialization, Disciplining.*

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Ref.: 06IM22020

**“WOMEN, PRISON AND DRUG ADDICTION”
- THE REALITY OF WOMEN WITH DRUG ADDICTION
PROBLEMS IN ANDALUSIAN PRISONS (SPAIN)**

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Historically, research on female incarceration has been scarce and tends to ignore gender as an explicit element of influence (Romo, 2010). It is necessary to find evidence that helps to make visible and understand the causes and consequences of the incarceration of women who suffer drug addiction problems. According to the last General Report of the General Secretary of Penitentiary Institutions, from 2018, the prison population in the Penitentiary Centers dependent on the General State Administration as of December 31, 2018 was 50,521 inmates. Of the total number of prisoners, 3,846 were women (7.6%). This article presents part of the results of the investigation carried out by the Pablo de Olavide University in alliance with the Andalusian Federation ENLACE, from a gender perspective and a critical approach to human rights. The main objective is to find out the insights of inmates and staff who work in Andalusian prisons about the situation of women with drug addiction problems.

Design of qualitative research of inductive cut, without relying on previous hypotheses, following the General Inductive Theory. The in-depth semi-structured interview is used as the main research technique. The sample has been made up of a total of 14 people: 10 Women with drug addiction problems who have served sentences in penitentiary centers and who have been released or are in the third grade of incarceration in the last year; and 4 members of the prison staff (linked to the health services and care for drug addicts) directly involved in the care of women in prison. For the composition of the sub-sample corresponding to the women profile, variables such as:

age, gender, ethnicity, educational level, economic level, habitat of origin, type of substance consumed, and consumption history have been considered.

The results obtained show the current situation in which the women interviewed are in relation to health, life trajectories linked to cause of incarceration, processes of adaptation to the environment, social relationships and self-consideration and institutions organization. Part of the results coincide with those of other investigations that point to consequences such as the double stigma of women who use drugs (Romo, 2005; Lloret, Ferrando, Borrás, & Purroy, 2013). Other contributions reveal the invisibility of the situation of women in terms of adaptation processes and the impact generated by the organization of prisons on women's lives (Romo, 2005, De Miguel, 2016).

From the conclusions drawn, it should be noted for its clarity and strength, - from an emancipatory approach that generates processes of human dignity, that women with drug addiction problems who have been deprived of liberty for crimes committed as a result of their addiction have not found a process of reeducation and reintegration in the penitentiary centers. On the contrary, their stay in prison has accentuated the stigmatization processes already suffered for being a woman, being a drug dependent and for having been in prison.

Keywords: *Women, Drugs, Prisons, Drug Addiction, Stigmatization.*

Ref.: I95M22020

THE RELATION BETWEEN THE GROWTH IN THE NUMBER OF FEMALE SINGLE PARENT FAMILIES AND THE NUMBER OF WOMEN IMPRISONMENT IN BRAZIL

This article proposes to analyze the current conjecture of Brazil in which it was observed by the studies a relevant growth in female single-parent families combined with the observation that in face of the situation in these families, women are driven to crime and consequently to prison. Female single-parent families with children are more "vulnerable" in economic terms, in food supplies and in the caring provided to the children. In this way, families that are headed by these women occur in these circumstances, often allied to their will and consequently the entering of these women in world of crime, so their imprisonment interferes in the whole family. Therefore, we aim with this article to establish a relation between this increase in the number of families headed by women and the increase of women deprived of liberty. The theoretical and methodological support that conducted this research is anchored in the socioeconomic perspective, starting from an investigation of incarcerated women, the family situation and the type of crime committed, since most women do not commit violent crimes. Within a qualitative approach, being

the technical procedure adopted of a descriptive-analytical character, carried out through analysis of bibliographic content and data. In this way, we will discuss the socioeconomic reality of incarcerated women, the family situation and how this situation affects the committing of crime and, consequently, incarceration. There would be a concrete relationship between two data, an increase in the number of female single-parent families and because of that, an increase in the number of incarcerated women? It appears that women in situation of vulnerability are the majority among prisoners and considering the circumstances they are arrested it stays very clear the gender hierarchy in social and prison environment which they are subjected. In advance, we noticed that there is a need to create more public policies that promote social justice and greater support for families where women are the main supporters in order to minimize their possible entry into the world of crime.

Keywords: *Female Single Parenting, Female Imprisonment, Public Policy, Human Rights.*

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**FEMALE INCARCERATION:
PATRIARCHAL INSTRUMENT FOR REAFFIRMATION
OF SOCIAL ROLES**

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For critical criminology, prison as we know it today, appears in history as a form of social control of urban agglomerations caused by the surplus of migrant labor from rural areas considered unsuitable for work; therefore, it is an auxiliary institution to the factories. The prison, in the case of women, surpasses the paradigm of the bourgeois need to isolate idle and poor labor; it goes further, crossing the poor, beggars, prostitutes, reaching even those who lack male protection. Although not a contribution of feminism, but updated by him, the concept of patriarchy, reflects this ideology where the woman, the feminine, is seen as inferior, subordinate, dependent, subordinate, in opposition to the man, masculine, strong, superior, independent. Law, showing itself to be essentially masculine, reverberates with the growing machismo in society. The Penal System, a system that legitimizes power, is a selective system, which makes certain behaviors selected to be punished, to the detriment of others. The Penal System assumes, for women, its symbolic character, seeking to occupy the role of educator of society, reinforcing their roles. The objective is to analyze the increase in the female prison population between the years 2000 and 2014, and in a subsidiary, intersectional manner, to verify the influence of the intrinsic indices of this incarceration can affirm the hypothesis of the use of incarceration as an instrument of patriarchal domination. Descriptive research and analysis of data obtained in the National

Survey of Penitentiary Information, with a mixed approach through the inductive method. The data obtained through the dissemination of the National Survey of Penitentiary Information, with a gender perspective, focused on female crime, namely: 67% are black, 57% are single, 89% are between 18 and 45 years old (fertile age), 68% are in prison for trafficking (crime socially attributed to men). Despite representing 6.4% of the national prison population, this rate represents an increase of 567% between the years 2000 and 2014. The paradigm of incarceration alerts us that the objective of female incarceration is custody of women unprotected by a man. The leap in the female incarceration index justifies the analysis of its intrinsic data in an intersectional way, "the Criminal Justice system, therefore, at the same time, reflects the social reality and competes for its reproduction. "We can conclude that the institutions of formal control of the penal system turn their punishment and repression to black women (for representing, historically, breadwinners and absence of fragility -they dare to take the place of men), single (do not live a traditional family or have abandoned), of child-bearing age, but without children (they violate the rules of the must-be of their social role, of their gender, with self-determination over their body), who are somehow involved in trafficking (an activity socially attributed to men).

Keywords: *Incarceration, Female, Patriarchal.*

Ref.: 224M22020

**WOMEN IN CONFLICT WITH THE LAW:
THE PSYCHOLOGICAL EFFECTS, JURIDICAL AND SOCIAL
OF EMOTIONAL ABANDONMENT IN THE FEMALE PRISONS IN BRAZIL**

The present investigation presents preliminary discussions of ongoing research on the legal, psychological and social aspects of the emotional abandonment of incarcerated women. According to data from the National Penitentiary Department (Depen) published in June 2020, Brazil had 748,009 people deprived of their liberty in all regimes, of which about 36,929 were women. Also, according to data from Depen, between the years 2000 and 2017 there was an increase of 675% in the female prison population in Brazil. The State of Paraná, in turn, according to Depen data, in June 2020 had a prison population of 29,831 people, of which about 5%, that is, 1,594 were women. Initially, a bibliography review was carried out on the subject of emotional abandonment of incarcerated women, as well as the collection of quantitative data for the purpose of identifying the female prison population profile. Aligning itself with the field of qualitative approach, the research corpus consists of 10 semi-structured interviews with women in situations of incarceration. In this sense, the interviews were conducted with women in units in the city of Curitiba and Metropolitan Region, in the state of Paraná. The objective of the research is to understand the subjects' experiences in their environments and complexities. Starting from a hermeneutic approach, we seek a participatory and dialogical understanding of the meanings of the experiences lived by women incarcerated with regard to affective aspects and their impacts on the processes

of subjectivation, constitution of their subjectivities and psychological effects. The dynamics of motherhood in the prison environment also gain importance. Motherhood is a moment and a state. Far beyond birth, because it lasts a woman's entire life. The same is true, albeit to a lesser extent, to the children, who receive life, food, a first socialization from it. The drama of the children of the prison system results from the endemic paternal absence, as well as the construction of an identity based on the paradigm of darkness and the horrifying coldness that is the prison system. The emotional abandonment of partners and family members in relation to incarcerated women and their children may cause psychological consequences. In addition, in many cases, non-recognition by the father and family is a trauma and stigma that marks different spheres of the child's life. The psychological effects of abandonment impact incarcerated women, their children and spread through society in a forceful and often ignored way. In this sense, the research presented here can contribute to the visibility of this reality, as well as in the planning of actions to confront the identified problems and public policies for this population. The methodology used in the construction of the article will be the quantitative, qualitative, empirical, descriptive research and interviews with women prisoners.

Keywords: *Women, Prison System, Maternity, Right, Psychology.*

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GENDER, RACE, SOCIAL CLASS, WOMEN AND PRISONS

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Aspects related to violence, public security, human rights, marginalities, social policies and the prison system are in fact of immediate importance for discussions and confrontations, however, they still refract the focus of analysis only on visible and superficial demands for effects and consequences of social inequality. This study is a production of the Gender Studies discipline from the stricto sensu Postgraduate course (Doctorate) in Society, Technologies and Public Policies, and aims to reflect on gender, race, social class and women in prison. An exploratory study was carried out, with reflective analysis around the relations of gender, race and social class and how these categories are represented and related to women in prison. Scientific productions on the theme were used as data sources, as well as data from InfoPen Women (2018) on the profile of women in prison. In Brazil, there was a rate of 40.6 women prisoners for each group out of 100,000 women. Incarcerated women suffer even more discrimination due to socially constructed gender roles, come to be seen as socially and biologically maladjusted, since they did not only violate penal rules, but mainly in relation to the expectations imposed on them in relation to traditional gender roles. As for the profile of women in the prison system, socio-demographic aspects were verified compared to the demands of the population considered free, as well as, identified the profile of the crimes affected by them. It was possible to observe that the female prison population in Brazil is up to 29

years old, the North and Northeast regions present the highest percentages of this age group. They did not access high school, and the Northeast of the country possesses the highest rates. There are about 62 black women in prison for every group of 100,000 free black women. Although prisoners are an object of growing interest among researchers in the national prison system, black women have not appeared in their discussions, even though they are the main group of prisoners in the country. Drug trafficking is the main crime. The complex sociability network of drug trafficking is also governed, for the most part, by the subordination of affection relationships with partners, as a consequence, women become more deeply involved in the practices of trafficking and are even arrested. And, the demands that were most related to the aspects studied relate to structural problems that drive family distance, make it difficult to exercise their sexuality, issues related to gender violence and vulnerability, and these directly interfere in post-prison. It can be seen from the data in question that the number of women in prison has grown. These are, in their majority, young, black, with low education level, with unstable marital situation and that the main crimes attributed are related to drug trafficking, ratifying the vulnerability in the relations of gender, social class and the race that involves the prison issue.

Keywords: *Gender, Social Class, Continental Population Groups, Women, Prisons.*

Ref.: 223M22020

**RACE, GENDER AND INTERSECTIONALITY:
BLACK FEMINISM AND DIALOGUE BETWEEN RIGHT
AND SOCIOLOGY IN THE ANALYSIS OF WOMAN
IN THE BRAZILIAN PRISON**

This research has as object the contributions of black feminism and possible dialogues between Sociology and Law to understanding about the situation of the woman in the Brazilian prison system. The research parts of one data collection quantitative to identify the profile of the female prison population of the Brazil, as well as critical bibliographic review about the mechanisms of social control, crime and prison system. In the field of Sociology, the crime and the forms of social control are object of analysis of Sociology, since the thought of the classic authors. The theory of Max Weber (1999) reinforces Modern Law how fruit of one rationalization's process that substitute other ways in the solution of the interest conflicts like violence. In this way, the Law consolidates guidelines and rational parameters to be applies in the social relationships, acting as one control's mechanism. Already for Marx and Engels (2007) the State action and the Law in the guardianship and protection of private property and the crime can be understood how one fruit of the conditions of the class society. According to data of National Penitentiary Department (Depen –Departamento Penitenciário Nacional in Portuguese) published in July of 2020, the Brazil had 748.009 people deprived of liberty in all regimes, of which 36.929 were women. According to Depen too, between the years 2000 and 2017 there was an increase of 675% in the female prison population in the Brazil. In the research

made by Institute Land, Work and Citizenship, launched by Observatory of 3^o section in 2019, evidenced that 68% of Brazilian imprisoned women are black. In this sense considered that the theoretical productions of black feminism add to overcome omissions and existing distortions in the sociological productions and the legal field about the thematic of the prison and justice system. The black feminism is understood here, in the suggested terms by Patrícia Hill Collins (1986, 2000, and 2012), what is it like a set of ideas made by black women that exposes a point of view to black women from one black woman and proposes approaches that prioritize intersections of the gender oppressions, race, class and sexuality. Concludes preliminarily that the concept of intersectionality can contribute to news ways of interpretations of social relationships. In reference of field of Law this concept, as well as contributions of black feminism, can still launch light on the dynamics interwoven in contemporary inequalities that affect the black women in the Brazilian prison system. One can still glimpse the role of Law in the maintenance of discrimination reproduction processes and racial violence and the genre, especially against the women in conflict with the Law. In view that the processing system, judgment and condemnation is selective, uneven and at all violator of rights and guarantees.

Keywords: *Race, Gender, Intersectionality, Prison System, Law.*

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**IMPROVING PRISON STAFF AWARENESS AND SKILLS
IN DEALING WITH MENTALLY ILL INMATES THROUGH
DISTANCE LEARNING:
FINDINGS FROM THE MENACE INITIAT**

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Addressing the high rates of mental illness among inmates is recognized as a challenging task for prison staff. This paper, presenting results from a European project, presents a possible response through an innovative approach to prison staff training needs on this subject. According to the Penal Reform International, when it comes to mental health and the prison context, over 11 million people are incarcerated worldwide, of which half suffer from a daily struggle with personality disorders, with 1 out of 7 inmates facing a serious mental health condition. Beyond the steadily growing concentration of the mentally ill in prisons, it is widely acknowledged that being in prison contributes to the exacerbation of an already poor mental health. Prison staff, particularly prison officers, are usually the first point of contact for prisoners with mental health concerns. Despite the fact they are not expected to diagnose specific disorders or to fulfill the duties of mental health professionals, their responses to inmates' worries and their attentiveness to early detection are crucial to prevent minor issues from escalating into more serious incidents. Considering the necessity of prison staff training on how to handle mentally ill inmates, the MenACE project developed and implemented a training programme comprising six modules that could be delivered via distance education. One of the modules covered the subject of mental health in prisons. The training course was piloted following a b-learning approach by incorporating classroom-based sessions, as well as a

Training of Trainers course for sustainability purposes, to upscale participants' competencies. The sample of this study (N = 133) comprised psychologists, psychiatrists, and other medical staff working in prisons. Overall, the course used a mixed-methods approach by collecting quantitative and qualitative data. The results emphasized positive views from the participants in all evaluation indicators, but most notably, it was stressed that the programme met practitioners' learning needs and was pertinent to their professional exercise. However, for future improvement, participants recommended making the course available in other languages as it will foster trainee's understanding on the scrutinized content as well as providing a text version to study outside the online environment and consolidate previously acquired knowledge. Distance learning enables penitentiary institutions to improve staff's expertise and abilities without incurring additional financial and human capital expenses, by embedding an e-learning course within staff training plans. This specific e-learning course proved to be successful in enhancing the ability of staff to early identify, intervene and report mental disorders. Achieving competencies in all three procedural processes is essential to mitigate the ongoing rise of psychiatric disorders in prisons and to eliminate their potentially well-known and harmful consequences.

Keywords: *Mental Health, Prison, Distance Learning, Prison Staff, Training.*

Ref.: 09IM22020

RESPONSIBILITY OF FATHERS AND MOTHERS FOR THEIR CHILDREN: VIEW OF PRISONERS AND CHANGES IN POSITION

The article deals with the experience of the Reading Project carried out in the Presidio of Itabira, Minas Gerais, implemented within the scope of doctoral studies carried out in the Postgraduate Program in Education at PUC-Minas. The case study carried out with data from participant observation, with 29 inmates presents the Reading Project and the organization of the didactic sequence carried out with the text *As Hands of my son*, by Érico Veríssimo. The article has as specific objectives to demonstrate the participants' view of the different participants in the responsibility for the education of their children and to verify possible changes of position due to the discussions held in the specific didactic sequence. It presents local socio-demographic data compared to the national survey carried out by the National Penitentiary Department. A survey of the positions recorded in the 28 written reviews produced at the end of the didactic sequence was carried out. The qualitative bias critical analysis methodology was adopted. Successive readings identify categories to be examined and compared from the written speeches of the Reading Project participants themselves. We tried to identify conceptual changes in the positions initially defended, on the issue at hand: the symmetry or asymmetry between fathers and mothers about the responsibility of their children. The positions of two participants

in the Reading Project are described in greater detail and how the reflection process that occurred during the discussions and readings of the texts has repercussions on the students' writing, the perception of the world, and themselves. Global development of the re-educating is perceived by the change in the sense of learning evidenced in the produced texts and oral participation during the activities. The Reading Project contributes as an educational activity to individuals deprived of their freedom, preparing them for their return to society. It is concluded that important reflections, changes of position occurred and the positions of recognition of the asymmetry with the mother's overload in the responsibility on the education of the children prevailed. The positions identified with the recognition that fathers and mothers should have the same responsibility to care for and provide for their children were also dominant.

Keywords: *Reading Project in Prisons, Remission for Reading, Right to Education, Responsibility of Father and Mother.*

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ANALYSIS OF A LEARNING TRAJECTORY NARRATIVE

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This article linked to the field of research in education and its links with the elements that make up a new conception History: subjects, research objects, data sources from the narratives of people affected by the issues that make up the educational trajectory, little present in classical studies of contemporary education. It is one of the tasks of the pilot phase of a multiple case study carried out in the Graduate Program in Education of the Pontifical Catholic University of Minas Gerais. The object is to understand the learning trajectory of people with experience of deprivation of liberty and history of participation in the Reading Project at the Itabira Prison, Minas Gerais. The research project briefly presented in the stage pilot of which this interview anchored. Then, clippings from the narrative of one of the deponents of the pilot stage it is discussed. That aspects emerge from your memories about life school, revisiting the family's social difficulties, relationships with school professionals, and disciplining as an effect of symbolic violence of the school subsumed by the subject and on his problems in perceiving his own identity. The case study used contributions from Oral History to collect the narratives of memories of the experiences of the early school years of people who experienced privation of liberty, participants in the Reading Project of the Presidio of Itabira, Minas Gerais. Research studies in sociology at the Chicago school guided the methodological elaboration of empirical and qualitative research. The analysis sought

the effects of public education policies based on the perception of the citizens to whom they should be direct, to give the meaning achieved and not achieved, in the face of the contemporary prison scenario presented from the Brazilian legislative bases. The description of the Reading Project was compared to the concept to make it possible to visualize the elements of the total institution in the daily life of the Reading Project. We sought to reveal the educational social experience from the narratives of memories of some participants in the Reading Project of the Itabira prison. The past evoked, as the investigation hears people with experiences of deprivation of liberty narrating their stories and their trajectories. The possibility of composing the identity of the subjects surveyed, highlighting subjectivity, verifying the applicability of public policies were dimensions compared to the research. The results showed the relevance of educational actions such as the Reading Project as well as the fragility of the effectiveness of public policies in reaching the most economically fragile extracts. It also reveals the difficulties in the school monitoring of families. The effects reflect on the permanence and school success of children in the initial years of schooling. Reflect also about the role that the concept of early-formed discipline acquires in forming the identity of the person interviewed.

Keywords: *School Trajectories, Memory, School Narratives.*

Ref.: 05IM22020

DISCRIMINATION AGAINST WOMEN IN THE SPANISH PRISON SYSTEM

This paper makes a bibliographical review of the lives of women in Spanish prisons, analyzing what and how the Spanish penitentiary system has evolved. Most criminology literature focuses on male research. Throughout history, prison regulations, criminological policy and the judicial system have been formulated and elaborated under an androcentric vision. The present study tries to show that prisons in Spain are configured (and configured also in the past) as structures that contribute to the perpetuation of differential gender roles between men and women and as spaces that produce greater discriminatory effects on women. As second object of the study, we focus on feminism and gender criminology, analyzing the profile of women in prison and the consequences of their living behind bars. As a society, we focus on and judge only the "criminal woman", but rarely do we understand the psychological and sociological profile that led to the delinquency of women. Among the factors that are emphasized, most women are identified as coming from a socio-economic environment of vulnerability or at risk of exclusion and with high unemployment rates and were victims of gender-based violence, indeed. This provides an explanation of why the most common criminal conduct among them is often economic offenses (property, public health or property offenses). Moreover, women prisoners must bear a double stigma: firstly, as women and, secondly, as prisoners,

they experience greater discrimination than men from incarceration to reintegration into society. An added barrier is the social rejection for not having fulfilled the role expected of her (exclusively that of woman, mother and main responsible for the family) based on the aforementioned stereotypes. There is a shortage of exclusively female prisons, which forces them to serve sentences far from their immediate emotional environment, or to live in separate male prisons which, generally speaking, they are limited in space and lack specific activities for them. In addition, these specific activities keep highlighting stereotypes of women in our society. Most of the programs are designed to protect their status as mothers, but not to promote their autonomy through work specialization, daily physical activity or cultural development. On the other hand, occupational activities tend to be associated with housework (cooking, laundry and cleaning), work that is notoriously less qualified and less well paid, thus reproducing the differential gender roles. The above-mentioned factors contribute to the greater difficulty for women of subsequent social reintegration, increasing the risk of recidivism. Lastly, we study the social perception of the Spanish population, with regard to women in prison, analyzing with attention the role played by small and medium-sized enterprises in the recruitment of women prisoners for reintegration into the community.

Keywords: *Gender, Discrimination, Perception, Prisons, Women.*

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WOMEN IN THE PRISON SYSTEM

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Within prison systems, the percentage of inmates in a prison for committing a crime has very low rates, which represents in Spain 7% / 8% of the total number of inmates in all Spanish prisons. As you can see, the rate of men in prison, 92% / 93%, is much higher than that of women, a fact that would be directly related to the higher crime rate for men. In this sense, we consider that it is essential to carry out an investigation on the main causes that determine the entry of women into prison, establishing various variables that could help to create a criminal profile of these criminals. For this, we consider it essential to study the personal characteristics of the inmates, analyzing data such as: age, marital status, number of children and place of residence, or educational level, among other variables. On the other hand, we consider essential to carry out a study related to the criminal circumstances of these people, with special emphasis on the following variables: crimes committed or prison sentences imposed. However, as we have previously mentioned, the incidence of women in prison has always been lower than that of men, so it could be

argued that these data are not new. On the other hand, female inmates have always been the great forgotten ones in prison studies, and the few percentages indicated above are a determining factor. For all these reasons, we consider it essential to proceed to the analysis of female inmates in Spanish penitentiary centers, since the results obtained will provide relevant information, which can be considered vital to carry out future research related to this topic. Therefore, the objective of the study is to deepen not only the personal variables, but also those attributed to the context and social reality of these women, who can define the profile of the inmates from a generic differential perspective.

Keywords: *Prison, System, Women.*

Ref.: 253M22020

FORMAL, NON-FORMAL AND INFORMAL EDUCATION IN PRISON: A MATTER OF INCLUSION OR EXCLUSION?

The prison has been considered for decades as a centralized environment due to the prejudice towards the subjects who have entered this context for the commission of some type of criminal action. Following the study coordinated by De la Herrán, Valle and Villar (2020), it is necessary to reflect on the situation we find in Spanish prisons in relation to the comprehensive education of these people deprived of liberty. The objective of this research is to delimit the educational and formative reality that prisons have in Spain, attending not only to normative education, closer to the readmission of these individuals as citizens who require behavioral modulation. It is about transforming a teaching and learning process that sets out a pedagogical model endorsed by a real inclusion of prisoners to really achieve a common good. For this, it is essential to house the essential pillars that must shape the treatment of inmates in penitentiary centers, which must consider the role of formal, non-formal and informal education in their comprehensive reintegration. Socio-educational intervention will not be effective if only presenteeism and the current

situation of these people are valued. To truly work the terms of exclusion and inclusion in prison, inmates must start a program that is tailored to their needs, in addition to assessing the real difficulties that they have and present from entering to leaving these centers after serving their sentence. imposed. In addition, it is vitally important to eliminate the conventionalism acquired in these environments and the climate of pessimism in achieving the proposed objectives. It is not possible to speak of the total inclusion of these people in society, unless there is a change in the methodology that works in these contexts and that requires the characteristics of the formal and academic system, as well as the non-formal one, which It is constituted as a complement to the previous and the informal one, which takes into account the development of skills that configure the subject from a global perspective.

Keywords: *Education, Exclusion, Inclusion, Prison.*

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WOMAN INCARCERATED IN PRISON SPACES

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Although prisons and the legal system operate in different ways in each country, the bases of the prison system have characteristics in common, mainly because it's a model created by cisgender men and for cisgender men. However, male prisoners' bodies are not the only to be affected by this system, and the existence of gender inequalities in the different contexts surrounding prison is evident. Therefore, thinking of prison as a democratic space becomes inconceivable once there is actually a standardization of the incarcerated people profile, marked by class and ethnicity. The prison space is created to correspond to patriarchal-white-cisgender norms, reinforcing gender, economic and social inequalities, it becomes incompatible to define it as "democratic", in its literal meanings. Built on those considerations, the research I have carried on approaches women's incarceration and the gender inequalities present in the different contexts that involve prison. The main objective is to analyze how the social, legal and scientific apparatus linked to the prison system and gender inequalities are expressed in each of these contexts. Gender markers are intrinsic to the legal and penal system and to prison institutions and their dynamics in general, from the denomination of prison establishments, in which gender is only specified as "male prisons" / "female prisons", but mainly within prison dynamics, scientific studies and public policies. There is a double penalty for women prisoners, even worse if they are mothers, precisely because they do not correspond to the gender norms that are part of the judicial system's base.

These penalties can be seen in the vulnerability of these inmates, in the precariousness of the spaces facing them; in the lack of basic hygiene products; in the absence of school education and sex education. Through a historical perspective, it's possible to show that there is a problem linked to gender issues that exist also in studies on the incarceration of women. In several areas of study, scientific research on women in the prison context -being a theme that has been absent from science for many decades -reserved the space for victims to women, and when approaching women inmates, they started from comparative analyzes with the results achieved in studies on the incarceration of men. Therefore, this theoretical research constitutes a bibliographic review for the master's thesis that I am currently developing and focuses on surveying and analyzing investigations that deal with prisons, female crime, the incarceration of women. I seek to analyze the studies that address these contexts in order to identify how gender markers present themselves and how they enhance gender inequality, exclusion and silencing female prisoners. To highlight the gender perspectives present in prison spaces, it is also a way of providing changes in the development of public policies and in scientific studies that address the theme, and can help to raise awareness of the problems of mass incarceration of women, in overcrowding the prisons and the inefficiency of the actions provided by them.

Keywords: *Gender Stereotypes, Imprisonment of Women, Prison System.*

Ref.: 258M22020

**EUROPEAN INVESTIGATION ORDER:
 GROUNDS FOR NON-RECOGNITION OR NON-EXECUTION
 AND THE ISSUE OF GUARANTEES IN CRIMINAL PROCEEDINGS**

One of the most important objectives of the European Union (EU) refers to the maintenance and development of an area of freedom, security, and justice. The European Investigation Order (EIO) was adopted by Directive 2014/41/EU pursuant to section I of Article 82 of the Treaty on the Functioning of the European Union regarding judicial cooperation in criminal matters. The EIO is a unique judicial instrument designed to facilitate cross-border criminal investigations based upon the principle of mutual recognition of judicial decisions and mutual legal assistance and it is primarily applicable to criminal proceedings. Depending on the national law regulations, the issuing authority in such matters may be a judge, a court, an investigating judge or public prosecutor in order to have one or more investigative measures executed in another Member State of the EU. An EIO can be issued for numerous types of offences. These include illicit trafficking in narcotic drugs; weapons; stolen vehicles; corruption; organised or armed robbery; participation in a criminal organization; computer-related crimes; and others. It covers the gathering of different types of evidence including hearing of suspects, witnesses and/or victims; monitoring of bank accounts; conducting searches; collecting items, etc. The EIO must include information relative to the issuing authority and persons concerned, the object of and the reason for it, a description of the criminal act and of the investigative measures requested as well as the evidence to be obtained.

However, the EIO may only be issued under the following conditions: necessary and proportional to the objective pursued; the investigative measures indicated in the EIO could be ordered in a similar domestic case. There are numerous advantages associated with the EIO. Firstly, it creates a single comprehensive instrument. Secondly, it sets strict deadlines for gathering the evidence requested. Thirdly, it limits the reasons for refusing such requests. Fourthly, it protects the fundamental rights of the defense. Lastly, it simplifies and accelerates the transnational exchange of evidence. The directive as well as the national implementing legislation also discipline the grounds for non-recognition or non-execution of an EIO. These include immunity or privilege under the law of the executing State; national security interests; principle of *ne bis in idem*; territory; compliance with the Charter of Fundamental Rights of the European Union; non punishable offence in the law of the executing State; legal restrictions regarding the investigative measure. This article seeks to analyze the various grounds for non-execution of an EIO that were adopted in the directive as well as the relevant decisions from the Court of Justice of the European Union, and particular emphasis will be placed upon a perspective that stresses the guarantees in criminal procedure.

Mário Simões Barata

Keywords: *European Union, Criminal Procedure, Investigative Measure, Non-Execution, Fundamental Rights.*

Ref.: I70M22020

**PREVENTING TORTURE IN PRISON:
THE JURISPRUDENCE LINE OF THE INTER-AMERICAN
COURT OF HUMAN RIGHTS IN THE ROLE OF PREVENTING
AND COMBATING**

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The main aim of this work is to analyze the jurisprudential line of the Inter-American Court of Human Rights in relation to the prevention and fight against torture. The practice of torture affects not only the physical and mental integrity, but also the dignity of the victim, turns out to be one of the most serious violations of Human Rights. It is undeniable that the practice of torture remains high until the present day even supported by various instruments. Environments where people are deprived of their liberty, are the most likely places for this type of practice to occur, so it is undeniable the importance of protection systems at international level as they can judge cases when the State remains unresponsive, in this study we will focus especially on the Inter-American Court of Human Rights regarding to this matter. In this situation, the Court's action is extremely relevant, since it has been built a rich line of jurisprudence in terms of shaping strategies to prevent and combat torture. To make this analysis, the methodology used will be a bibliographic research with a deductive method and a qualitative and exploratory approach in which both

Inter-American Court doctrine, international instruments and jurisprudence will be used. Human rights are not only a matter under the exclusive jurisdiction of the State but also, they are a legitimate concern of the international community, which has been engaged in the setting of standards, the establishment of implementation mechanisms and the monitoring of compliance with the standards. As stated in different reports regarding the minimum standards of UN rules for treatment of prisoners, the Inter American Court of Human Rights recognizes that Even though the Standard Minimum Rules continue to be vital and are considered to be among the most important soft-law instruments for the interpretation of various aspects of the rights of prisoners, it may be important to adjust their content to the current challenges faced by the different States in respecting and ensuring the human rights of persons deprived of liberty, to the up-to-date standards of international human rights law, and to the progress reached by other disciplines related to this field.

Keywords: *Torture, Inter-American Court of Human Rights, Prevention, Combat.*

Ref.: 254M22020

ETHICAL CHALLENGES OF ACADEMIC RESEARCH IN INPATIENT INSTITUTIONS

In view of the growing tendency to institutionalize teaching in research ethics with human subjects, in particular those interned due to alleged deviant behavior in inpatient institutions, the need arises to understand and explain the reasons and expectations regarding the past and the future that intend to achieve. The need also emerges to assess the perception of others in relation to these members of contemporary societies. This public presentation discusses the impacts that the prospective regulation of research projects has had on the social sciences and, more specifically, the potential challenges that it has posed to academic research. Based on a historical review, both of the origin of the ethical regulation of research and of the social sciences, we analyze what constitutes ethics in sociological practice, highlighting the incommensurabilities that this type of research has found in theoretical models based on ethics academic research in inpatient institutions. Increasingly, ethics in academic research has been an object of interest for scholars and non-scholars alike, since the validity of the results obtained in favor of the study path

has to be a well-founded path and the founder of the righteousness of those who explore possibilities and perspectives the realities under analysis and the social interest. Acting with integrity and probity in data collection and content analysis is essential for the scrutiny of the academy that is based on the meritocracy of constructed knowledge and to build and change the look of paradigms rooted by the passage of time in the standards of normality or social abnormality. Through notions such as the notion of risk or the primacy of the principle of informed consent, it is illustrated how an understanding of research may not be unanimous with humans, which is reducing to scientific research, of a qualitative nature, substantially differentiating the research possible to carry out in exact or mathematical sciences.

Keywords: *Ethics, Academic Research, Inpatient Institutions, Risk, Informed Consent.*

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Ref.: 255M22020

ETHICAL CHALLENGES OF ACADEMIC RESEARCH IN PRISON

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Academic research, in a prison context, is fundamental for the development of public policies that represent the decision-making of contemporary states and that can promote and disseminate the security and emotional balance of victims and alleged convicted offenders. In the production of academic knowledge, there are innumerable ethical dilemmas and precepts that must be repeatedly safeguarded, under penalty of being able to promote the legitimization of a context of repeated victimization and without real scrutiny. The experience of reviewing and re-inventing a given situation of victimization can have very harmful and unfocused effects, which can interfere and condition the real ability of victims to decide to participate in an investigation. Thus, based on the evidence collected through targeted interviews, around the real impact of violence and crime on victims, in this presentation, we intend to identify, list, contextualize and recommend some of the main ethical issues underlying scientific production in this field, identifying some of the care and good practices to be implemented and monitored later. Never as in the days we

live in, ethics is so debated by scholars and curious, although in ancient times this is not foreign to the claims of those who own rhetoric and orality in favor of the public scrutiny of those who know the academy. The validity of the writings comes from reading through peers and sifting through agreements with the standards underlying the dictates that the academy considers to be respectful of the globality of its originating writers -it is urgent to know whether, in prison context, this appears distinctive of other contexts in other sciences. The tolerance of the new and the re-creation of guidelines considered necessary or even essential for carrying out a quality and worthwhile investigation and susceptible of modifying or even ruling out any damage that it may cause to its participants and direct interveners of the infractions allegedly committed by those who live in the prison context.

Keywords: *Academic Research, Victims of Crimes, Violence, Prison Context, Ethic.*

Ref.: I28M22020

**THE PRECARIOUSNESS OF BRAZILIAN PRISON SYSTEM
AND VIOLATION OF HUMAN RIGHTS BY BRAZIL:
ANALYSIS FROM PRECAUTIONARY MEASURE N.888-19
WITH PROCEDURE BEFORE THE INTER-AMERICAN COMMISSION
ON HUMAN RIGHTS**

The research will present the analysis of precautionary no. 888-19, which is pending before the Inter-American Commission on Human Rights and will address the Brazilian prison system from the analysis of Precautionary Measure N.888-19, which is pending before the Inter-American Commission on Human Rights, in which Brazil was denounced for violating the Human Rights. The methodology used in the analysis of the decision is the quantitative, qualitative and descriptive research in the analysis of decision by International Court. The Brazilian Constitution, in its article 5, brings several fundamental rights that must be observed in relation to all individuals, including those who serve deprivation of liberty, preserving the dignity of their human person. It is evident that the prisoner, deprived of his freedom as a form of punishment for criminal practice, has the right to life and must be treated with dignity. The State is responsible for providing this minimally dignified treatment to the prisoner. However, this is not the reality faced by the prison population of the Jorge Santana Public Prison, Rio de Janeiro, in precautionary measure 888/2019, brought before the International Commission on Human Rights. In September 2019, the State Mechanism for Preventing and Combating Torture in Rio de Janeiro and the Center for the Penitentiary System of the Public Defender of the State of Rio de Janeiro presented this precautionary measure to the International Commission, so that it could express its opinion on

the situation of urgency that involved protecting the rights of prisoners in that prison. Prison overcrowding and lack of health care for prisoners was reported. The International Commission on Human Rights asked Brazil for information on the said prison premises, being informed that the penalties and precautionary measures alternative to prison are prioritized, pursuant to Article 319 of the Code of Criminal Procedure, especially with regard to disabled or mutilated prisoners and those with fractures or other serious health problems. In view of this, the Commission, which had already visited the said penitentiary unit in loco, in November 2018, made evident the need for the injunction to be granted, in view of the provisions of Article 25 of its Regulations, which provide for the possibility of granting the imposed measure to the State to prevent irreparable damage to prisoners in their custody. Overcrowded prisons create another serious problem, the destruction of the prison environment, accelerating its deterioration, which would be caused gradually over time, making the environments increasingly unhealthy. Brazil contradicts the American Convention on Human Rights, of which it is a signatory, by keeping prisoners without minimum standard conditions for re-socialization. The precautionary measure studied here demonstrates this.

Keywords: *Prison, Brazil, Human Rights.*

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Ref.: I67M22020

PERINATAL PSYCHOLOGY AS A BASIS IN MATERNAL-INFANT MENTAL HEALTH CARE INTO A FEMALE PENITENTIARY IN BRAZIL

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This research originated from the author's experience as a psychology intern at the Feminine Penitentiary II in Tremembe city, located in the countryside of the Brazilian state of São Paulo. This prison is recognized for having been the first penitentiary in Latin America created and adapted specifically for the reclusion of women. According to the World Health Organization (WHO), among the three major critical periods in which women can go through their life cycle - puberty, perinatal and climacteric - it is exactly in the perinatal period where they are more likely to show significant emotional changes and mental illnesses, being also the period where there is an increase of number of women's psychiatric hospitalizations.

When a pregnancy happens within the serving time of an inmate in the prison system, the typical emotional changes of the prenatal period add up to the already established conflict of serving a sentence of freedom deprivation.

Among the several particularities that need to be observed in this context, what the mother suffers from the imminent separation between her and her child, distress and anxiety should be addressed, especially when the limit pre-established by law is reached. There is also the issue of hypermaternity and hypomaternity, which refers to the dichotomous relationship that this woman has with motherhood exercised in prison. After deliberations with the psychology team of the prison mentioned, an action plan was developed for the implementation of a personalized Psychological Prenatal (PNP), in

dialogue with the reality of the prison system. This plan was defined in two main stages: individual assistance to pregnant women and application of questionnaires at three different times - each corresponding to a trimester of pregnancy. For its construction, an interpretative approach was made based on Perinatal Psychology, an area of psychology that deals with the psychological phenomena surrounding pregnancy, and the Theory of Attachment, responsible for bringing to light the importance of the quality of the mother-child bond, baby and its impacts on the individual's future life.

However, the implementation analysis showed that the PNP had limitations in view of the demands that went beyond the prenatal period. The need to expand what could be achieved with the PNP resulted in the initiative to develop the "Maternal and Child Psychological Health Program in Prison" (PSPMIC), which is being structured on three pillars: Psychological Prenatal; Groups of Mothers and Pregnant Women; evaluation of development and intervention with babies. Above all, this present work is an investigative research, in order to think about new interventions that can help in the construction of a tool focused on the prevention and care of the mental health of mothers and babies, guaranteeing constitutional rights regarding the health of incarcerated women and children.

Keywords: *Attachment Theory, Mothers in Jail, Perinatal Psychology, Psychological Prenatal.*

Ref.: 257M22020

**PROMOTING RESTORATIVE JUSTICE:
JUVENILE RESTORATIVE JUSTICE AND ITS ROLE
IN REGARD TO VULNERABLE YOUNG PEOPLE IN LATIN AMERICA**

This research proposes to analyze the importance of the role of restorative justice in the application to vulnerable young people in Latin America. The awareness and identification of vulnerabilities is a main point when we talk about young people, especially those who are in conflict with the law. When dealing with this topic it is necessary to discuss this issue within the field of vulnerability, since this situation affects a lot of young Latin Americans, as it is in this precarious field where juvenile criminal justice is routinely applied. Therefore, it is extremely important and needed the search for the best practice in regard to a differentiated conflict solution to prevent increasing criminalization and greater stigmatization for these young people. To this end, the research results from a bibliographic review based on the concept of juvenile restorative justice and exploring its practices in certain Latin American countries where there is a greater criminalization of young people. Consequently, it is concluded that a way to implement a greater protection and to allow a greater understanding of the causes and consequences of the

infractions committed by young people in Latin America makes necessary to achieve a deeper change and to reverse the constant penalization of this group that increasingly comes to support the speech that defends the lowering of the minimum age of criminal responsibility. As it has been also pointed by UNIFEC and other International organizations detaining, or institutionalizing children are the least effective and the most expensive measures for preventing reoffending. Evidence shows that community-based interventions have more impact.

Keywords: *Human Rights, Torture, Inter-American Court, Prevention, Juvenile Restorative Justice.*

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& Arnelles Rolim Peixoto

Ref.: I66M22020

**GENDER, RACE AND PUNISHMENT:
THE IMPRISONMENT OF BLACK WOMEN IN THE BRAZILIAN
WESTERN AMAZON ON THE BASED ON CRITICAL FEMINIST
CRIMINOLOGY**

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The number of women incarcerated in Brazil has been increasing vertiginously, in a consistent movement. According to Levantamento Nacional de Informações Penitenciárias -INFOPEN Mulheres (National Penitentiary Information Survey), published in 2018, Brazil is in the third position among the countries that incarcerate women the most (rate for 100 thousand women). It is noteworthy that 62% of female prisoners in Brazil are black. Due to the need to understand this phenomenon and its specificities, this paper aims to offer an analysis of the punishment distribution in the context of the Brazilian Western Amazon from the intersectional study of gender, race and class attributes. Based on quantitative analysis, the research intends to demonstrate how these markers intertwine in women living in the Amazon region and how they act in the (re)production of oppressions, whose result is the major vulnerability of these bodies to the selectivity of the penal system. Under the critical-feminist branch of criminology, it is understood that gender is not a category that focuses solely on women, but that it is constructed and reproduced in the social structure in a manner that shapes all social relations according to a gender determination. Hence, gender figures as a central element in understanding the system of state punishment. Finally, it is concluded that the states that compose the Brazilian

western Amazon represent a subclass within Brazil itself, since due to their colonization processes they still live in a primitive exploratory logic, having as their main economic matrix the supply of commodities to the large urban centers. Inserted in this context, women in the Brazilian Amazon region live under the worst indicators of life quality in comparison to other regions of Brazil. This demonstrates the higher social vulnerability of these women, especially the non-white ones. Moreover, these women constitute the prison mass and are considerably affected by the invisibility of their gender demands, such as maternity and sexuality. Since prison is historically a male environment, there is also a rupture of the female ideal, incompatible with transgression, a factor that interferes with the more severe way in which punishment falls on female bodies and the construction of stigma imposed on these women. Therefore, the expansion of criminalization processes is not in charge of reducing violence, on the contrary, the growing increase in female incarceration contributes to the worsening of women's social vulnerability and perpetuation of racism through criminal selectivity. These factors indicate the ineffectiveness of prison reform policies, confronting the inhuman and degrading reality of female imprisonment with the ideal of resocialization and violence-fighting.

Keywords: *Gender, Race, Prison, Brazil, Western Amazon.*

Ref.: 238M22020

**PROTECTION OF PERSONAL DATA AND ELECTRONIC MONITORING:
A SOLUTION TO THE OVERCROWDING OF THE BRAZILIAN PRISON
SYSTEM OR A VIOLATION OF THE RIGHT TO PROTECTION
OF PERSONAL DATA OF THE PRISONERS?**

In 2019, according to the National Penitentiary Department (DEPEN), Brazil had about 773.151 people deprived of their liberty in all regimes. The prison system is a recurring issue due to the constant violations of human rights, caused by the chronic problems of Brazilian prisons: overcrowding, poor health and poor administration. As overcrowding is a serious problem in the Brazilian prison system, measures aimed at improving this situation have been taken by the responsible federal entities, according to art. 24, I, of the Brazilian Federal Constitution (CF / 88). In 2010, in an attempt to reduce this problem, the law 12.258 was published, which provides for the possibility of inspecting the convict through electronic monitoring. In the same way, the law 12.403, which provides alternatives to pre-trial detention for non-repeat offenders who have committed minor crimes with a prison sentence of up to four years, such as bail and electronic monitoring, was published in 2011. Electronic monitoring is a recent practice in Brazil, and despite the scarce regulations and guidelines on monitoring, this service has expanded rapidly. In 2016, DEPEN made a commitment to develop a management model in order to improve the services of electronic monitoring of individuals in partnership with the United Nations Development Program. The result of this partnership was the "Guidelines for the Treatment and Protection of Data in the Electronic Monitoring of People", which is in line with the guidelines of Resolution 213/2015 of the National Council of Justice. Data protection for

the imprisoned people monitored electronically appears as a central point in the aforementioned document, thus it is important to mention the recent publication of the Lei Geral de Proteção de Dados (LGPD), this which provides the processing of personal data in Brazil, bringing new challenges to the public and private sector regarding the protection of personal data. Bearing in mind that the collection, storage and various forms of data processing are essential activities for the electronic monitoring service and that the databases of this activity are fundamentally constituted by sensitive personal data of the monitored individuals, may the LGPD be applied in face of possible breaches of privacy? At the end of this study, it was concluded that any abuse in the collection, storage or treatment of the prisoner's personal data will not be regulated by the LGPD. The art. 4º, III, a) and c) of the aforementioned legislation appears as an obstacle to the protection of prisoner's personal data. However, it is important to note that this does not prevent another rule from affecting the case. The convict should also have the right to the protection of his personal information, considering that there is State responsibility for the protection of prisoners, as provided for in art. 5º, XLIX and art. 37, § 6º of CF/88. The method applied in the development of the research was the inductive method, using particular data to reach a general conclusion. This research also involved a bibliographic review, as well a documental and legislative approach.

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Keywords: *Protection of Personal Data, Electronic Monitoring, Overcrowded, Prisoners.*

Ref.: I82M22020

**FEMALE INCARCERATION AND (IN)VISIBILITY IN MARANHÃO:
AN ANALYSIS ON THE EFFECTIVENESS OF RIGHTS
IN THE CONTEXT OF THE DEMOCRATIC RULE
OF LAW POST-1988**

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Considering that in Brazil, female incarceration has been a phenomenon with alarming proportions for decades, and that it is the 4th country that most incarcerates women in the world (INFOPEN MULHERES, 2016), with a 525% imprisonment rate between 2000 to 2016 (INFOPEN MULHERES, 2016), this article aims to analyze the measure of (in) visibility in female prison with empirical field on the state of Maranhão. The research problem will be around the prison structure and its impacts related to women, pregnant and the lactating women, assuming that the prisons are structurally designed for men, because "as a rule for the prison context, with a prevalence of penal services and policies directed at men, leaving in the background the diversities that comprise the female prison reality" (BANGKOK RULES, 2016). As a result, the female prison units were not structured due to the specificities of their condition, especially regarding to pregnant women, or at the postpartum or lactation period. Although the Brazilian legal system is guided by the Bangkok Rules, there is a lack of implementation of these measures, and it is urgent to reflect on the conditions of female incarceration. For better analysis, the comparative method was used, through an indirect field research to collect data from the State Department for Prison Administration (Brazil) and the Brazilian Bar Association, through the Criminal and Penitentiary Policy Commission; furthermore, data from the National Council of Justice and the National Penitentiary Department were used, in addition to an accurate bib-

liographic survey. As results, it appears: a) the difficulty in obtaining updated data, to establish a profile of incarcerated women in Maranhão, who are mostly young, mixed race and black, with incomplete education and convicted of drug trafficking; b) In addition to the vacancy deficit, of the six prison establishments existing in the State of Maranhão, only one is exclusively for women -the Female Resocialization Prison Unit -and others are found in Mixed Prisons, lacking detailed empirical analysis about the conditions of serving the sentence of these women in mixed prison units, without registering a cell suitable for the pregnant woman, nursery or daycare centers, according to INFOPEN / MA 2016; c) Due to the lack of official and public inspection reports in female prison units in Maranhão, considering the last one in 2015 released by the Human Rights Society of Maranhão, it did not cover the visit to a Female Prison Unit, without recording health care data, material assistance, food and other rights. Therefore, the issue permeates the place of serving sentences and its impacts resonates the criminal purposes, social reintegration and the sociological effects of prison on the ambience of women in conflict with the law and on those who depend on them; as well as demonstrating the continuous and historical process of destitution of women's rights also within the walls.

Keywords: *Prison, Women, Invisibility, Maranhão.*

Ref.: 085M22020

COLLECTIVE HABEAS CORPUS AS MITIGATORY INSTRUMENT FOR MASS WOMEN INCARCERATION IN BRAZIL

This paper aims to discuss the relationship between gender and incarceration, especially bearing in mind the normative and social system in Brazil that does not provide the bases for a bias equalization. Brazil's Criminal Code is an almost 80 years old quite outdated patchwork, focused, mostly, in liberty deprivation penalties. In this scenario, Brazil has risen in the world incarceration rate, becoming the third largest prison population in the world. Drug trafficking takes on a prominent position as the crime that incarcerates the most, even without violence or serious threat. A distortion, however, must be observed. The quantitative growth of female inmates is greater than the equivalent when compared to males due to double blame women suffer in prison. When imprisoned, women do not disobey and only respond to the threat to public security generated by the crime committed, they also face the rules of a silent and unwritten social contract imposed on her by her gender role. Also, the figure of the woman in prison today is mostly black, young and low-income, leading to the need for a more cautious analysis on precautionary prisons decrees. The critical theory shows the need of a breakdown of a classic cause and effect analysis of female incarcerations, beginning with structures of power and domination, including gender, that reflects a historical social process, due to the lack of equality, access to education, living situation, ethnicity, and, mainly, treatment in relation to the authorities. This reality, in regard of imprisoned women,

is not just an outcome of this historical process, but primarily, the absence and lack of social support in Brazil, that creates a misrepresented system, in which her life is determinate before her arrest. Being incarcerated in Brazil means privation of prison cells for pregnant, miserly access to health programs and deprivation of opportunities in a broad sense, in a biased system, created to discriminate and exclude, throwing women in unsafe living conditions and miserly future opportunities. However, most of women prisoners fulfill all the requirements for home prison, but do not receive this benefit, showing the rough face of a selective criminal justice, based on the social iniquity, that toughly distress women, as merely responsible for raising her children and maintaining pregnancy. Some mechanisms such as constitutional writs and procedural guarantees may help to mitigate these problems. Particularly, in Habeas Corpus nº 143.641, the Supreme Court of Brazil decided that "all women subjected to precautionary detention in the national penitentiary system, who are pregnant, postpartum or mothers with children up to 12 years of age under their responsibility, and of the children themselves" should be released. In this judgment the court shows a valid option, binding public officials, to fight against gender and sex discrimination, increasing isonomy and effective treatment of rights between men and women.

Keywords: *Collective Habeas Corpus, Women Mass Incarceration, Gender Inequality, Isonomy Principle.*

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Ref.: I16M22020

DEVELOPING SOCIAL SKILLS IN THE PRISON CONTEXT – RESULTS FROM THE IMPLEMENTATION OF A TRAINING PROGRAM WITH PRISONERS

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Non-formal education programs play an important role in the rehabilitation process of prisoners. It provides the opportunity for prisoners to engage in useful activities in the prison context, facilitates the process of their personal development and transformation and enhances their prospects of developing the motivation, autonomy and responsibility to gain control over their lives after their release. This study aims to present the results of a non-formal education program developed within the context of a curricular internship project, carried out at a Penitentiary Establishment, located in the North of Portugal. The project is part of the third year of a bachelor's degree programme in Social Education at Portucalense University, which took place from October 2019 to June 2020. The project was organized in four main phases: diagnosis, planning, execution and evaluation. The first phase of the project started with a needs diagnosis in order to fully understand the prison context and define the 'knowledge gaps' linked to the analysis of individuals' training needs and the preparation of responses to these needs. The methods for data collection used during this phase were document analysis, observation and questionnaires. During this phase, it was possible to come to the conclusion that, even though the DGRSP central services offered rehabilitation and reintegration programs, they were found to be somehow obsolete. Therefore, the project was planned to improve and complement the existing training activities. Since working the social-affective and the holistic dimension of individu-

als leads to more effective reintegration and more positive decision-making, the main objective of the training program was to develop the prisoners' communication and interpersonal skills. Social skills, such as assertiveness, self-realization, self-esteem, social support, empathy and cooperation, were also promoted through the training activities. The participants in the training program included ten prisoners who volunteered to participate in the experience. In the execution phase of the project, activities focused on presenting situations to which the prisoners should bring forward the best solutions and justify them. These activities allowed participants engagement, as well as the exchange of individual experiences and knowledge. The pedagogical strategies used in the training were role-playing, brainstorming and self-evaluation grids. These tools enabled the participants to identify individual fears and to deeply reflect on their choices and behaviors. The last phase focused on the evaluation of the program. Qualitative feedback was collected from the prisoners involved in the study. The results revealed a positive view by participants and changes in their individual behavior, as reported afterwards by the re-education professional. Implications of the study and future work will be presented and discussed along the paper.

Keywords: *Social Education, Prison Context, Non-Formal Education, Development of Social Skills, Training Programme.*

Ref.: I59M22020

THE INVISIBILIZATION OF WOMEN IN THE BRAZILIAN PENAL SYSTEM AND ITS IMPLICATIONS FOR THE RIGHT TO MATERNITY

The present work is willing to investigate the numerous shortcomings of public policies for the reduction of inequalities and social reinsertion of prisoners, bearing in mind that historically the male perspective is predominant in the prison context. The Brazilian Federal Constitution guarantees to imprisoned women the right to the full exercise of maternity in conditions that ensure the health and well-being of her and her baby during the breastfeeding period. Also, in this case, the Law of Criminal Execution states that female prisons should be equipped with nurseries and day-care centers for children under 7 years old. However, the latest data provided by the National Council of Justice through the Statistical Report Visit to Pregnant and Infant Women Deprived of Freedom in 2018 demonstrates the inadequacy of the system in guaranteeing these rights. It was verified that only 52.94% of the Brazilian feminine establishments have a cell or dormitory destined especially to pregnant women and parturient women; only 58.82% have a nursery, 20.6% do not assure the fulfillment of the Law 13.434/2017, which prohibits the use of handcuffs during childbirth and during the immediate puerperium phase, and none of the establishments visited has nurseries. During the visits, they found 33 children without Birth Registration and 10 without adequate vaccination. Based on the results and analysis of

data collected throughout the country and following Brazilian and international legal recommendations such as the Bangkok Rules, the National Council of Justice drafted Resolution No. 252 of 2018, which establishes guidelines for monitoring women and offspring, as well as pregnant women, in order to provide greater structure to these children so that they are not also punished for crimes committed by their mothers. In this sense, public policies aimed at guaranteeing the right to the maternity for imprisoned women and those under house arrest are analyzed with regard to maintaining the emotional bonds between mother and child. The research is of exploratory character, with qualitative approach and treatment of statistical data and based on the reflexive sociology supported in the literature that dialogues with Bourdieu and Foucault, bibliographical research techniques, documental, content and discourse analysis will be used. It is understandable that, for many years, women in prison were invisible and the particularities related to gender among them maternity were not respected. Thus, it is of great importance the systematization of data to better understand the reality of the feminine prison establishments in relation to maternity.

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Keywords: *Maternity, Child Rights, Female Prisons.*

Ref.: 067M22020

EFFECTS OF A MINDFULNESS-BASED INTERVENTION FOR PORTUGUESE MALE PRISONERS

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Mindfulness-Based Interventions (MBI's) have shown an increase interest in studies from the scientific community. In this sense, the results have shown effectiveness in treating several physical and psychological problems and increasing well-being. The prison environment contains many characteristics that directly and indirectly affect the inmate population. As a result, the inmates are affected by high mental health needs when compared to the general population. In response to this concern, Mindfulness-Based Interventions have increased in prison context, presenting significant evidence in the mental health of inmates. However, studies in this area present some methodological limitations, directing an appeal to scientific continuity in this field to assess the effectiveness of these interventions. The purpose of this study was to verify the impact of a Mindfulness-Based Intervention program on inmates, which aims to decrease depressive symptoms, anxiety, stress, and negative affect, and increase positive affect, self-esteem, and mindfulness capacity. The sample for data analysis consists of 44 male individuals, serving a legal penalty at the Faro Prison (Portugal). Participants were divided into two groups, the mindfulness training group (N = 22) and the control group (N = 22). The program lasted 16-20 weeks (weekly sessions of 60-90 minutes). Despite the limitations

of the study associated with the characteristics of the prison and its functioning, the results indicate significant differences between groups in self-esteem, with the mindfulness training group presenting the highest average, and also recorded a significant increase from pre to post-program in the mindfulness capacities to observe, to describe and to not react. The qualitative analysis results emphasized the usefulness of the experience for inmates, not only in prison's daily life but also for the future, post-release. Participants underlined mostly the importance of focus on breathing practice to cope with anxious and stressful situations, an increasing awareness of themselves and their surroundings, emphasizing their sense of well-being and their ability to relax. The results from this study confirm the benefits of MBI in prison settings and suggest that this type of interventions may help rehabilitation of prisoners, may hold potential to improve their reintegration into society and reduce post-release risky behavior.

Keywords: *Mindfulness-Based Intervention, Prison, Inmates, Mental Health.*

Ref.: 040M22020

COVID-19 AND THE BRAZILIAN PRISON SYSTEM: CRITERIA AND LIMITS IMPOSED BY COURTS TO GRANT FREEDOM

The pandemic caused by COVID-19 (Sars-CoV-2) reshaped all manners of acting and dealing with situations involving the rulings within the Brazilian prison system. Renewing the prior declaration by the Brazilian Supreme Court “unconstitutional state of affairs”, with the reiterated violation of human rights, the current scenario has revealed inconsistencies of judicial rulings in face of similar situations, corroborating to mitigate legal security. Brazilian prisons already have issues related to overcrowding and fragility –and in many cases to necessary care regarding social reintegration of those who pass through the system. However, in addition to the already existing contagious outbreaks within Brazilian prisons, the new coronavirus has amplified the challenge on the Judiciary, which must ensure –at the same time –the health of those who are deprived of their liberty and determine guidelines that provide legal parameters to decisions in times of unusual crisis, such as ones experienced during a pandemic. For this reason, there is a need to establish parameters for granting or denial of liberty. The Nacional Council of Justice (CNJ) issued the Recommendation n. 62/2020, providing guidelines to judicature regarding prevention against the COVID-19 mass infection within the scope of Brazilian prison system. The recommendation adopted criteria about imprisonment reality, virus dissemination speed and the conditions of prison

premises, therefore proposing, in some cases, the flexibility of custody or transfers to other units.

However, despite of this normative direction, an analysis of judicial decisions issued on habeas corpus, including the Brazilian Federal Supreme Court, reveals the lack of uniformity among judicature, which does not corroborate to achieve the purposes sought by the CNJ, as well as demeaning the fundamental right to equality foreseen in our legal system. .The present essay analyzes the variability of decisions issued by the judicature, utilizing the online database of The Justice Court of São Paulo, for it is the largest State Court in Brazil in numbers of cases involving imprisonment, as well as decisions issued by the Brazilian Superior Court of Justice and the Supreme Court, identifying the different criteria adopted, in order to demonstrate the lack of legal security, inviting into a reflection of whether the Brazilian Judiciary is effectively meeting its final purpose: to produce social pacification.

Keywords: *Prison System, Covid-19, Habeas Corpus, Brazilian Courts, Criteria.*

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Ref.: 016M22020

**PENITENTIARY PUBLIC POLICY:
IMPRISONMENT OF WOMEN IN THE BRAZILIAN
PENAL SYSTEM**

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The objectives of this article are: to investigate the issue of the construction and implementation of public penitentiary policies in the incarceration of women in the Brazilian penal system and to describe the female prison population? Black? White? poor? Family mother? Are they really stuck while pregnant? With incomplete children under 12 years of age, are there rules in compliance with the STF determination? The methodology used was based on bibliographic research with theorists on the theme Public Policies, as well as the collection of data extracted from sources available at the Superior Federal Court -STF, at the Ministry of Human Rights, at the Ministry of Justice -MJ, in the National Penitentiary Department -DEPEN and in the Penitentiary Information-INFOPEN. Official data from DEPEN, 2014, of the total of 579,781 prisoners, excluding prisoners in police stations, of the total prisoners, 37,380 are women, and 40% of the Brazilian prison population comprised of female prisoners who had not yet been tried. The majority of women in Brazil are imprisoned in a closed regime (44.7%), with 22.5% being in semi-

open, the percentage of precautionary prisoners reaches 36.1%, 50% of them are young between 18 and 29 years old and 57% are single, 26% are in a stable relationship and only 9% are married. There is serving sentences of up to 8 years (54%), with this percentage being more concentrated between 4 and 8 years (35%) in relation to race, 68% are black, while the black population is 51% in the population in general. In conclusion, the national and international legislation that deals with the rights of women prisoners must be strictly observed. Given the reality perceived in this study, it can be seen that these are not isolated failures, but systemic failures, which involve the omission of institutions, public authorities and the whole of society.

Keywords: *Public Penitentiary Policy, Brazilian Penal System, Prison Feminine.*

Ref.: 030MI2020

FEMALE CRIME, CRIMINAL JUSTICE PRACTICE AND GENDER ROLES: JUDICIAL PROFESSIONALS' PERSPECTIVES

Gender has been identified as an important and consistent variable that differentiates crime behavior in which men have traditionally been associated with the offense and the exercise of authority, and women suffering victimization. Criminal statistics in recent years contradict this assumption and document an increase in female crime around the world and the greater involvement of women in the criminal justice system. In turn, the influence that gender role has on attitudes about female and male crime may also impact the way in which judicial professionals operate on female involvement in crime and the type of risk assessment performed, also affecting policies prevention and intervention. Using a qualitative methodology, the present study aimed to analyze and characterize the practices of the criminal justice system in cases involving female crime, based on the perceptions of judicial professionals. More specifically, it was intended to: i) analyze the perception of judicial professionals about female crime; ii) analyze how socially established gender roles are used to explain the female crime; iii) analyze the factors that may contribute to possible gender differences in the decision-making of judicial professionals. Ten judicial professionals, mostly male (70%), with an average age of 46 years and with an average professional experience of approximately 20 years, were interviewed.

Participants pointed to a growing criminal parity between men and women, as a result of social progress and new opportunities. However, they also identified differences between female and male criminal activity (e.g., less serious female criminal conduct, less female recidivism, less female criminal agency). The results also revealed an ambivalent position regarding the performance of the criminal justice system in relation to crime in women. The perception conveyed by the judicial professionals about the absence of female identity in crime and an existing ideology about the role of women in society, promotes not only a certain benevolence in judicial decisions, but also ignore certain risk behaviors. This could compromise the risk assessment of female criminal conduct, and subsequent judicial intervention, so it is important to promote greater awareness of crime in women, deconstructing stereotypes around the role of women in society.

Keywords: *Female Crime, Gender Role, Criminal Justice, Judicial Professionals.*

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Ref.: 029M22020

COURT DECISIONS, GENDER ROLE AND FEMALE CRIME: JUDICIAL (DIS)PARITIES

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For years, crime investigation did not consider female, given the reduced involvement in the practice of criminal behavior. However, official data from the past few years has been challenging this impression, documenting an increase in crime perpetrated by women, all over the world. Social perceptions about women continue to be imbued with gender stereotypes (e.g., fragile, weak, more credible, maternal) that make female incompatible with the role of offender. Women are commonly perceived as playing the role of the victim and the man is usually considered the offender. This under-representation or even relativization of female criminal conduct tends to interfere with the performance of law professionals and the criminal justice system itself, also influencing the design of prevention/intervention policies. Using a qualitative methodology, the present study sought to identify the factors that are considered by the judicial professionals in the analysis of female criminal conduct, seeking to understand how gender stereotypes may influence the attribution of judicial sentences. To this end, a total of ten court sentences involving women

with criminal conduct, aged between 18 and 42 years old ($M = 30.5$; $SD = 12.26$) were collected and analyzed. In terms of results, previous criminal experience, modus operandi, perception of criminal responsibility, degree of illegality, as well as the sociodemographic characteristics of the victims, were identified as important variables in the judicial decision-making process. The criminal justice system doesn't seem to be oblivious of the influence of some gender stereotypes, which, under certain circumstances, appear to promote unequal treatment practices in situations involving women as a criminal agent. It is expected that this study may contribute to the deconstruction of some prescriptions, historically attributed to women (e.g., the greatest female vulnerability, the pathologization of the offending woman, among others) and may contribute to promote changes in the way judicial professionals face and judge the offender female, encouraging a greater judicial equity.

Keywords: *Female Crime, Gender Role, Criminal Justice, Court Decisions.*

Ref.: I98M22020

**VALUES AND BELIEFS AS PERSONAL CONSTRUCTS.
PROFESSIONALS OF JUVENILE JUSTICE DEALING
WITH YOUNG FEMALE OFFENDERS IN BALEARIC ISLANDS**

The perceptions, attitudes and expectations of the people using different levels of direct and indirect intervention for young female offenders or delinquents has historically been (and still is) a key area of study (April Bernard *The Intersectional*, 2013). Moreover, there has also been a general gap in the theoretical and empirical social research (Chesney-Lind and Meda, Randall Shelden 2014; Chesney-Lind, M and Pasko, L., 2004, Chesney-Lind, M and Eliason, M. 2006), especially in Spain and in Balearic Islands. Their social image is, undeniably, a representation of female delinquency, an assumption that different professionals (male and female) make about female delinquency or young women who are delinquents or commit criminal offenses, i.e., it is a symbolic, everyday image that forms part of their social knowledge. In order to analyze the social representations of the professionals who participated in this study, the following categories were considered: 1) Attitudes: i.e., opinion about the object of the study. 2) Information: knowledge about the phenomenon or the social object being analyzed (from the inside, as a participant in the

creation of the image, when there is contact with the object, versus what comes from hearsay). 3) Field of representation and mindset: the hierarchical arrangement of the social representation. This work explores the internalized and invisible constructs, values, meanings and beliefs which are hidden from the conscious level of thought and which structure and determine the relationships and social practices of the different professionals working with young offenders in Balearic Islands, Spain. The empirical work described is essentially based on qualitative techniques (focus groups and in-depth interviews) with direct intervention professionals (educators, Reform and Child protection workers, social workers, teachers, psychologist etc.) and indirect intervention professionals (public prosecutor, police, lawyer, manager, sociologist etc.).

Keywords: *Feminist Criminology, Juvenile Justice, Perceptions, Professionals, Girls.*

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Ref.: I93M22020

**TO SUZI, WITH LOVE:
THE VIOLENCE AGAINST INCARCERATED TRANSGENDER
WOMEN**

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Society is imprisoned due to the(in) difference that reinforces its bases; thus, it becomes impossible to establish an order of harmony, where people without deserved lives come inconveniently. Worldwide, the prison has become a gateway to a dimension that epitomizes regurgitated civilizational prosperity. The relief of post-critical criminological lines appears in a case involving the doctor Drauzio Varella, the protagonist of a program with a large audience on Brazilian television. In one of the episodes, in a touching gesture, he embraces the incarcerated transsexual woman Suzi, who HIV-positive and afflicted with tuberculosis. The attitude generated a backlash on social networks with the consequent exposure of the serious crime committed by Suzi against a child in the past, aggravated by a second "social condemnation", resulting from the "undeserved" human compassion exposed by the doctor to someone of an impossible existence. Given the reaction of moral entrepreneurs and the lack of alternatives to the scarcity of feelings for a non-place like prison, a place where humanity is not expressed, it seems natural to

consider that someone like Suzi does not deserve visits or an affectionate embrace. A non-violence criminology needs to be based on the infrastructures of social institutions, from which the identity needs to be understood in the context of the symbolic violence that reaches transsexual women as new witches. Thus, the research uses secondary data analysis based on a television news report, produced by "Fantástico" program, with a high audience rate since 1973 in Brazil. The content analysis points to phenomena that will be addressed in the article, taking as theoretical reference the dialogue between authors of the critical criminology field, queer theories, trans feminism and the problematizations about the moral panic established around the authors of sexual violence against children and adolescents. The theoretical contributions derive from the works of Zaffaroni, Laura Nunes, Jorge Trindade, Jorge de Figueredo Dias, Manuel da Costa Andrade, Judith Butler, Paul B. Preciado, Laura Lowenkron, Herbert Rodrigues and Richard Dawkins, the creator of the concept of "meme", because this episode, involving the doctor and

Ref.: I93M22020

TO SUZI, WITH LOVE:
THE VIOLENCE AGAINST INCARCERATED TRANSGENDER WOMEN

the transsexual incarcerated woman, inaugurated a new digital language associated with prison in Brazil. Hence, it is intended to contribute to the debate of Suzi's condition with the purpose of allowing a reflexivity of how the human being thinks about humanity itself. In the cultural universe that opens up in post-modernity, understanding violence requires contextualization, construction and complexization. In addition, one must define the spaces where violence occurs, understand with which other structures it combines to perpetuate itself and to analyze why it is so necessary to deny its naturalization. In this perspective, the arrest of transgender people is a tense space-problem in Brazilian democracy; it involves issues around moral panic, naturalization of enemies, public opinion and qualification of state repression. It covers the problem of the majority demands for more control of violence against vulnerable people, such as that practiced by Suzi, and also, from another perspective, the control of this very social reaction, which leads people like Suzi to suffer doubly, due to the condition of vulnerability that affects them. The con-

tainment of the punitive reaction is a subject that permeates the realization of the dimensions of Democracies and Constitutionalism.

Keywords: *Gender, Incarceration, Vulnerabilities, Subjectivities, Post-critical Criminology, Sexual Violence.*

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Ref.: IOIM22020

HUMAN RIGHTS VIOLATIONS IN BRAZILIAN PRISONS AND THE ROLE OF THE BRAZILIAN SUPREME COURT AND OF THE NATIONAL COUNCIL OF JUSTICE

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Overcrowded, filthy and unhealthy cells; without guarantee of basic hygiene products or adequate food, lack of drinking water, constant violence: the Brazilian penitentiary system presents a scenario of “unconstitutional state of affairs”. The expression was used by the Brazilian ‘Supreme Federal Court’ (STF), to describe the Brazilian prison system, in the ‘Action for Breach of Fundamental Principle’ (ADPF) n. 347, due to the serious violations of human and fundamental rights in Brazilian prisons. In these places, women, pregnant women and sexual minorities are especially affected. This research aims to assess the role of the Brazilian Judicial Power in the protection of human rights in prisons, in the light of the actions of the STF and the ‘National Council of Justice’ (CNJ). To do so, initially, from the division of Powers in the Brazilian State, it is conducted a survey of the competences in the Brazilian State to the management of prisons and to the protection of human rights in prisons; subsequently, it is studied the role of the Judiciary in protecting these rights, based on the analysis of actions by the STF and the CNJ. This research also uses data collected by public entities to illustrate the violation of human rights in prisons. In the structure of the Brazilian State, the Legislative Powers from the Federal States, from the Federal District and from the Union are responsible for ruling on penitentiary law (art.

24, I, 1988 Federal Constitution) and, consequently, the Executive Powers of these entities are responsible to manage the prisons. As results, initially, it was found that the violation of human rights in prisons is not something new in Brazil and it reflects other structural problems in society, such as the great social inequality and the systemic racism that exist. This violence is worst to women and to sexual minorities, due to either action or omission from the State institutions. In the end, it was found that the STF has important decisions in favor of the protection of the human rights in prisons, however some decisions of the same court, which toughen incarceration measures, have had an impact on the worsening of the chaotic situation of the Brazilian prison system. An example of this is an oscillation in the jurisprudence on the possibility of carrying out the sentence before it becomes final. Additionally, the CNJ played an important role in monitoring and promoting the protection of human rights in prisons. The method applied in the development of the research is the inductive method, by which it tries to reach a general conclusion from particular data.

Keywords: *Human Rights, Prisons, Brazilian Supreme Court, Brazilian National Council of Justice, Prisoners.*

Ref.: I62MI2020

UNDERSTANDING RADICALISATION PREVENTION STRATEGIES WITHIN CORRECTIONAL SETTINGS: A HOLISTIC CROSS-SECTORAL TRAINING APPROACH THROUGH DISTANCE LEARNING

The issue of radicalisation escalating to terrorism and violent extremism presents a threat to the security of nations worldwide. In fact, radicalisation within prisons is thought to be as old as prisons themselves. Prompted by the ambition of preventing and combating this issue, recent efforts have concentrated on direct interventions in the penitentiary setting. Considered as a breeding ground for extremist ideologies, prisons tend to deepen detainee's vulnerability and foster disillusionment against the system. Although initiatives are in place to address this phenomenon, most are rather general, and awareness-raising focused. Our proposal seeks to analyse the characteristics and results of capacity-building approaches by understanding them in a three-way, threefold manner. The first three-tier approach regards the staff typology dealing with violent extremist offenders facing the criminal justice system: prison, probation, and civil society organisations as well as non-governmental organisations. While radicalisation prevention steps which are implemented so far reflect a significant shift forward, additional research needs to be undertaken in closer contact with relevant stakeholders, which might potentially have an impact on the status quo. Secondly, capacity-building programmes should not only be directed to those who enjoy the closest contact with (potential) extremists, and who may intervene in a more direct and fruitful fashion (e.g., psychologists), but to a wide range of internal actors depending on the specific technicalities,

each job requires (i.e., management, frontline, and technical levels). Lastly, we investigate how training enhances not only risk-screening capacity and the ability to carry out and interpret risk-assessment tools but also on how it fosters the methodological planning and evaluation of disengagement and/or deradicalisation programmes. Training programmes are overall guided by the ambition of assembling such data, which justifies their subdivision into two types of evaluation. The first is a set of exercises that aims to measure participants' knowledge at the end of each chapter. On the other side of the spectrum, feedback forms intend to assess the relevance and usefulness of the programme in the participants' perspective. Performance and attitude at work, therefore, become quantifiable variables which enable the understanding of how the training has impacted the learners. Recent European projects such as R2PRIS (referred as 'best practice' by the European Commission), INTEGRA, WayOut, R4JUST and HoPE will inform our paper. The involvement of several initiatives in this research is due to their extensive range of target groups from eleven countries, resulting in a more comprehensive view of the impact of their interventions on correctional staff. The goal is to provide an outline of these approaches and to explore ways to improve ongoing practices.

Keywords: *Radicalisation, Prevention, Prison, Education, Training.*

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Ref.: 080M22020

THE POSITION OF THE ECHRR REGARDING THE MIGRATORY INTERNAL POLICY OF EUROPEAN STATES: A BACKWARD STEP IN THE PROTECTION OF HUMAN RIGHTS

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It is evident that migratory movements cannot be considered an exclusive phenomenon of the present and past century. In fact, since time immemorial, there have been displacements motivated by an endless number of diverse and varied reasons. However, as far as this century is concerned, we must bring up the worrying data that different organizations are throwing around the migratory movements. In this sense, the United Nations has highlighted that more than seventy million people were forced to move from their homes in 2018. Consequently, human displacement is today a challenge for the international community. This being the case, it is easy to understand the reason why the adoption of an international treaty on the subject was encouraged less than two years ago. We are referring to the Global Compact for Safe, Orderly, and Regular Migration by virtue of which it was intended to reinforce the rights of migrants, as well as to promote international cooperation in this field. However, this tool has been unable to face the challenges that the aforementioned phenomenon generates. In this regard, we must emphasize the complex situation that has been faced by the European continent during these last years, which has been seriously hit by the massive arrival of people from third countries. In fact, the arrival of migrants has reached record figures within the territory of the European Union. Faced with this situation, some Member States have designed

controversial strategies consisting of avoiding the arrival of individuals. Consequently, our main objective is to find out which is the position of the European Court of Human Rights. For these purposes, we understand that it is vital to analyze the sentence issued on the 13th of February as the aforementioned judicial body had the opportunity to rule on the immigration policy implemented by a European country. Not only that. It should be noted that, after a detailed reading of the cited judicial decision, it can be determined how European countries can articulate the corresponding internal strategies without entailing a violation, in the eyes of the ECtHR, of the supranational norms signed. And, with the idea of offering the greatest possible degree of exhaustiveness in this study, we will resort to a particularly relevant previous judicial decision in this area. Within this context, we will be referring to the case *Hirsi Jamaa et al. v. Italy*. Thus, from the analysis of both judicial pronouncements we will be able to conclude if the Court located in Strasbourg consolidates with its last decision a position maintained over time or if, on the contrary, it differs from previously issued resolutions, offering a new assessment that it would affect the way in which European states may confront, in the coming years, the challenges that migratory movements entail.

Keywords: *Migratory Movements, European Court of Human Rights, Principle of Non-Refoulement, Human Rights, European Union.*

AFTERWORD IN PORTUGUESE

AFTERWORD

INÊSVITERBO

Nas palavras de Nelson Mandela, “ninguém conhece verdadeiramente uma nação até que esteja dentro das suas prisões.” Mas a verdade é que as prisões são uma realidade totalmente subterrânea, desconhecida, escondida aos olhos do cidadão comum.

Uma das principais finalidades da pena, expressamente consagrada no Código de Execução de Penas e Medidas Privativas da Liberdade, é a “reinserção do agente na sociedade, preparando-o para conduzir a sua vida de modo socialmente responsável”. Sem embargo, contrariamente ao que o legislador idealizou, as prisões podem ser, não raras vezes, um verdadeiro contexto de des-sociação. E são-no em três camadas cumulativas.

Em primeiro lugar, numa dimensão individual, a pessoa reclusa vê-se privada do poder de decisão sobre as escolhas mais elementares da sua rotina, como sejam as de decidir o que comer, com quem estar e que horas dedicar a que atividade. Coartar essa autonomia a qualquer pessoa é também coartar uma dimensão social de relação consigo mesmo, fundamental ao digno desenvolvimento de qualquer ser humano.

Em segundo lugar, numa dimensão comunitária, a pessoa reclusa vê-se inserida num contexto profundamente marcado por uma estrutura hierarquizada, em que decisões que impactam a comunidade reclusa não são, tendencialmente, tomadas de

forma democrática. Como pode alguém aprender a viver em comunidade se inexistem espaços de diálogo, em grupo, para tomada de decisões acerca de dinâmicas e tarefas comunitárias? Se todas essas opções são impostas desde um nível hierárquico superior?

E por último, numa dimensão soci-etária, mais abrangente, a pessoa reclusa vê-se inserida num contexto deliberadamente isolado da restante sociedade e profundamente desconhecido por esta. Ora, como pode o sistema prisional preparar o indivíduo para um regresso à sociedade se o período de privação de liberdade for vivido, do início ao fim, em segregação? Pode o isolamento de um indivíduo, durante um período prolongado no tempo, ensiná-lo a viver em comunidade? Em muitos casos, essa rutura de laços sociais, familiares e culturais pode ser difícil de restaurar.

Mas o que poderia e deveria ser diferente, então? Como poderia um sistema prisional ser mais eficiente na obtenção das finalidades a que se propõe? Indo mais fundo, à luz de que critério deve ser avaliado um sistema prisional? Serão a taxa de reincidência e os índices de reinserção suficientes? Ainda que estes sejam, em si mesmos, critérios válidos para avaliação dos fins (ou resultados) alcançados, qual será o melhor critério para escolha dos meios a adotar?

AFTERWORD IN PORTUGUESE

AFTERWORD - INÉS VITERBO

O do princípio da normalização, expressamente consagrado como o quinto princípio fundamental das Regras Penitenciárias Europeias do Conselho de Europa, segundo o qual “a vida na prisão aproximar-se-á, na medida do possível, dos aspetos positivos da vida fora da prisão”.

As pessoas que tenham provocado um dano à sociedade – pela prática de um crime – são privadas da sua liberdade para que esse período de reclusão seja uma verdadeira oportunidade [i] para uma maior perceção do alcance do dano provocado, [ii] para uma melhor compreensão de qual a conduta esperada numa vida em comunidade e [iii] para aquisição de ferramentas e competências que ajudem essa pessoa a manter essa conduta socialmente responsável.

É necessário que a vida em reclusão se aproxime, tanto quanto possível, e em termos práticos, de uma vida em comunidade. E esta normalização deve ser vertida nas rotinas diárias, nos espaços, na tomada de decisões. Em que medida deverão e poderão ser oferecidas soluções de reclusão mais normalizadas? Não será excessivo o atual pendor securitário da reclusão, na medida em que o mesmo, ao coartar as mais simples tomadas de decisão diárias e as mais básicas interações familiares, sociais e profissionais, coarta também a necessária reaprendizagem da vida em sociedade? Não será contraproducente um isolamento tão marcado das comu-

nidades locais? Como posso aprender a relacionar-me com algo que me é cada vez mais distante?

A verdade é que um pouco por toda a União Europeia vão surgindo novas soluções de reclusão. Aqui se incluem as “casas de detenção” e as “casas de transição”, estas últimas dedicadas ao cumprimento da fase final de uma pena privativa da liberdade. Por oposição às grandes prisões do século XIX, que tendem a gerir grupos alargados de pessoas em infraestruturas estandardizadas e apartadas das comunidades locais, estas casas para cumprimento de pena – implementadas, com as devidas adaptações, em vários Estados Membros, como Holanda, Bélgica, França, Itália e Malta – são de pequena dimensão, estão inseridas na comunidade e concedem um tratamento diferenciado a cada pessoa reclusa, três características que, não sendo um fim em si mesmas, se revelam essenciais precisamente por permitirem uma normalização da vida em reclusão. Casas pequenas permitem o reconhecimento de cada residente enquanto indivíduo único e irrepetível, a criação de relações pessoais e a conceção de percursos de reinserção individualizados. Casas integradas numa comunidade local permitem – de forma não imediata, mas ponderada e progressiva – a criação e desenvolvimento de laços entre cada residente e a comunidade local. Assim, se permite a desmistificação de alguns

AFTERWORD IN PORTUGUESE

AFTERWORD - INÊS VITERBO

dos alarmismos sociais de perigosidade, o ressarcimento gradual do dano provocado à sociedade – designadamente através de trabalhos prestados pelos residentes, em benefício da comunidade – e o estabelecimento de relações, pessoais ou profissionais, que poderão perdurar e servir de apoio à pessoa reclusa na transição para a liberdade plena. A tudo isto acresce que estas soluções têm vindo a demonstrar melhores resultados na reinserção e prevenção da reincidência e, dessa forma, na construção de uma sociedade mais segura. Haverá oportunidade para que esta solução venha a ser um novo normal na cultura do nosso sistema prisional?

O tempo passa, o mundo muda. Na verdade, tem mudado a um ritmo vertiginoso impulsionado pela contínua evolução tecnológica. O tempo passa, tudo muda e as prisões permanecem, perduram, praticamente imutáveis no tempo, por centenas de anos. Para muitos, a reclusão não passa de uma passagem do tempo. A estagnação dos sistemas prisionais não pode ser um bom augúrio, sobretudo quando contrastada com os avanços notórios que se têm vindo a registar noutros setores públicos. É urgente que uma nova visão para a vivência da reclusão seja adotada, à luz dos tempos atuais. E é urgente que essa visão seja traduzida em formas concretas. Porque, como também disse Nelson Mandela, “uma

ação sem visão é apenas uma passagem do tempo. Uma visão sem ação é apenas devaneio. Mas uma visão com ação tem o poder de mudar o mundo.”

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