RESPONSE OF THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL \(^1\)
TO NOTE CU 2011/26

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The Permanent Mission of Brazil to the International Organizations in Vienna presents its compliments to the United Nations Office on Drugs and Crime and, with reference to the note 2011/26 of UNODC, has the honor to transmit the information received from the Brazilian Government on the best practices in the treatment of Prisoners and the National Legislation concerning the implementation of the Standard Minimum Rules for the Treatment of prisoners.

2. In the Brazilian legal framework, the primary standards to protect the rights of prisoners can be found in the Brazilian Federal Constitution. Article 5, item III, determines that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment", establishing, this way, the treatment to be bestowed upon the prison population. More specifically, item XLVIII of the same article says that "it is ensured to prisoners' physical and moral integrity". Such guarantees, in order to be implemented, need specific laws and actions from the Brazilian authorities, and these efforts have been carried out.
3. An important initiative on the issue will be addressed by the Intergovernmental Working Group on the Standard Minimum Rules for the Treatment of Prisoners, specifically referring to the mandatory issue of a sentence to be served certificate for all prisoners. Such certificate must be issued by the competent criminal authority. This requirement is provided by Law 10.713, of 13 August 2003.

4. Other initiative of the Brazilian Government that deserves emphasis is within the scope of health. In order to homogenize the access and quality of the treatment offered to the prison population, the Health National Plan was created at the National Penitentiary System, through the Interministerial decree No. 1.777/2003 - MS / MJ. The Plan aims to reform and equip with human and physical resources the health facilities within the prison complex. Moreover, it also provides for massive vaccination of prisoners and contains a number of initiatives to increase the level of information, particularly relating to diseases that this population is more susceptible, as hepatitis, HIV/AIDS, tuberculosis, psychiatric disorder caused by imprisonment, diseases resulting from the use of drugs, pneumonia, among others.
5. Actions have been taken to increase the provision of education in prisons. Taking as a reference project "Educating for Freedom", a partnership between the Ministries of Education and Justice and the UNESCO Office in Brazil, several initiatives were prepared to provide education. Among them, Resolution 03/2009 of the National Council for Criminal and Penitentiary Policy, Opinion 04/2010 of the National Education Council and Law 12.245/2010 stand out. Such actions aim at education that allows the continuity of the studies by former prisoners and the possibility of technical learning. It is important to note that there is a requirement, in all prisons, to provide for physical space destined exclusively for educational purposes.

6. It is important to note, in addition, that actions have been taken in order to protect women prisoners and their younger children. Moreover, it is guaranteed by law the right of newborns to stay with their mothers up to six months of age, in facilities destined to that purpose. Regarding the relationship between prisoner mother and their children, the Female Penitentiaries have day care facilities for children up to seven years of age, in order to allow them the necessary proximity. Such rights are safeguarded by laws 11.942/2009 12.121/2009.
7. In order to ensure that prisoners have full access to their rights, a Public Defender is present at the prisons, and provides full and free assistance to the inmates. It is the responsibility of the Public Defender to regulate the enforcement of the sentence (law 12.313/2010).

8. Since 2010, it is possible, in Brazil, according to law 12.258/2010, the electronic monitoring of prisoners. This can happen in cases that the judge rules that imprisonment is not necessary when the offenses are considered light, avoiding, this way, the convict’s contact with more dangerous prisoners.

9. Finally, it is important to mention the National Program for Public Safety with Citizenship (PRONASCI). This comprehensive program also deals with the prison system. PRONASCI represents a change of paradigm in the treatment of public safety in Brazil, as it articulates repressive actions with preventive actions of a social nature, involving the communities in governmental initiatives to face urban crime, in order to rescue their citizenship.

10. The PRONASCI aims to have a close partnership with young people, especially in areas of higher social vulnerability. The intention is to take care of...
young people who have problems with the law or that may be co-opted to criminal activities, young people coming out of compulsory military service, young prisoners or former prisoners of the penitentiary system and young people with severe family problems.

11. Among the main points of the program are the valorization of the public security professionals, the restructuration of the penitentiary system, the combat of police corruption and the involvement of the community in violence prevention.

12. As part of rehabilitation of young people involved in criminal activities, PRONASCI also includes the restructuration of the penitentiary system. Special prisons for young adults were created, where it is possible to separate prisoners by age and type of offense. The measure aims to prevent contact among young people from 18 to 24 years of age, who committed minor crimes, with dangerous prisoners or leaders of organized crime. The prisons also
has educational and professional courses, as well as medical and psychological assistance of social workers. In this way, it aims to provide rehabilitation to the young people who have committed offenses.

The Permanent Mission of Brazil to the International Organizations in Vienna avails of this opportunity to renew to the United Nations Office on Drugs and Crime the assurances of its highest consideration.

Vienna, 29 July 2011.

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