

WOMEN'S PRISON SYSTEM: THE REALITY OF WOMEN IN PRISON

FEMALE PRISON SYSTEM: THE REALITY OF WOMEN IN JAIL

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SUMMARY. The study analyzes the Women's Prison System and the reality of women in prison, listing the conditions that prisoners live in in Brazil. The research has the general objective of presenting the specificities of the execution of the sentence for women; and the specific objectives are: to exemplify prison management measures that ensure the rights of prisoners; list the constitutional rights of prisoners in Brazil and explain the State's duty to guarantee the human dignity of the offender. The female prison population has been growing in recent years and the State has not responded concretely to improve the conditions of the prison structure and ensure respect for inmates. The Criminal Execution Law is clear and guarantees specific treatment for the offender and it is the state's duty to formulate public policies that make it possible to transform the offender's life.

Key words: Women's Prison System. Prison Management. Constitutional Rights. Human dignity.

1. Introduction

Prison management is the way in which the State manages prisons in Brazil through the planning, organization, direction and execution of criminal policies and plays a central role in the recovery process of inmates. However, there are many structural flaws and even in relation to the resocialization of prisoners that make life difficult for those incarcerated and that end up having an impact on society.

The female prison system presents many problems arising from poor administration and lack of prison policies that benefit prisoners in Brazil, therefore, conditions in prisons are unfavorable to the prisoner's recovery process, making it difficult to execute the judicial decision.

There are many norms that typify prison management in the female prison system, but they are not always put into practice to bring about visible social changes. What measures can be taken to improve the functioning of women's prisons in Brazil? Prison management measures are important measures to resolve the problems encountered in prisons and enable the reintegration of the offender into common social life. The reality of imprisoned women in Brazil is often inhumane as there are unsanitary and indignifying conditions in prisons and the rules of execution

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criminal penalties are not implemented as typified. The general objective of this research is to present the specificities of the execution of the sentence for women; and the specific objectives are: to exemplify prison management measures that ensure the rights of prisoners; list the constitutional rights of prisoners in Brazil and explain the State's duty to guarantee the human dignity of the offender.

This study is of a bibliographic nature and is relevant for understanding the conditions experienced by inmates in the female prison system. In this way, it contributes to the knowledge of prison management in Brazil and specifically about the peculiarities presented in female prison. This research is justified by the need to understand the topic and the interest in understanding more about the stay of women in women's prisons.

2 Theoretical foundation

Brazilian prison management has its peculiarities in the context of women's prisons, the Brazilian legal system determines that different regimes are mandatory for men and women when executing sentences. Therefore, it is important to understand the conditions that Brazilian prisoners live in and establish a relationship with fundamental rights and criminal norms.

The Criminal Execution Law is the main rule that regulates the execution of sentences in Brazil and presents particularities in relation to female prisoners, establishing fundamental measures for recognizing women's specific conditions. Like this,

Art.82. Penal establishments are intended for convicts, those subject to security measures, provisional prisoners and ex-prisoners.

Paragraph 1. The woman and the person over 70 years of age will be taken separately to their own establishment, appropriate to their personal condition. (BRASIL, 2019, p.209).

The Penal Execution Law deals with the distinction between establishments for men and women in order to ensure the physical and mental integrity of the prisoner, considering gender as a factor to differentiate serving the sentence.

Up to.83. The penal establishment, depending on its nature, must have its facilities with areas and services designed to provide assistance, education, work, recreation and sports.

Paragraph 2. Penal establishments intended for women will be equipped with a nursery, where convicts can take care of their children, including breastfeeding them at least up to 6 (six) months of age. (BRASIL, 2019, p.209).

A peculiarity of criminal execution in women's prisons is the possibility of establishments having nurseries to cover the period that the prisoner is in.

breastfeeding and guarantee a first emotional bond that is important for the child's development and also for the prisoner's social recovery.

Since the consolidation of the prison institution as a form of punishment for criminalized conduct, the penalties imposed on men and women have always been different. The penalty imposed on men had the function of awakening the need for work, making it functional to the means of production, and as far as women are concerned, its role was to socially reframe them within the paradigms displayed in society (CURY; MENEGAZ, 2017, p .two).

The penalties imposed on men and women from the beginning are different punishments considering the specificity of each gender. From this perspective, criminal sanctions for women, in addition to legal purposes, aim at a common parameter of behavior in force at each time.

There are many structural problems in women's prisons in Brazil that have bad consequences and hinder the resocialization of inmates. A major problem currently faced is the overcrowding of prisons, in some cases there is no consideration for cell limits, unhealthy environments and no adequate space to house many prisoners.

Thus, the overcrowding of prisons in the face of large numbers of the prison population in Brazil reveals to be a problem that is independent of the destination of the prison establishment and exposes the emergence of the Brazilian Prison System in both male and female penitentiaries. (PEREIRA, 2015, p.43) .

The precarious conditions of prisons, overcrowding, unsanitary conditions and the lack of a more suitable structure for serving the sentence make the prisoner's resocialization process difficult and demonstrate the need for changes in the prison reality both in the structural sphere and in relation to actions aimed at recovery of prisoners.

There are enormous problems in the Women's Prison System that cause serious pathologies and/or aggravate illnesses, the imprisoned woman is often abandoned and marginalized by her own family and the resocialization process is not carried out as determined, bringing negative results to the life of the prisoner and to the society.

The health of female prisoners is a major challenge for the Women's Prison System, prisoners are susceptible to many diseases that can be acquired in prison caused by the unhealthy environment or even sexual contact. Therefore, it is necessary to implement more health policies that enforce the rights of incarcerated prisoners and enable the law to be enforced.

Furthermore, female criminals are accused by society of being double transgressors: of the law and of social gender prescriptions that position men as violent and not women. If a woman with a child commits an illicit act and is taken to prison, she will be judged much more by society than a man in prison.

same situation. The fragility of the feminine, the purity of motherhood and submission to her partner are still expected from women today (CARVALHO; CARDOSO, 2019, p. 16).

The prisoner is punished twice for any crime committed. In this way, there is punishment through standardized legal means and following the normal course of the criminal process and criminal laws and also a sanction referring to people's social judgment, society finds violent behavior committed by women unusual.

Of the women who decided to commit crime, many are introduced to crime by their husbands and partners who already have links with drug trafficking. Currently, this type of crime after the change in the law on heinous crimes is one of the biggest reasons for female incarceration in Brazil. (ZANINELLI, 2015, p.62).

Drug trafficking is currently the main cause of incarceration in Brazil and women often commit the crime under the influence of their partner or husband. In this way, female incarceration in Brazil is a measure to prevent the drug trade and present new alternatives and perspectives for female prisoners.

There is a problem in recognizing women's crimes in Brazil, as society still misunderstands women's behavior, making it difficult to progress the criminal process and even the sanction itself and possible social recovery (MACHADO, 2017).

Prison management measures are important to guarantee the functioning of the rules on the rights and duties of women prisoners, enabling the implementation of what is established by law, however, there are problems in the execution of criminal policies that reveal the lack of investments and new policies that promote the social reintegration of the prisoner.

In this way, the social reality experienced by incarcerated women, during almost the entirety of their lives, is marked by the naturalization of inequalities, mainly economic, racial and gender, causing them to incorporate them as intrinsic and unaltered, thus resulting in a decision-making process. awareness that is attributed by dominant ideologies, which perpetuate the discrimination and subordination of historically oppressed segments of the population, such as the poor, black people and women. (SILVA, 2015, p.52).

The lives of Brazilian prisoners are characterized by social and economic disparity, poor and black women are more affected by the deprivation of liberty, demonstrating the discriminatory nature of the State. In this sense, the State itself does not respect the standards regarding human rights, which is very detrimental to the transformation of the prisoner's reality. Prisoners have several rights listed in the Federal Constitution regarding their status as women. Fundamental rights are norms that deal with the dignity of the human person and aim to bring humanization to the treatment given to offenders. Like this,

XLIX-Respect for physical and moral integrity is guaranteed to prisoners
 L-The prisoners will be ensured conditions so that they can remain with their children during the breastfeeding period;
 LXIII- The prisoner will be informed of his rights, including that of remaining silent, and will be assured of assistance from his family and lawyer;
 LXIV- The prisoner has the right to identification of those responsible for his arrest or police interrogation. (BRASIL, 2016, p.16).

The constitutional norm provides a series of rights for prisoners and which are explained in other criminal and criminal procedural norms that emphasize fundamental rights and expand a range of guarantees that comply with the principle of human dignity.

In addition to being in disagreement with the provisions of the criminal execution law, the Prison System today reveals its inefficiency in complying with the laws, as well as acting in disagreement with signed international treaties. The growth of the female prison population is latent while the supply of places and own units have not kept up with these rates. (KLANOVISK; BUGAI, 2019, p.88-89).

The Criminal Execution Law is not being implemented as typified, there are many deficiencies in relation to the structure and the activities related to public functions that need to be improved, such as educational management within women's prisons.

The LEP is the main standard that deals with the fulfillment of sentences in Brazil, but it is not being effectively fulfilled, prison management does not follow the needs of women's prisons, neither in relation to the physical conditions of the prisons nor in relation to care and educational practices in the prison. Brazilian prison system.

Although it is necessary to develop public policies aimed at women in prison, we face the problem of ensuring social and fundamental rights through prisons and simultaneously failing to realize these rights through social policies. Therefore, the risk of this logic lies in the strategy of turning prison – which is an instrument that violates human rights – into a way of guaranteeing basic rights that the State does not do beyond the prison walls. (BRAGA; ALVES, 2017, p .310).

Prison policies are relevant to resocialize prisoners in Brazil, but basic social rights must be maintained in the prison itself. In this way, there is the possibility of the State implementing social policies in prison and not implementing these same rights outside of prison. The contradictions involving the State are many and demonstrate that there are still many measures to be achieved. Prison policies are implemented, but not in full and resocialization is compromised, there is a need to implement fines measured in the educational, assistance and even legal spheres to increase the prisoner's possibility of seeing new perspectives and being able to rescue their dignity (FRANCE , 2014).

Prisoners in Brazil live a difficult prison reality with poor conditions that are harmful to their health, physical and mental integrity and are even abandoned by their family. Thus, criminal execution

is harmed by not fulfilling its central role, which is the social reintegration of the prisoner into common conditions.

Women, even though they represent a small portion of the male prison population, are treated with a certain indifference, not to say inferiority, since in the penitentiary environment they do not enjoy equally the care provided to men. female prison, the resocialization process appears to be even more complex (FRANÇA, 2014, p.219).

The prison system still reflects gender inequality and female inmates do not receive the same treatment as men in many situations and this results in greater difficulties in their social reintegration.

There are many measures that can be taken to improve the functioning of the prison and are included in the criminal execution law itself, lacking only more efficient actions by the State through more humanized prison policies aimed at the real social recovery of the prisoner through education.

Education can benefit inmates, especially women, who face various challenges in the search for independence. The fact is that a large proportion of incarcerated women do not enjoy the right to education due to extensive failures of the public authorities and the State's lack of interest in structural and professional investments, confirming an intense scenario of exclusion already practiced in prison spaces. (SOUZA, 2019, p.28).

It is important to emphasize that Brazilian prisoners have many rights in criminal law, but they do not present themselves as they should in prison practice, therefore, it is essential that the State commits to fully implementing the prisoner's rights.

The Brazilian prisoner serves her sentence in the Brazilian prison system without her basic rights guaranteed, demonstrating the State's disregard for compliance with the rules. In this way, prison management must be more efficient from an administrative point of view and prison policies must be better designed and implemented in prisons.

The Brazilian State is capable of ensuring standards relating to prisons and the execution of sentences, but there is a need for greater commitment on the part of government officials and the concrete implementation of prison policies.

Brazilian prisoners have rights and duties guaranteed in the Brazilian legal system. However, there is a lack of more investment to improve prison infrastructure, better conditions for prison managers and employees to work and planning of public prison policies. It is essential to guarantee the rights of prisoners in the female prison system so that there are possibilities for imprisoned women to recover their self-esteem, transform their reality and have a life with dignity.

Final considerations

The prison reality for women in Brazil is difficult and brings harmful consequences to the lives of inmates and consequently to society, as the resocialization process does not happen as it should and is determined by Brazilian law.

Management in women's prisons has its specificity, as the Penal Execution Law and other laws relating to the subject make differences in the fulfillment of sentences for men and women. Thus, in women's prisons there are particular prison policies for women, such as the possibility of breastfeeding in prison.

The conditions in women's prisons demonstrate great precariousness in the system, there are unhealthy environments that are even disproportionate in relation to cell space, requiring urgent measures from the State.

Public prison policies are not implemented as typified in the rules and make it difficult for the prisoner to recover. In this way, there is a lot of damage to the life of the prisoner and also social losses that are caused and transform prison overcrowding into a common practice.

It is necessary for the State to execute the Criminal Execution Law correctly and implement prison policies as determined, presenting prison management that fully implements the actions essential to the recovery of the prisoner.

The Brazilian Prison System has many flaws that can be reduced with planning and an administration that adequately implements measures that ensure respect for the human dignity of the prisoner.

The reality of prisoners can be changed with effective public policies that guarantee the rights of these women, accepting gender specificity and transforming social reality.

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