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Introduction

Resocialization is conceived by Brazilian legal provisions as one of the functions of the custodial sentence. However, the serious prison problems faced by Brazil lead us to reflect on the efficiency of the prison system's actions in the resocialization of incarcerated individuals (BITENCOURT, 2012).

In Brazil, the current reality of prisons makes the resocialization process difficult and ends up representing an obstacle to achieving this goal. However, despite the difficulties, the resocializing ideal must not be abandoned, but rather rebuilt, through efficient public policies and prison management that prioritizes the guarantee of rights and assistance recognized in the Penal Execution Law (LEP) and international treaties of human rights to which the country is a signatory (BARATTA, 2007; DEPEN, 2016).

Reflecting on resocialization in prison means thinking about possibilities for personal transformation during and despite serving your sentence. It is necessary to offer people deprived of their freedom mechanisms for change. Such mechanisms are represented, primarily, by the guarantee of fundamental rights, providing opportunities for the development of the arrested person and their resocialization, minimizing the chances of criminal recidivism (CARVALHO, 2012; CASTANHO, 2019).

In this sense, education being a fundamental right, essential to the very existence of the human being as a social being, being closely linked to the free development of the personality and the dignity of the human person, acting as a condition for the exercise of all other rights and for the recognition of the individual as a subject of rights, it presents itself as a fundamental element in the socialization and resocialization of all individuals.

Resocialization and the right to education

The right to education is considered a fundamental right, playing a preponderant role in human development, with people not being deprived of their freedom and excluded from access to this right (DEPEN, 2016; JULIÃO, 2009; SEN, 2010).

Zenni and Félix (2011) conceptualize education as the dynamic that enables human beings to move from a state of sensitively common mentality to a conscious mentality. In his words, it means “leaving a fragmentary, incoherent, passive and simplistic conception, to assume a unitary, coherent, articulated, intentional, active and cultivated conception. Educating is evolving, empowering dignity” (ZENNI; FÉLIX, 2011, p.173).

In this sense, the authors consider education as the process that allows individuals to develop, becoming a subject prepared for the elaboration of critical thinking, not passively giving in to ideologizations and building their dignity as a person (ZENNI; FÉLIX , 2011). From this conception, they alert to the influence of educational action not only on human beings themselves, but also on others aspects that affect society:

> If in the process of education it is that the cognitive capacity of man's being expresses him as a metaphysical being, who envisions ends and builds his dignity, certainly such a phenomenon starts to exhaust criminality, stop violence, channel energy for the good and the ethical, make coexistence is a fair and human union, even giving meaning to the constitutional promises of building a fair, fraternal and supportive society (ZENNI; FÉLIX, 2011, p.178).

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The relevance of education in people's lives and society is so evident that Gadotti (2010) points out it is unnecessary to discuss this importance, considering its obvious need for the exercise of citizenship, for work, to make individuals more autonomous and happier; being, therefore, something indispensable for the "survival of human beings" (GADOTTI, 2010, p.41).

From this perspective, education is a fundamental right, essential to the very existence of the human being as a social being, being closely linked to the free development of the personality and the dignity of the human person, acting as a condition for the exercise of all other rights and for the recognition of the individual as a subject of rights, thus being enshrined as a "synthesis right". Rizzi, Gonzales and Ximenes (2011, p. 19) discuss this issue:

> In addition to its importance as a human right that enables a person to develop fully and continue learning throughout life, education is a public good for society, as it enables access to other rights. Therefore, education is a very special right: an "enabling right" or "synthesis right". And do you know why? Because a person who goes through an adequate and quality educational process can demand and better exercise all their rights.

In the same direction of thought, Scarfó (2013) considers the integral development of the individual as the main purpose of education and calls it a "key" right, as it enables knowledge of other rights and contributes to their guarantee.

Falcade (2019), corroborating these ideas, points out that education is a right that enables improvements in human development. Therefore, public policies that prioritize inclusive, equitable and quality education are essential, as well as promoting lifelong learning opportunities for everyone, including the prison population (FALCADE, 2019; UNDP, 2016).

For Bittar (2004), education is an essential issue for the development of human personality, being deeply related to the principle of human dignity, with the State having the duty to ensure it to all subjects. Thus, the author says in his words:

> The right to education carries within itself the characteristics of personality rights, that is, it is a natural, immanent, absolute right, opposable erga omnes, inalienable, unseizable, imprescriptible, inalienable [...], not subject to the whims of the State or the will of the legislator, as it is something inherent to the human personality to develop, according to the human structure and constitution itself. With regard to education, guaranteed constitutionally, the holder of this right is a person of any age, whether or not they had access to compulsory education at the appropriate age. The subject of this right is the individual and the subject of the duty is the State (BITTAR, 2004, p. 158).

The term human dignity is based on the idea that the individual, as soon as he is born, carries with him a range of intrinsic values that will last until his death, and must enjoy a position of respectability, recognized and legitimized by the entire society (BITTAR, 2004).

In this sense, when an individual is deprived of access to education, the principle of human dignity is violated, as the absence of an educational act harms the construction of citizenship and removes the individual from access to other rights and basic conditions of life. , such as work and the acquisition of goods and services necessary to maintain a good quality of life (FREITAS, 2015).

In addition to the concepts of these authors, it is pertinent to highlight the vision of DEPEN (National Penitentiary Department) on education, according to its Management Model:

> The right to education is considered a subjective and inalienable right of any citizen. However, in addition to defending this right, a defense that is essential to advance its reach even among those populations who are denied citizenship rights, education must be understood as a value in itself, or as a form of community participation. humanity in the world, or, in the words of Paulo Freire, as a practice of freedom (Freire, 1967). From this perspective, the guarantee of that right for people deprived of liberty is part of an even broader conception of education, that is, education as an organizing principle of multiple forms of human sociability, generating values and relationships, paths of emancipation and coexistence (DEPEN, 2016, p. 84).

Based on these approaches, education is conceived as a right for all, arising from a Social State that aims to ensure material well-being for all individuals, seeking to help them physically, economically and socially. Advancing this reflection, it is worth highlighting that the subject deprived of freedom preserves

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all other rights not achieved by the sentence and, therefore, have the right to education, and the State must ensure this condition (ALBERGARIA, 1996; BITTAR, 2004; FREITAS, 2015).

Therefore, it is important to analyze that the Brazilian legal system contains several legal provisions that aim to preserve the dignity of the arrested person. Such determinations are found in the Criminal Execution Law, the Penal Code and the Federal Constitution.

The Federal Constitution brings the dignity of the human person as the foundation of the Democratic Rule of Law, prohibiting cruel, perpetual punishments of death, torture and guaranteeing respect for the physical and moral integrity of individuals deprived of their freedom (BRASIL, 1988 , articles 1 and 5). Such issues are also included in current criminal laws, with provisions in the LEP that seek to implement these guarantees.

Furthermore, Brazil is a member of the United Nations, a signatory to the American Convention on Human Rights and other relevant international instruments for the protection of prisoners and respect for human rights, being subject to a regional and global human rights protection system, the which demand attention and care directed to the prison population, having established guidelines to be followed to preserve rights not achieved through deprivation of liberty (BETTIM, 2018).

The human right to education is provided for in the Universal Declaration of Human Rights, in its article 26, and proposes the complete development of the human person and the appreciation of human rights, corroborating that incarcerated people, like other human beings, have the right to education (CARREIRA, 2009).

In this sense, the author highlights that "human rights are universal (for everyone), interdependent (all human rights are related to each other and none is more important than another), indivisible (they cannot be divided) and enforceable by the State in legal and political terms" (CARREIRA, 2009, p. 10).

The right to education is also expressed in the international document: Minimum Rules for the Treatment of Prisoners, approved by the UN Economic and Social Council in 1957, and covered in more detail in the previous chapter. However, at this point, it is pertinent to highlight that this regulation provides for entry into education for individuals serving sentences in a closed regime, ensuring that actions need to be taken with the aim of improving the education of subjects deprived of their liberty (CARREIRA, 2009; ONU, 1977).

Among the Brazilian legal diplomas, in addition to those already mentioned, there is the National Education Guidelines and Bases Law (LDB) nº 9,394, of 1996. This law defines the education of young people and adults as that aimed at people who did not study at the appropriate age or were unable to continue studying, whether in elementary or high school. The education of people deprived of liberty in the penitentiary system is part of the so-called education of young people and adults, which regulates the right provided for in the Brazilian Constitution of 1988, which conceives Elementary and Secondary Education as a guarantee for all (HENRICH, 2017).

For Freire (2011), education for young people and adults must be carried out with the free and critical participation of students. By free we mean offering a mechanism that allows you to overcome conditions of oppression and alienation. Criticism, on the other hand, represents the possibility for the individual to reflect on their reality, discussing their problems, as well as their insertion in this issue and the ability to dialogue with others. This would mean an education that develops in the student the ability to engage with their reality, to then be able to reflect, question and dialogue. Such capacity is essential to social participation and democracy and, consequently, to development.

It is worth mentioning that some changes made to the LEP, through Law No. 13,163/2015, expanded the obligations related to the right to education, incorporating, in addition to the duty to ensure elementary education, already provided for, the obligation to offer secondary education to convicts : "Art. 18-A. Secondary education, whether regular or supplementary, with general training or secondary-level professional education, will be implemented in prisons, in compliance with the constitutional precept of its universalization". However, the LEP still does not require the provision of higher education in prisons. In your art. 83, the LEP defines that the penal establishment must have a place on its premises to carry out educational activities (BRASIL, 1984/2015).

Therefore, the implementation of these educational devices in prisons concerns compliance with legal and constitutional precept of universalization of education, configured as a duty of the State.

In the same direction, Law nº 172/2001 – National Education Plan, foresees in its goal 17 to implement, in all prison units, education programs for young people and adults at primary and secondary level and, in its goal 5, it guarantees the supply of didactic-pedagogical material (BRASIL, 2001).

In order to seek more engagement among prisoners and recognize the importance given to educational actions in the prison environment, Brazilian criminal legislation includes the possibility of remission of the sentence, which deals with a possibility of reducing the days of incarceration by working time and/ or study carried out in the penitentiary system (DEPEN, 2016). Law No. 13,163/2015 – which amends the LEP – provides for the possibility of the

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educational activities be redeemed from the time of the sentence, in the proportion of one day of sentence for every twelve hours of study, and these twelve hours must be divided into three days (BRASIL, 2015).

> Art. 126. A convict serving his sentence in a closed or semi-open regime may redeem, through work or study, part of the time spent serving his sentence:
> § 1st The time count referred to in the caput will be done at the rate of:
> I - 1 (one) day of sentence for every 12 (twelve) hours of school attendance - primary, secondary, including vocational, or higher education activity, or professional requalification - divided into at least 3 (three) days . (BRAZIL, 1984/2015, sp).

Another important change caused by Law No. 13,163/2015 is described in its article 21, which provides for the implementation of libraries for all inmates, equipped with instructional, recreational and didactic books. With the modifications incorporated into the LEP, it is clear that there is an attempt to expand the education process in the Brazilian scenario, revealing a State policy concerned with ensuring and expanding the access of people deprived of liberty to the right to education (SARAIVA, 2018). This is what can be inferred from article 21-A, which establishes the carrying out of a penitentiary census to determine the level of education of prisoners and prisoners, confirmation of the existence of courses at primary and secondary levels, as well as the number of people served by formal education, in addition to professional education at initial and advanced levels, and the existence of libraries and other data that are relevant to educational improvement.

Education in prisons must have the same values and requirements as the regular network, with equal workload. Schools and courses provided to people deprived of liberty must be associated with the state or municipal education system. These guidelines aim to avoid harm to the continuity of studies when the prisoner leaves the prison system (BRASIL, 2015; HENRICH, 2017).

Julião (2006), researching the role of education as support for social reintegration in criminal enforcement policy, argues that education is a preponderant tool in this process, as, in addition to the benefits of school instruction, the prisoner can participate in opportunities adequate to encourage a change in their conception of the world, contributing to the constitution of their critical sense, especially resulting in knowledge of the value of freedom and improving conduct in prison life.

In the same sense, Onofre (2011) considers that education practiced in spaces of deprivation of freedom, in which the protagonism of each individual is extracted from them in favor of state control, should avoid and prevent the usual conceptions of making education an instrument for adapting each subject to the rules of containment and discipline that characterize living in the prison environment. Thus, if education has socializing functions, these must allow the construction of safe, healthy and dignified forms of coexistence, unlike the training attempts that characterize so much of the history of education in Brazilian prisons.

Another important aspect is the recognition of the specificities that mark the moment in the lives of students in educational programs carried out in prisons. This moment is marked by the deprivation of personal relationships, the deprivation of rights and, above all, the deprivation of civil freedom, conditions that will exert daily influences on study habits and school participation (DEPEN, 2016; ONOFRE, 2011; MIRANDA, 2016; SILVA, 2016).

Finally, considering that prisons are places where young people and adults who have reached the age of majority are sent, the provision of education in prisons must be understood from the perspective of continuous learning throughout life, learning that requires considering the paths and knowledge already covered, without losing sight of the need for integration between the social use of knowledge and school content, that is, its practical and functional dimension, and the symbolic, representational, cognitive and personal uses that are also present in the act of learning (DEPEN, 2016; SILVA, 2016).

Based on the issues listed and in accordance with the conception adopted by DEPEN itself, in formulating its management model for public prison policies, it can be understood that the practice of education conceived by penitentiary policies is not restricted to schooling. The exercise of education in penal establishments advocates the integral development of the individual, through activities and routines that mark daily life in an institution of deprivation of liberty, so that this routine is established taking as a parameter respect for the dignity of life and of the relationships between all subjects who interact in the prison environment (DEPEN, 2016; SILVA, 2016).

In this sense, it is necessary to understand that education is not an isolated process, nor restricted to the school environment, nor stagnant and destined exclusively to the socially constructed concept of school age,

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summarizing the periods of childhood, adolescence and youth, becoming a central point in education policies for people deprived of liberty (SILVA, 2016).

Reinforcing this thought, of overcoming the conception of the "right" age to attend school, the position of UNESCO and the Ministry of Education stands out:

> The role of lifelong learning is critical to solving global issues and educational challenges. Lifelong learning, "from cradle to grave", is a philosophy, a conceptual framework and an organizing principle of all forms of education, based on inclusive, emancipatory, humanistic and democratic values, being comprehensive and an integral part of the vision of a knowledge society (UNESCO; Ministry of Education, 2010, p. 06).

Thus, the understanding that education occurs throughout life is adopted, allowing an integral, which goes beyond learning needs and their uses, reaching a liberating dimension that promotes human, personal and collective development. Taken from this perspective, the provision of education in prisons, although ensured by the Penal Execution Law since 1984, was regulated and had its purposes updated based on Resolutions No. 03 of the National Council for Criminal and Penitentiary Policy, of March 11, 2009. , and No. 02, of the National Education Council, of May 19, 2010, and Law No. 13,163/2015 (DEPEN, 2016; MIRANDA, 2016).

Such regulations aim to provide for the responsibilities, forms and purposes of offering education in prisons, marking the incorporation of educational practices under a vision that goes beyond schooling and affirming the segment of Youth and Adult Education as a paradigm of action to be implemented by the states, which are responsible for linking education systems to prison management (DEPEN, 2016).

Furthermore, studies in the area, such as those by Onofre (2011), Julião (2009), Miranda (2016), Silva (2016), among others, show that education in prison generates interactions between individuals, promotes situations of life with better quality, recomposes identities, values marginalized cultures, promotes affective networks and allows the (re)conquest of citizenship. In this way, even though inserted in a repressive space, it enhances educational processes beyond school education, highlighting the role of educators as important actors in the construction of spaces where the imprisoned can (re)signify the world as something dynamic and unfinished. .

According to Julião and Onofre (2013), in recent years there have been some advances in Latin America and specifically in Brazil, in terms of ensuring the right to education in the prison environment; however, there is still a long way to go in terms of integrating and articulating actions that can effectively create conditions that contribute to improving the situation of prison units, allowing them to fulfill their role as educational institutions.

From this perspective, Julião (2009) points out that the individual in a situation of deprivation of liberty carries memories and experiences, sometimes negative, of situations they went through before and during their trajectory in the life of crime. Research carried out by the author reveals that, among the convict's expectations for the future, the desire to start a new life stands out, in which he can work, go back to school and build a family. However, studies on criminal recidivism indicate that such expectations end up, most of the time, frustrated by labels (stigma of "ex-convict"), by unpreparedness in taking on professional activities, by distortions of worldview that they inevitably acquire in society of captives.

Based on these findings, it is essential that public prison policies and educational programs aimed at people deprived of liberty take into account the present/past/future relationship, considering:

> [...] the daily life that reveals the bases of what is possible, but still brings the past embedded, as memory and incorporation of experiences. His expectation of the future is something that must also be considered, and education can offer conditions so that he can live, in the present, with different circumstances, knowing when to show himself or hide, to speak or to remain silent, to protect oneself to survive (JULIÃO; ONOFRE, 2013, p. 55).

The conception of education as a human right - conceived as an axis that leads to recognizing the individual in a situation of deprivation of liberty as a subject of rights, has not been made viable in its starting point, making the ends of education in prison units distinct from the ends of pity. For much

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Over time, penitentiary systems prioritized focusing on the imperatives of punishment, discarding the possibilities of promoting within them social practices that promote educational processes. Reversing this issue is essential to achieving the ideal of education for all, for life, since the recognition of citizenship of those deprived of liberty is the starting point for defending their educational rights (JULIÃO; ONOFRE, 2013).

As a result, penitentiary public policies formulated in recent years, such as the PNPCP (2016-2020) and the management model for prison public policies, signal an attempt to overcome this issue and provide the same reserved dedication to the resocializing purpose of punishment. to the punitive function, assuming the importance of education in this process, even more so, given the profile of the Brazilian prison population (BETIM, 2018; JULIÃO; ONOFRE, 2013).

The conception adopted in these planning and management instruments places the right to education in prison systems as an instrument of emancipation of the individual, something that enables him to obtain autonomy and responsibility in leading his own life, which allows him to continue his studies and receive a official certification so that you can get a decent and fairly paid job, which will allow you to live your citizenship. In this sense, the authors say:

> Education must be present in all spaces, as a system and not as a compensatory program – in this sense, it is not a special or second-class education. Quality is an issue that must prevail in all spaces, as it is a right. Therefore, the educational function and the security function are dimensions that must be addressed in their specificities, and the second cannot overlap the first, nullifying its meaning and significance. (JULIÃO; ONOFRE, 2013, p. 63).

Public policies for education in prison spaces must, therefore, consider the uniqueness of this environment, administered through standards and rules that must ensure the regularities established by the principle of security and the specificities of the subjects who are there (ONOFRE, 2011 ; SARAIVA, 2018).

The majority of the prison population is made up of individuals who throughout their careers have been deprived of fundamental human rights, and the prison, as a resocializing institution that it is, must ensure the right to education for inmates and contribute to the process of building a project of life that allows them to continue the process of socialization and education throughout their lives (JULIÃO; ONOFRE, 2013; SARAIVA, 2018).

Therefore, given the characteristics of the prison and the social situation of the subjects who live there, understanding the space where the school is located, in order to establish an educational strategy that takes into account the complexity and uniqueness of the institution, presents itself as an elementary factor (JULIÃO; ONOFRE, 2013).

Based on these assumptions and considering the current situation of the penitentiary system, providing spaces with adequate infrastructure, intended for school and non-school activities, presents itself as a challenge, since in some penal establishments the places intended for these purposes are adapted and Some prison units still do not have the structure to guarantee the right to education for inmates. In this sense, one of the goals established by DEPEN in its management model is the expansion of educational spaces, prioritizing the transfer of resources to projects for this purpose (DEPEN, 2016).

For Sacarfó (2013), the challenge that arises is to provide opportunities for mechanisms and convergence of actions by all those involved, in an education conceived as a human right and the strengthening of school education in dialogue with other social practices, which are translated into investments in building successful life trajectories. It is therefore necessary to conceive education from an indispensable and priority pedagogical perspective, attributing equality of values to education developed in establishments.

ments, consisting of educational practice aimed at building values, freedom, integrity personal, equality between people, tolerance, participation, justice, solidarity, respect for agreements, listening to others, expression without aggression, exercising constructive criticism and reflecting on everyday life.

For Zaffaroni (2015, p.79), the Brazilian challenge is to put into practice the rights guaranteed by norms and laws:

> [...] this compensatory effect of education, in a standardized perspective, hides the denial of rights, as access to education in Brazilian prison spaces presents flaws with regard to human dignity, and a denial of education for the popular classes. Thus, a very small portion of this population

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is met, this means that the policies are in a "marginal region", limited to "discursive attitudes" that remain far from the concrete reality of Brazilian society, reinforcing the idea that there is an attitude, but these are merely marginal.

In this way, talking about the right to education is more than organizing a process of literacy and acquiring notions of calculation, it is also promoting an integrated educational program that respects the uniqueness of each person and builds a life project with them. It is a global process that gives meaning to the past, offers tools to formulate individual projects in the present and gives new meaning to future perspectives (ONOFRE, 2011).

Final considerations

The function of the prison system to ensure the right to education is an unquestionable fact, and this is a right considered decisive in the resocialization process; more than that, it presents itself as an intrinsic element in the search for an efficient penitentiary system and, therefore, indispensable for improving the prison problem faced by the country (JULIÃO, 2009).

However, for all of this to be implemented and for there to be an expansion in the capacity of the prison system to ensure the right to education, the interest and political will of the State is necessary, in addition to the engagement of civil society. Thus, the State acts to guarantee access to education on a permanent basis, and civil society collaborates in reinforcing State action to guarantee the exercise of the right to education for these people, promoting public debates on the exercise of education in prison (SCARFÓ; BREGLIA; FREJTMAN, 2011; ZAFFARONI, 2015).

In this way, the State has the responsibility to promote practices to strengthen and control public policies so that basic human rights are guaranteed, with equality for all individuals, including those who are deprived of liberty. Such policies must be evident in daily prison life, making this institution an educational space, with education being one of the fundamental axes of the resocialization process.

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