

Submission to OHCHR Universal Periodic Review

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1.

The Brazilian prison system is aimed at the rehabilitation of human society. It is not a punitive law, at first, considering that by the rules of the legislature, with a view to fulfilling the penalty established by the judiciary, the individual will return to society. This return is a fact, and how would society prefer to receive such individual? The inverse question is also necessary: How can a person who has been freed after serving their sentence, imagine their return to society? We can gauge a response by the high rates of recidivism in our country that frustrate the expectations of both sides regarding the rehabilitation of the individual to society.

2.

According to the legal project developed with the incarcerated population, in the coastal Baixada Santista region of São Paulo, it's been noted that for many problems, whether structural, state, political or financial, the legislature's objective is not achieved. A person who has served their state imposed sentence faces a usurpation of rights, among a broad range of other difficulties, which prevents the rehabilitation that society would hope for.

3.

With this in mind, the focus of this document is the incarcerated female population, which has always called us the most attention, given that we don't even have any cataloged records of this population. This audience is so excluded that is inserted in the male public records, regardless of their particularities, because these are not observed. This causes extreme difficulties in even the daily lives of female ex-convicts and the people living with them, compromising basic principles of human dignity.

4.

The project "Women in Prison", developed in the years 2000-2008, continues to portray an unfortunate current reality faced by the female prison population attached to two Police Districts in the coastal region of the State of São Paulo, the most developed state in Brazil. The proper place for the execution of a sentence would be a prison or a provisional detention center, but by the time the project was developed, the possibility of construction was only a concept, despite the NGO holding a public hearing to draw attention to this pressing need. Today, while the

Women's Provisional Detention Center, a complex of prisons in the city of São Vicente is under construction, there are still no sufficient plans underway.

5.

Thus, women continue to serve their sentences in public jails, which are always overcrowded. In addition to having poor structural conditions, the high humidity causes the spread of various diseases, such as tuberculosis, scabies, etc., a recurring problem in Brazilian prisons in general. In this regard, during the execution of the NGO project, an infestation of pigeon lice was discovered, which occurred in the two jails in the area, and the IEPAs, in partnership with the Ministry of Health at the time, was able to change all mattresses used by inmates.

6.

Regarding the usurpation of rights, the state lists many restrictions on conjugal visits to detainees, ostensibly to allay concerns of "a mass pregnancy" in the prison system. As a result, some women who already have their defined sexual orientation, lacking the right to conjugal visits with their husbands, boyfriends and / or sexual partners end up having sex with other women during their confinement.

7.

With regard to women who are pregnant and/or breastfeeding, from the time of their arrest and/or their children's birth, these women are not allowed to breastfeed their children, not even to pump and deliver their milk to the babies even as some are transferred into the aforementioned state of São Paulo, making coexistence of this population with their families, even more difficult, thereby further precluding their re-socialization.

8.

As a corollary, administration of medications to women who need them barely occurs within the prison establishment. The bond between the health unit and the patient is broken from the time of arrest until the detainee is taken to the medical center. By the time the state reestablishes the treatment the patient had before being stripped of their freedom, that person will have been transferred to another prison or have served the sentence.

9.

Perhaps one of the saddest and harshest realities faced by these incarcerated women is the removal to progress from a lighter regime, when removed from the closed system for the semi-open. In our region, a Provisional Detention Center is still under construction, disassociated from a police station, so that women have a specific place to serve their sentences in a closed system, however, there is still no prison regime for semi-open. They are transferred to the interior of São Paulo, which many try to avoid however they can, lest they have to serve their whole sentence in the closed system.

10.

This aversion to serving sentences in the open system in the country side of São Paulo state is not simply due to being distant from family, children, husbands and/or friends but primarily due to

the culture of being sexually abused by correctional officers, a condition that has persisted until the present day.

11.

Therefore, it is clear that there is much to be done for this imprisoned population, reflected in society as a whole, considering that our confined population's problem are largely socio-economic within that context, in addition to all the culture of violence against women in and out of prisons.