



Fazendo Justiça

Learn stories of real
impact promoted by the
program in the context
of deprivation of liberty



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Preface

Building a fair, free and solidary society, as expressed in our Federal Constitution, requires that we understand the guarantee of rights beyond rhetoric, especially in a country with so many inequalities. An outlet for systemic dysfunctions, environments of deprivation of liberty shelter subjects with rights who will one day return to social life, and it is up to us to guarantee proportional accountability, with dignity in the deprivation or restriction of liberty, in addition to offering citizenship and opportunities for the penal cycle and the socio-educational cycle fulfill their role.

Taking care of the deprivation of liberty is a double gain for the judiciary, because while we prioritize the dignity of the human person as an absolute right, we qualify the jurisdictional provision. Improving the provision of services to the population, in line with the institutional mission that I defended when assuming the presidency of this Council, involves not only ensuring the correct application of laws, but seeking rationality in public spending and presenting answers to society's desires for a safer country, developed and inclusive.

It is in this context that we continue the series of actions worked in partnership with the United Nations Development Program (UNDP) and dozens of other partners to qualify responses in the criminal field and in the socio-educational field. This publication adds to a vast catalog of publications that gather theoretical knowledge and guidelines with the possibility of immediate application to the various actors involved in the justice and rights guarantee systems.

In this publication, we get to know the real impacts of the work carried out in recent years through transforming stories that became possible from incidences made by the program. The stories exemplify some of the 29 ongoing actions in the penal cycle and in the socio-educational cycle in different regions of the country, from the point of view of those who work in these systems and by those who have gone through them, as well as their families.

These stories show not only the correctness of the ongoing actions with a view to the human, always the final object of the jurisdictional provision, but also reinforce the need for these incidences to consolidate as structuring policies in the medium and long term. Based on the support of hundreds of institutions and organizations and thousands of supporters who have joined this ideal throughout the program's trajectory, we are certain that this is a goal that is as necessary as possible.

Rosa Weber

President of the Federal Supreme Court
and the National Council of Justice

Introduction

Together for citizen justice in deprivation of liberty

People at this publication were heard from december 21 to april 22

While still in social service school, social worker Karla Dutra began an internship in the prison system. It started in a female prison unit, went to the Maranhão Secretariat of Criminal Administration and until today, ten years later, she leaves her home towards the heart of the city of São Luís with the certainty that there is still much to build. “When I started, we were going to work knowing that at least one horrible situation would happen soon. There was a lot of violence, rebellions, people had their throats slit. And there was no structure for carrying out the work”, she says.



The penitentiary system of Maranhão, a northeastern Brazilian state where Karla lives, has experienced dramatic situations in recent years, including rebellions in the Pedrinhas Penitentiary Complex between 2013 and 2014 that left more than 60 dead. The situation in the state is, however, no exception. With the growth of 811% in the number of people arrested in the last 30 years, Brazil reached the third largest prison population in the world, about 650 thousand people. There are no vacancies for all, and overcrowding of 140% impairs compliance with guarantees and rights in criminal enforcement provided by law.

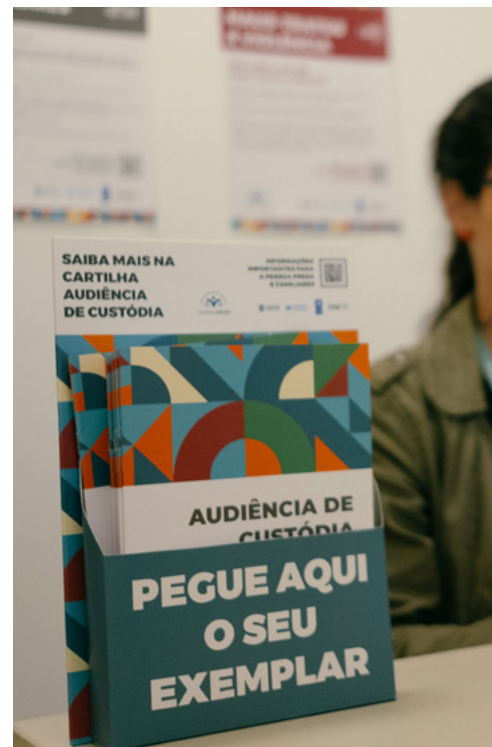
The monthly cost of R\$1.22 billion to the public coffers (about US \$244 million) could be invested in areas such as health, education and other citizenship policies aligned with the Sustainable Development Goals. But the main damage to the criminal response is social, since imprisonment permanently marks the lives of people and their families, aggravating situations of vulnerability. Similar challenges occur in the socio-educational system, aimed at adolescents who committed an offense, which has about 140 thousand people in the open and closed conditions.

In 2015, this scenario of disarray led the Federal Supreme Court to recognize that Brazilian units of deprivation of liberty represent an unconstitutional state of affairs. Three years later, an ambitious program led by the National Council of Justice (CNJ) began in partnership with the office of the United Nations Development Program (UNDP) in Brazil, today the Fazendo Justiça (Doing Justice) Program. With important support from the Ministry of Justice and Public Security and dozens of other partners, the program develops 29 simultaneous incidences in different phases of the criminal and socio-educational cycle - from the entrance door to the exit door - coordinated from the Judiciary. The central premise is the promotion of a peaceful, just society with effective institutions, as determined by the Sustainable Goal 16.



For the social worker Karla, from Maranhão, eliminating dialogue gaps for coordinated actions and exchange of experiences is a strength of the program. “I missed this dialogue, knowing how it works in other places, sometimes we felt very lonely. The program just added, we went drinking from other sources, seeing what worked and deploying here”, says.

Due to the Covid pandemic, which changed face-to-face dynamics in the prison and socio-educational context, the program underwent programmatic adaptations. In addition to specific actions for the pandemic reality, including support for CNJ regulations that encouraged the emergency release of more than 40,000 adults and adolescents, more than 70 manuals, booklets, technical guides and informative folders were published. Online events and activities have driven 50,000 participants since the beginning of the program. In addition, there was technical support for more than 30 resolutions, recommendations and guidelines issued by the CNJ focusing on the sustainability of long-term actions.



Passport to citizenship

The national action for identification and civil documentation of people impacted by the justice system

Among the initiatives structured by the CNJ with UNDP support, is the National Action for Identification and Civil Documentation of persons deprived of their liberty. Arrested in Paraíba since 2019 and without documents for 14 years, Rogério* had his documents regularized with the support of Fazenda Justiça and its partners. “Now I am able to hand my ID to my wife to run errands at the bank, I can go to the hospital. I feel that today I am a Brazilian citizen. Now I want to get out of here and continue my life outside”, he says with a strong voice.

Sitting next to him, the head of the Civil Identification Center of the prison administration of Paraíba, Cizia Romeu, recalls the commotion during the first delivery of IDs. “Only those who do not have documents know what it feels like not being able to prove that you exist. And these people exist, they’re citizens. It is often said that they ‘return to society’ after leaving prison, but people deprived of liberty are already part of society”.

In 2018, about three million Brazilians lived without a document, according to Brazilian Institute of Geography and Statistics (IBGE). In the previous year, data collected in 14 units of the federation by the Federal Executive indicated that eight out of ten people deprived of liberty had no legal registration in their case files. With more than 150 local and national part-

* Some names have been changed to protect the identity of individuals

“I feel that today I am a Brazilian citizen. Now I want to get out of here and continue my life outside”

— **Rogério***
Prisoner assisted by the National Action for Identification and Civil Documentation



“Only those who do not have documents know what it feels like not being able to prove that you exist. And these people exist, they’re citizens.”

— **Cizia Romeu**
Head of the Civil
Identification Center
of Paraíba



ners, the UNDP supports the CNJ to implement a permanent flow of identity confirmation at the entrance door of the prison system, with the Electoral Court as a partner. A specific flow was also created for those who are leaving the system - by April 2022, more than 7,000 documents had been issued in 21 units of the federation.

In the state of Rio Grande do Norte, also in the Northeast of the country, the identification and documentation action enthuses the person responsible for social assistance in the Department of Citizenship Promotion of the State Department of Penitentiary Administration, Vilma Paixão. “I feel that we’re just starting to move ‘cooly’ – and highlight this word I just invented “ she says smilingly. Regarding the importance of the documentation, she recalls that 800 people without CPF (the Brazilian Individual Taxpayer Registration) in the local prison system could have been deprived of Covid vaccination if there was no emergency action to solve the situation.

Born in Macau, a city in the port area of Rio Grande do Norte, Vilma has been working in the prison system for almost twenty years - she was part of the first group of prison officers in the state. “It wasn’t easy. Today everything is more structured, the situation is different”, she says, citing other actions developed by the Fazendo Justiça Program such as Escritórios Sociais (Social Offices) and the strengthening of alternatives to imprisonment policies. “The prison population is not something loose in the universe and is not an exclusive problem of prison service. Now we are on track”, she says.



Belonging

The Social Offices assist formerly incarcerated people and their families



The difficulty with the regularization of documents is only a fragment of the challenge of being a person discharged from the prison system in Brazil, because its effect extends far beyond the penalty. “When we are in prison, we lose track of things, time, day-to-day functioning. When I left, I had no information at all”, says Carlos*, from Mato Grosso do Sul, a state in the Brazilian Midwest.

After spending six years in prison, the young man went to a friend for advice and heard about the Social Offices – a methodology created by the CNJ, qualified and expanded with the support of the UNDP. It directs people who have left the prison system and their family members access to a network

of support services – both public and provided by the civil society – in areas such as professional qualification, documentation, health and housing. Currently, there are more than 30 Social Offices in 21 states, with new units under negotiation with local public authorities in a shared management system.

“I got there and in two days I had my birth certificate. The social worker called me and asked if I didn’t want to take the ID too, it was very fast”, recalls Carlos. “I work as a refrigeration assistant, doing maintenance of air conditioning devices. So, without a document, I can’t get into buildings and companies”, he explains. “I was very well received and oriented. Whenever I pass by there, I come back to say hello to everyone.”

Released from prison and assisted by the Social Office in Maricá, in the state of Rio de Janeiro, Márcia* and her son took training courses and plan to set up a beauty salon, a story that thrills Eliane Ferraz, who coordinates the unit. “This boy spent years stigmatized by having a mother who went through the system. But now, what do you see? Love, dreams, partnership. This construction is the result of the work of our team”, she says.

The coordinator highlights the methodology of the Singular Integrated Project, developed with the support of UNDP, as a differential. It consists of an interview script to identify spheres of sociability that can be enhanced during and after prison life. With a special attention to diversity and the different life paths, the person is invited to freely report their life experience. It is from this conversation that the multidisciplinary team performs psychosocial care, establishes bonds and directs the person to the social network of services, always aligned with individual needs.

In April 2021, the Virtual Social Office application was launched. The digital tool has already expanded to five thousand users, who download the app looking for useful information, such as temporary shelters, communal restaurants and also to keep track of their penal processes through the Sistema Eletrônico de Execução Unificado (Unified Electronic System for Penal Enforcement). Known as SEEU, the system is another front of action of the Fazendo Justiça Program with the CNJ and UNDP to eliminate piles of paper processes, slowness and expiration of deadlines. With the technical support of the program, SEEU currently integrates more than 1.5 million cases in 35 courts in the country, reducing by up to 98% the time for granting benefits provided by law.



“This boy spent years stigmatized by having a mother who went through the system. But now, what do you see? Love, dreams, partnership. This construction is the result of the work of our team”

— **Eliane Ferraz**
Social Office coordinator
in Maricá



Presence of the State

Strengthening social protection during detention control hearings

Tiago*, 24, says he is a suspicious person due to his life history and the many stigmas he has suffered - including from the State - since he became involved in drug trafficking at the age of 12. “No one sees me for who I am now, they just look at the history, what I did. If I’m going to buy bread, they’ll stop me, they already know who I am and where I’ve been”, he says. Recently, he was assisted by the Serviço de Atendimento à Pessoa Custodiada – Apec (Detainee Social Protection Service) in Minas Gerais, in southeastern Brazil. Apecs are services mediated by the Judiciary for people who have just been arrested and are in operation in 21 states with support from the Fazendo Justiça Program.

Tiago was received by the multidisciplinary team of the local Apec after a hearing with a judge for having been arrested in the act. He revealed his distrust when the social worker said she wanted to help him. “She asked me everything about my life. I said ‘If I’m going to talk, then let me read everything you’re going to write’”. The social worker shared the report. They gradually established a relationship of trust.

“It ends up being the first moment that some people have to talk, to be heard. (...) That’s when we can also make contact with families, let them know what’s going on”

— **Fernanda Queiroz**
Paraná Court of Justice
Apec manager

Responsible for the management of the Socially Useful Measures Center and the Apec of the Paraná Court of Justice, state to the south of the country, Fernanda Queiroz details how the service works before the detention control hearing, which takes about 15 minutes. The first action is to identify significant health and socioeconomic issues of each detainee, which provides important data for the subsequent meeting with the judge. “It ends up being the first moment that some people have to talk, to be heard. Sometimes the demands are, ‘I’m cold, I’m barefoot,’ and we provide sweaters and slippers. That’s when we can also make contact with families, let them know what’s going on”, says Fernanda.

The technicians then generate a report that is taken to the detention control hearing. “I believe that the work has a lot of impact on the decision making of magistrates. When we subsidize and ensure that we will do our best to promote social reintegration, they have more security to think of alternative measures to prison”. The lawyer explains that 70% of those assisted say they abuse alcohol and drugs, and at least 40% are homeless. More than 80% of the people served are unaware of the social and health services in the region. “It’s a pains-

taking work, but it's very rewarding, specially when people come back to tell us how they are".

The service and the monitoring were important for Tiago, who classified himself as a "short-tempered" person. In the conversations with the social worker, he had contact with the principles of non-violent communication and liked what he learned. "She taught me several things, especially the importance of patience and dialogue, that I need to calm down and learn to talk. It's not always easy. But I realize that if anyone had talked about it with me before, I would have avoided a lot in life".

Today, the young man lives with his girlfriend and works loading and unloading trucks in a cooperative. "In your report, you should enforce that is necessary to create a system of employment quotas for those who have gone through the penal system. If everyone lived with us for a month, they would see that we are more human than many people out there", he says, with a smile on his face. It is no coincidence that Tiago's demand is also one of the action fronts of the Fazendo Justiça Program, to guarantee employment quotas to this public established by law.

In addition to reinforcing the protection of rights and guarantees, the attendances made at detention control hearings contribute to public safety. According to Judge Ana Bartolamei, it is in this space that the person released may clarify doubts about possible precautionary measures, while referrals to the social protection network can create conditions to prevent the risk of recidivism. "We can clearly see that the overwhelming majority of people who arrive in the hearings are having their first meeting with the State in the form of a Criminal State. This people have always been on the sidelines of public policies".



In addition to the abusive use of drugs that impacts the lives of many people in custody, the magistrate highlights mental health as a challenge for social referrals. “There’s a woman that I’ve seen in at least three detention control hearings. She doesn’t know how old she is, nor how many children she has... These cases are remarkable because they are the cruel portrait of the criminal policy aimed at incarceration and the service of the Apec team allowed a new approach for all the actors involved in the hearings”. She also recalls the story of a man who arrived happily at the hearing because he ate four breads for breakfast at the Triage Center of Curitiba. “He was arrested for alleged theft of scrap metal. I didn’t send him to prison because of the insignificance, but he asked me to be released only after lunch”.

Ana Bartolamei —
Judge in Curitiba



“We can clearly see that the overwhelming majority of people who arrive in the hearings are having their first meeting with the State in the form of a Criminal State. This people have always been on the sidelines of public policies”





“I think the main thing is that I was heard and received support. Someone believed in me, you know? I was embraced for life. Today I have another story to tell”

— **Juliana**
Prisoner assisted by
Corra Pro Abraço project

Juliana* was arrested for stealing meat in Salvador, capital of Bahia, in northeastern Brazil, when she was 19 years old. “It wasn’t the first time I was there in front of the judge. And everyone told me that the judges were tired of me, that they did not believe me when I said that I did not want that situation”. In pre-custody, Juliana was assisted by a social worker from the project Corra Pro Abraço, a partnership between the Executive and the Judiciary that fosters alternatives to imprisonment and the monitoring of people in situations of social vulnerability who go through detention control hearings. The initiative is also a partner of Fazendo Justiça.

“The social worker asked if I was okay, offered me water and a snack, we started talking”, she says. The judge then referred her to be accompanied by the project, where she took radio, design, video and photography courses. She was also a young apprentice in a project, and the experience was so great that she received a proposal to continue the job as a general services assistant. “I think the main thing is that I was heard and received support. Someone believed in me, you know? I was embraced for life. Today I have another story to tell”, she summarizes.





Priority to adolescents

Concentrated hearings

The room is adorned. A nice snack at the table and welcome posters decorate the place. The preparation was made the day before by socio-educational agents and adolescents who, together with a judge, begin to receive family members and professionals who will participate in the event known as concentrated hearing. According to Brazilian law, people under the age of eighteen can't be criminally imputable and may receive socio-educational measures in response to infractions. Following the principle of full protection of the Estatuto da Criança e do Adolescente (Child and Adolescent Statute) of 1990, socio-educational measures should articulate accountability with guarantee of children's rights, and should be reviewed periodically.

In the scenario described above, a concentrated hearing is underway to re-evaluate socio-educational measures at the Lindeia Socio-Educational Center, in Belo Horizonte, capital of Minas Gerais, a southeastern Brazilian state. "This is a welcoming moment, when the spirits appease," explains Judge Afrânio Nardy, of the Violational Court of Belo Horizonte.

Disseminated by CNJ and UNDP since 2019, based on the identification of good practices in the country, the concentrated hearing proposes the periodic review of socio-educational measures by facilitating dialogue between adolescents, family members, reference people for this adolescent, professionals involved in policies for guaranteeing child and adolescent's rights, technicians of the juvenile justice system and judges. Currently, six Brazilian states use the methodology and another ten are in the process of implementation.

As Judge Afrânio Nardy explains, the process begins with a prehearing adapted for each adolescent, to identify family references and the social care network. From there, the technical team contacts people from this network to invite them to the hearing. On the scheduled day, after the welcoming reception, the work begins with the presentation of the adolescent's history and report of the technical team that follows his trajectory in topics such as education, work, psychology and health. Thus, together with the adolescent and his/her support network, strategies are thought to overcome the situation that put him/her there. On the day of the Lindean hearing, six of the seven teenagers were released.

Native from Belo Horizonte (MG), Nardy says he has always felt the need to resignify closed conditions and the culture of tensions between safety and socio-educational care. "Then there was a meeting promoted by this partnership between CNJ and UNDP, when the axis of action in the juvenile justice area was launched. I had contact with the concentrated hearings applied in the state of Amazonas by Judge Luis Cláudio Cabral Chaves, and I was completely touched", he says. "What we seek is to build life projects so that these teenagers can be happy, working with the whole state. We embrace the family, the network and the teenager", explains Nardy.

"What we seek is to build life projects so that these teenagers can be happy, working with the whole state. We embrace the family, the network and the teenager"

— **Afrânio Nardy**
Judge of the Violational
Court of Belo Horizonte





Mateus* was one of the adolescents who went through the hearings in Amazonas, northern Brazil. During their custodial socio-educational measure, the reports detailed enrollment and attendance at school, participation in sports and leisure activities, reestablishment and strengthening of family ties and therapeutic follow-up. The adolescent had access to civil documentation, was a scholarship holder of learning biology projects and the leader of educational projects aimed at the labor market. All the professionals who accompanied him indicated to the judge, during the hearing, that they felt that Mateus was prepared to be released. The adolescent said that he feels more confident and was welcomed by the family, in addition to having been able to develop a life project.

From the city of Londrina, the pedagogue Gloria Cardozo has been working in the juvenile justice system since 2006. She says that when she arrived, she was divided between enchantment and strangeness. “You get to know the severity of the situations that affect childhood and adolescence in Brazil. There are many violations in the lives of those who arrive here, especially with regard to the right to education. I’ve had teenagers who at 18 couldn’t even read”, she says.

Cardozo works with custodial socio-educational measures at CENSE Londrina II, where she monitors the issues involving the educational process of adolescents. She explains that concentrated hearings give them a better understanding of the whole process. “They are gaining elements to be able to understand exactly what is expected from them, what are the duties of the judge, the defense, the prosecution”, she explains. For the pedagogue, the insertion of adolescents and family members in the process is what makes the difference for the construction of a public policy that makes sense.



Socio-education x overcrowding

The juvenile justice system
Vacancy Control Central

As in the penal system, the Brazilian juvenile justice system faces several structural problems, including overcrowding as reported to the Federal Supreme Court reaching 183% in some states in the mid-2010s. When judging the theme in 2020, the Court established parameters to be observed in all detention units and measures to reduce overcrowding, including the adoption of a limit number for the capacity of the units.

At the time, some states were already developing concrete experiences of controlling vacancies in the juvenile justice system, and the UNDP supported the CNJ to institutionalize the practice through regulations published in 2021. In April 2022, the service was in operation in five states and in negotiations for implementation in another 16 with the support of the Fazendo Justiça Program.

Alison Batista —
Head of the Vacancy
Control Center of Paraná



“The Vacancy Control Center is not just management of the system. The number of teachers, agents, and food is determined by the unit’s capacity. When overcrowded, the service becomes precarious and loses its socio-educational character”



The method is inspired by the experience in progress in Paraná since 2015, which indicates if there is a vacancy in the unit and, when there is not, what is the place of the adolescent in the queue, notifying the judge at the end of the process. Systems analyst Alison Batista has worked with the juvenile justice system of Paraná since 2008, and in 2016, he became the head of the Division of Vacancies and Information of the Department of Socio-educational Assistance. According to him, although the implementation of the methodology was questioned at the time, the decision of the Supreme Court and the publication of CNJ regulations with technical support from the UNDP teams evidenced the importance and the need for the measure. Data collected by Fazendo Justiça indicate that the national average of overcrowding fell from 96.7% in 2018 to 55% in 2022.

Through Fazendo Justiça Program, Batista has shared Paraná's experience with professionals from all over the country to foster the implementation of the service. "The Vacancy Control Center is not just management of the system. The number of teachers, agents, and food is determined by the unit's capacity. When overcrowded, the service becomes precarious and loses its socio-educational character", he says.

"The violation of rights does not educate people", argues Claudia Catafesta, Judge of the Court of Adolescents of Londrina. In the judiciary since the age of 23, Catafesta began to dedicate herself to the theme of childhood and youth after eight years as a judge. "I believe we can act more systematically in this area," she says. With a sparkle in her eyes and an excited voice, the judge explains that in the juvenile justice it is even more evident the impact of judicial measures. "Our work does not end – or should not – in the signing of the sentence. The decision has an impact, we cannot ignore it. If this impact can be positive, why not?", asks the magistrate.

It was Nelson Mandela who said in his autobiography that no one truly knows a nation until it is inside its jails, that we should be judged on how we treat our most vulnerable citizens. The accountability of adults and adolescents who have committed an infraction can only be understood from a broader view of justice, which also encompasses the fight for social and economic justice so no one is left behind.

And by strengthening local institutions and bodies to ensure actions focused on citizenship and guaranteeing rights, the Fazendo Justiça Program will, with this immense network of partners throughout Brazil, keep transforming realities and enabling new stories to be written, one step at a time. There is still a long way to go.



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