



**Optional Protocol to the Convention against Torture and
Other Cruel, Inhuman or Degrading Treatment or
Punishment**

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Subcommittee on Prevention of Torture

**Report on the visit of the Subcommittee on Prevention of Torture and Other
Cruel, Inhuman or Degrading Treatment or Punishment to Brazil**

Addendum

**Replies of Brazil to the recommendations and request for information made by
the Subcommittee*****

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I. Introduction

1. The Brazilian State implements specific and effective solutions to improve the condition of persons deprived of liberty throughout the national territory. This commitment is reflected – at the international level – on the importance Brazil attributes to the multilateral mechanisms for addressing torture and other cruel, inhuman, or degrading treatment or punishment, in conformity with the United Nations Convention and its Additional Protocol.

2. Brazil expresses its commitment to the protection of human rights by adhering to nearly all international conventions on human rights and by maintaining a standing invitation to special procedures such as the Subcommittee on Prevention of Torture (SPT), in order to allow its members to visit the country and monitor compliance with SPT obligations. The 1988 Federal Constitution is a legal framework regarding the recognition of fundamental rights and guarantees. Its article 5 lists a set of fundamental rights that cannot be suppressed.

3. Therefore, Brazil welcomes the dialogue with the United Nations Subcommittee on Prevention of Torture, after its representative's visit to the country on 19-30 September 2011. The aforementioned cooperation among Brazil and the SPT has contributed to the strengthening of the activities carried out and to guaranteeing the human rights of persons deprived of liberty in Brazil.

4. On 14 June 2012 Brazil made public the report issued as a result of the SPT's visit. The release of the report recommendations has promoted the discussion on the guarantee of the rights of the population deprived of liberty to be conducted in a transparent and constructive way, in line with the spirit of international cooperation and of productive dialogues with civil society.

5. By responding to the aforementioned report, the State corroborates the efforts undertaken by different bodies of the Executive, the Legislative, and the Judiciary Powers, as well as of the State Governments to ensure appropriate imprisonment conditions to persons deprived of liberty.

6. The SPT report makes recommendations that have deserved a careful analysis by the Brazilian State, performed in the course of an intense intersectoral dialogue involving the Secretariat for Human Rights, the Civil Cabinet at the Presidency of the Republic, the Ministry of Justice, the Ministry of Health, the Secretariat for Women's Rights, the Ministry of Foreign Affairs, the National Council of Justice, the President's Office, the Federal Public Defender's Office, The National Council of the Department of Prosecution, the Office of the Federal Attorney for Citizen Rights, and the Governments of the States whose prison facilities were visited by the SPT, specifically, Goiás, Espírito Santo, Rio de Janeiro, and São Paulo.

7. This document is the result of a joint effort to illustrate the actions and policies Brazil has implemented to improve imprisonment conditions according to the SPT recommendations.

The Brazilian State

8. Torture and inhuman or degrading treatment are expressly prohibited under article 5 of the Brazilian Federal Constitution. Torture is considered a heinous, non bailable offence, not susceptible of grace or amnesty. Other federal provisions, such as those of the Criminal Code, the Criminal Execution Law, the Code of Criminal Procedure, and Law 9455/97 also prohibit these practices countrywide.

9. For a better understanding of the State apparatus deployed to eradicate torture in Brazil it is necessary to underscore the country's two main juridical pillars: first, the separation of the Executive, the Legislative, and the Judiciary branches, and second, the federalism. Hence, to understand institutional, political, and democratic guarantees aimed at preventing and combating torture, it is required to distinguish and identify the role played by each of the three powers of the Federal Government and by each federal entity (the union, the states and the municipalities). Under this institutional framework it is also highlighted the work of the Public Prosecutor's Office, the State and Federal Public Defender Offices, and the Council of Justice. All these institutions stand as a symbol of the consolidation of democracy and Rule of Law in Brazil.

10. Police work, criminal justice administration and the execution of judicial sentences are incumbent upon the states. The majority of measures aimed at preventing and combating torture are implemented by the states and the Federal District. In this respect, cooperation among the states and local efforts are highly relevant for the implementation of effective measures to combat torture and other inhuman or degrading treatment.

11. Some recent achievements deserve to be mentioned as they are reflected in major steps taken to condemn torture and every form of ill-treatment. One such achievement was the establishment of the National Truth Commission on 16 May 2012. By bringing into the light the torture practices that took place from 18 September 1946 until the promulgation of the 1988 Constitution, the Commission's work shall contribute to prevent these practices from happening at government institutions, whether at those responsible for public security or at those in charge of the administration of the prison system, or at other places of deprivation of liberty in Brazil.

12. Another achievement was the sanctioning of Law n. 12.527 of 18 November 2011, on Access to Information Law. As the President of the Republic said, as she sanctioned the law, "never again shall information pertaining to human rights violations be classified, secret, or top secret." With the entry into force of this law and its regulation, the norms that regulate the classification of information in Brazil became clearer. No degree of confidentiality is admitted to documents related to human rights violations.

II. The Brazilian prison system

A. Institutional structure

13. The Constitution of the Federative Republic of Brazil of 1988 has instituted the Democratic Rule of Law in the country and has guaranteed to all, without any distinction, the inviolability of the right to life, liberty, equality, security, and property.

14. In respect to the rights guaranteed, the drafters of the Constitution did not forget those subjected to the State's sanctioning power, by prohibiting capital punishment, life incarceration, forced labor, banishment, or other cruel punishment, thereby signaling that the politically organized Brazilian society would prove intolerant toward violation of the rights of any person whatsoever.

15. Complementing the protective roster of rights guaranteed to those under State custody, the constitutional design of criminal execution in the country relies on a division of competence among the Federative entities; hence, it is incumbent upon the Federal Government to set the general norms of the penitentiary rule (art. 21, I), while it responsibility of the states and the Federal District to establish specific norms in conformity with their peculiarities (art. 24, paras. 2 and 3). To achieve these purposes, the country counts on a complex institutional framework and on a distribution of competences among the Federation members, so that each may design its own structures and set its own norms.

16. Although these rights precede the Federal Constitution, two normative frameworks, issued after intense political and academic debate, were introduced in Brazil and, as of 1984, have formulated new fundamentals for criminal execution. Laws n. 7209 and n. 7210, of 11 July 1984, established, respectively, the new Criminal Code's General Part and the Criminal Execution Law-LEP, imparting a jurisdictional nature to this State activity, with the objective of ensuring the rights acknowledged by those laws.

17. Relying on federalism and based on the aforementioned constitutional and legal architecture, the Brazilian legislation entrusted to a network of public institutions the task of managing – in a broad sense – the criminal execution in the country.

18. Therefore there are several prison systems in Brazil, as each state manages a specific, independent prison system, with its own criminal establishments and often different policies, characteristics, and rules. Each state has departments or similar agencies that are responsible for prison administration. The Federal Penitentiary System, in turn, under the administration of the National Penitentiary Department, has four criminal establishments located in four different states.

19. This criminal execution structure allows public institutions and civil society to establish a checks and balances mechanism, so that the monitoring and the enforcement of these regulations is not left to only one or just a few entities. This is an outcome from an ongoing effort towards the redemocratization of Brazilian public institutions since the 1980s, which culminated in the promulgation of the LEP.

20. The promulgation of LEP superseded the previous penitentiary regime, which was based on a punitive perspective introduced by the 1890 Criminal Code. The criminal sanctions were executed through the Correction Houses and the first penitentiary in Brazil was built in São Paulo, in 1920. In the twentieth century, there were several efforts of drafting a new penitentiary code, aiming at recovering the inmates and at changing their values and objectives, but the Code became a reality only in 1984. Therefore, the Brazilian current penitentiary policy is recent and is grounded on the pursuit of a humanized sanction procedure.

21. Under the LEP, the objective of the criminal execution is to implement sentence provisions or criminal decisions, while propitiating conditions for the harmonious reintegration of convicts and inmates into society. It is incumbent upon the State to render assistance to prisoners and interns, to prevent relapse and to promote social rehabilitation. This assistance shall be either, material, legal, educational, social, religious or related to health.

22. The LEP establishes that all authorities must respect the physical and moral integrity of those convicted or in pretrial detention, guaranteeing the following rights: (a) to sufficient food and clothing; (b) to the assignment of remunerated work; (c) to social security registration; (d) to the establishment of a savings fund for the remuneration of their work; (e) to proportionally allocated time for work, rest and recreation; (f) to the exercise of professional, intellectual, artistic, and sports activities, as long as they are consistent with the criminal execution; (g) to material, legal, educational, social, religious and health assistance; (h) to protection against any form of sensationalism susceptible of attempting against human dignity; (i) to a personal and reserved meeting with lawyer; (j) to regular visits of spouse, companion, relatives, and friends on the days established by the authorities; (k) to be called by his/her name; avoidance of any form of stigmatizing, depersonalizing identification; (l) to equal treatment that does not go against the punishment's individualization; (m) to special audience with the establishment's director; (n) representation and petition to any authority in defense of his/her rights; (o) to keep contact with the outside world through written correspondence, reading, and other means of information that do not compromise ethical and proper practice; and (p) to a certificate of time to be served, issued annually, subject to liability on the part of the competent judiciary authority.

23. The LEP provisions apply also to pretrial detainees and to those convicted by the Electoral or Military Justice, if they are kept in establishments subject to ordinary jurisdiction, and all their rights that are not affected by the sentence or by law are assured, without any racial, social, religious or political distinction.

24. The Criminal Code in force establishes three incarceration regimes:

(a) Closed condition: It is the initial regime for a convict sentenced to more than eight years, who shall be submitted to an assessment in order to guarantee the individualization of the sentence received. The convict shall be subject to work in the daytime and to isolation during the nightly rest. The work is done in common inside the establishment, in conformity with the convict's aptitudes or prior occupations, provided they are consistent with the criminal execution. Under the closed regime, outside work is admissible in public services or public works;

(b) Semi-open condition: It is the initial condition for a non-recidivist offender who has been sentenced to more than four years but not more than eight years. The convict shall be subject to day release jobs at a farming colony, industrial undertaking or a similar

establishment. Day release jobs are also admissible, since it is in attendance to vocational training, secondary or higher-education programmes;

(c)Open regime: It is the initial condition for a non-recidivist offender who has been sentenced to four years or less. It is based on the convict's self-discipline and sense of responsibility. He/she should, without surveillance, serve his/her sentence outside prison facility, attend courses or exercise other authorized activity, being in a curfew at night and on leisure days.

25.To achieve these objectives (and to determine through autonomous judicial procedure that LEP's social reintegration objective is reached), the country relies on a complex institutional structure and on a division of competences among the federative units, as well as on the civil society's participation in the control, inspection and formulation of norms on the subject.

26.Criminal execution involves several bodies according to the dispositions of LEP, article 61. They are:

I-The National Criminal and Penitentiary Policy Council (CNPCP);

II-The Surveillance Judges;

III- The Public Prosecutor's Office;

IV- The Penitentiary Council;

V- The Penitentiary Departments;

VI-The Parole Authority;

VII- The Community Council; and

VIII-The Public Defender's Office.

B.General data

27.The Brazilian population in prison, according to data from the National Penitentiary Information System-INFOPEN, is the largest in Latin America. There are 1,312 criminal establishments and more than 514 thousand inmates occupying about 300,000 vacancies. It should be noted that over 217,000 are considered pre-trial prisoners.

28. In the prison system, more than 250,000 youth-adults (aged 18-29) and more than 300,000 inmates have not completed elementary education, which increases their social vulnerability. It should be further pointed out that 48,000 of these people are currently engaged in educational activities. Regarding their ethnic group, more than 270,000 declared themselves black or mulatto and over 160,000 as white.

29.Regarding the type of crime committed by people currently deprived of liberty, more than 240,000 are crimes against property (larceny, robbery, robbery and murder, extortion and others) and more than 125,000 are crimes related to drugs (drug trafficking and international drug trafficking).

30.Specific data on education, work and health in the prison system will be presented under chapter IV (C), (D), and (E) hereof.

III.Social educative system

A.Institutional structure

31.The Brazilian Government is engaged in creating an environment of accountability and opportunities for adolescents deprived of liberty and to eradicate any ill-treatment practices or violations of the rights of this population, in order that they halt their criminal course, as well as to create alternatives for productive autonomy and emancipation.

32.Brazil has established its legal framework to address adolescents caught in offence in harmony with international norms. In this regard, three major landmarks should be noted:

The Law 8069-Statute of the Child and the Adolescent (ECA), sanctioned on 13 July 1990, provided a new standard for full protection, which goes farther in regard to protection and social-education in replacement of the former culture of "punishment-correction-incarceration." Seen as an advanced legislation, this statute provides for the individual rights of adolescents; defines parameters for the Judiciary and the Executive for dealing with adolescents in conflict with the law; establishes social-educative measures that might be adopted, from warning to damage compensation to community service to liberty under surveillance, to semi-liberty, or to incarceration; and also defines criteria and procedures from seizure to the application and implementation of care programmes.

On 11 December 2006, the Council on Children and Adolescents (CONANDA) issued the resolution no. 119 establishing the basis for the National Social-educative Service System (SINASE). This was the result of a collective and participative effort which defined the foundations for a system that stressed the guarantee of the rights of adolescents in conflict with the law. Resolution no. 119 set the principles that govern the system: norms for its organization and for the management of social-educative programmes; pedagogic guidelines for dealing with minors, and architectonic standards for social-educative facilities; and forms of financing, monitoring, and evaluation. In addition to being the first document to provide orientation for the social-educative work, it was a source of inspiration for the National Social-educative System draft bill.

The Law 12594, sanctioned on 18 January 2012, established the National Social-educative Service (SINASE) nationwide and regulated the execution of social-educative measures geared to adolescents caught in offence. This law seeks to unify procedures for the implementation of the social-educative measures by the Judiciary and assigns it a new role, namely that of following up compliance with the social-educative measures through homologation and analysis of reports on the Plan for Individual Assistance to Adolescents (PIA). The System also introduces innovations in the management mechanisms and expands the range of financing sources; it defines the competence of the different government levels; establishes an evaluation system, among other provisions, to improve management standards; and introduces and makes explicit a series of adolescent rights covered by social-educative measures. The SINASE Law ensures individualized attention; includes specific chapters on health care and training for working; prohibits isolation, and regulates disciplinary regimes; and attaches value to the families' participation in the social-educative and social reintegration process, among other improvements.

33. The described legal framework resulted from intensive mobilization of society and from initiatives by the Brazilian Government that, in the last decades, has discussed these matters, proposed measures and endeavored to ensure the rights of adolescents confronting the Justice System. This historical and normative background is essential for ensuring that the evaluation by the agencies of the United Nations Human Rights System reflects Brazilian reality as well as international references. These documents incorporate values endorsed by the Brazilian State, and are certainly aligned with internationally accepted principles, concepts and standards.

34. Given the federal structure that characterizes the political organization of the Brazilian State, mention should be made of the Federal Government's role in setting norms, supporting actions and defining minimum standards for the policy of attention to adolescents in conflict with the law. However, the autonomy of the states in the conduction of this policy explains their unequal performance concerning the network in place, the investment made, the policy established and the quality of attention. Moreover, the management of the measures of restriction and deprivation of liberty is subordinated to different agencies at state level: in 11 states, the policy is coordinated by social welfare agencies; in eight states, by the Judiciary; in three states, by human rights agencies; and in three states, by structures appropriate to children and adolescents and others.

35. Additionally, given the involvement of adolescents in infringement of the law, mention must be made of the Brazilian Government efforts to develop programmes to prevent violence. Basic sectorial policies such as education, health, social welfare, among others, form the foundation for guaranteeing the fundamental rights of children and adolescents through the establishment of state and municipal Protection Networks. In this connection, the integrated federal programmes to reduce vulnerabilities should be highlighted, such as the "Brazil without Poverty" and the "Crack can be beaten" programmes, which can potentially prevent adolescents from being included in the social-educative system.

36. Lastly, it should be made clear that the social-educative system in Brazil does not apply to children, only to adolescents (aged 12-17) and young people who might remain in institutions where they are deprived of liberty until age 21. Therefore, there are no institutions for depriving children of liberty, there are only for adolescents.

B. General data

37. The Government's statistical figures for the Brazilian Social-educative System in 2010 give an idea of the challenge faced by the country. There are 17,703 adolescents under the social-educative system, 12,041 of whom are under the internment regime; 3,934 are temporarily interned; and 1,728 are under semi-open programmes. The facilities network consists of 435 units in the 27 states, 124 of which are reserved for internment; 55 for temporary internment; 110 to work-release programmes; 16 to first attention; and 130 mixed units that provide more than one type of attention. Great part of these units was built prior to SINASE and must be aligned with the standards contemplated by the System. Between 2003 and 2011, the Federal Government supported 82 construction works in the 27 states, at a cost of approximately R\$209 million.

38. It should be highlighted that only in 2010 R\$55,242,000.29 from the budget allocations for the Secretariat for Human Rights and the National Fund for Children and Adolescents were channeled to SINASE for building social-educative units, professional training, studies and research, the strengthening of services and networks, support to technical defense and to legal and social protection of adolescents. In addition, R\$48,401,664.00 from the budget of the Ministry for Social Development and Fight against Hunger were spent in support of 902 municipal social-educative programmes under semi-open regime, apart from other budget allocations channeled to sectorial health, education, and public security policies that also apply to SINASE.

39. Worthy of note is the significant progress achieved under the social-educative system in the last ten years, such as the reduction of adolescent internment's growth rate. In 2010, for each adolescent deprived of liberty or whose liberty was restricted, there were two under the semi-open regime. On the average, for every 10,000 adolescents aged 12-17, there were 8.8 deprived of liberty or had their liberty restricted. The states with the highest growth rate and growth rate reduction are listed as follows.

	<i>Internment</i>	<i>Temporary Internment</i>	<i>Semi-detention</i>
Rate growth	PA, TO, AL, BA, CE, PE, PI, SE, DF, GO, MS, RJ, SP, PR, SC	AP, AM, PA, TO, AL, BA, CE, MA, PB, DF, MT, ES, MG, RJ, SP, PR,	AC, AP, TO, BA, CE, PB, PE, RN, SE, DF, GO, ES, RJ, SP, RS
Rate reduction	AC, AP, AM, RO, RR, MA, PB, RN, MT, ES, MG, RS	AC, RR, PE, PI, RN, SE, GO, MS, SC, RS	AM, PA, RR, AL, MA, PI, MS, MG, PR, SC

40. The survey also showed that 11 states already have units for comprehensive initial attention, which involves coordination among the courts, public attorneys, specialized precincts, public defenders, and social-educative teams, particularly at the time the adolescent is brought under the system. This helps the adoption of alternative measures and a better monitoring of the reincorporation of the adolescent into society.

41. Lastly, it should be also pointed out that decentralization of the units is contemplated under ECA and the SINASE Law 12594 of

2012. This is subject to the guarantee of the adolescents' right to family and community support, particularly of those deprived of liberty. Several initiatives have been implemented, particularly since the last decade, to consolidate a culture of guaranteeing youth rights regarding the execution of social-educative measures.

42. The regionalization of the facilities allows the non-concentration of interments in state capitals – as concentration violates the rights to family and community interaction – and favors the establishment of specialized judiciary bodies away from the capitals. Except for states with lower demographic density and smaller young population, the regionalization of the social-educative system is in the way to establish new interment units and specialized bodies under the judiciary and in the area of security. In locations where attention still must be centralized, interaction with the family is fostered by funds from the Unified Social Welfare System-SUAS or by the state social-educative administration, as illustrated by the guarantee of transportation to meet the family, and periodic accompaniment on visits by technical teams. Steps are also taken toward coordinating these teams with local networks, so as to ensure the inclusion of adolescents released from related municipal programmes into school, family, and work.

IV. Policies

A. Infrastructure

43. To reduce the prison deficit, the Brazilian Government introduced the National Program in Support of the Prison System. The specific objectives of this programme are to eliminate the vacancies deficit in women's prisons and to reduce the number of those detained in police districts by transferring them to prison units with appropriate facilities for the pertinent judicial purposes. Vacancies should be created through expansion of prison units reserved for temporary male prisoners and the construction of prison units for temporary and convicted women prisoners. The plan calls for the investment of R\$1.1 billion by 2014 and the creation of 42,500 vacancies all over the country. The programme also addresses two other fronts: improvement of the quality of the prison system and actions based on access to fundamental rights and guarantees, both subjects of covenants being negotiated with the several players involved.

44. The technical support and the investment provided by the Federal Government are complemented by the states' commitment to improve their prison units. An example is the Ary Franco prison, which, according to the Rio de Janeiro State Penitentiary Administration (SEAP/RJ), is expected to suspend its operations due to the expansion and modification of male prison units with both federal and state funds. This will ensure the number of vacancies needed for the restructuring and final deactivation of the penitentiary.

45. CNPCP Resolution no. 9 was issued on 18 November 2011 to set a criminal architectural standard to improve conditions in criminal establishments; it defined the basic guidelines for such architecture, as a result of a cooperation effort by the Ministry of Justice and the states in regard to initiatives related to construction, expansion, or remodeling of criminal establishments. A review of these guidelines incorporated contributions from 1994 and 2005 Resolutions, improved the way of defining dimensions based on proportionality of use, as well as adopting new concepts such as accessibility, soil permeability, bioclimatic comfort, and environmental impact. It also took into consideration recommendations from other government agencies and from society, which expressed its opinions through a public consultation.

46. The Resolution establishes wide-ranging norms to ensure proper temperature performance of prisons, as well as call for exploitation of natural ventilation and lighting. Annex IV to the Resolution, "Architectural Typology," calls for eight bioclimatic zones, regulates the use of appropriate wall and roof materials in accordance with each region's peculiarities, and for proper ventilation and protection through the adoption of special thematic schemes that fit regional climatic conditions.

47. As regards minimum space allotted to each inmate, rules on criminal establishments' overall capacity set under the Resolution should be observed, as shown in the Table below.

Criminal Establishments' Overall Capacity

Criminal Establishment	Maximum Capacity
Maximum Security Penitentiary	300
Medium-Security Penitentiary	800
Low-Security Facility - Farm, Industrial, or other type of colony	1.000
Half-way house or similar establishment	120
Criminological Observation Center	300
City Jail	800

48. Resolution no. 9 further establishes that the capacity of a cell module shall never exceed 200 inmates. In addition, it determines that all penitentiaries and city jails that have collective cells must ensure a minimum of 2.0 per cent of the total number of individual cells in case there is a need to separate inmates. It further determines that each individual cell must have a bed and a personal hygiene area with at least a washbasin and a toilet, in addition to a circulation area; at a minimum, the individual cells must measure six square meters. Collective cells may house up to eight inmates and must have a minimum of 13.85 square meters, as shown on the Table below:

Minimum Cell Dimensions

Capacity (vacancy)	Type	Minimum Area (m ²)	Minimum Diameter	Minimum Cubic Capacity (m ³)
01	Individual Cell	6.00	2.00	15.00
02	Collective Cell	7.00	2.00	15.00
03	7.70	2.60	19.25	
04	8.40	2.60	21.00	

05	12.75	2.60	31.88
06	13.85	2.85	34.60
07	13.5	2.85	34.60
08	13.85	2.85	34.60

49. The Resolution's determinations are widely heeded in the evaluation of architectonic projects financed with resources from the National Penitentiary Fund. This brings building standards up to an international level and makes possible a significant improvement of conditions of Brazilian prisons, thereby meeting SPT recommendations.

50. It should be further stressed that, for the proper individualization of the sentence at the execution stage, those convicted and interned are classified according to their criminal record and their personality, by the evaluation programme that individualizes the penalty of deprivation of liberty. The evaluation reports are prepared by a Classification Technical Commission in each establishment, chaired by the director and including, as a minimum, two services heads, a psychiatrist, a psychologist, and a social worker.

B. Management improvement and modernization

(a) Penitentiary system's master plan

51. The Penitentiary System's Master Plan is a major strategic monitoring instrument whose main objective is to bring together the federal and the state governments to improve prison conditions in Brazil. The project resulted from a partnership between the Federal Government, through DEPEN, and the 27 federation units represented by their penitentiary administration agencies.

52. The Master Plan is a planning instrument grounded on twelve targets established in tune with LEP and CNPCP guidelines to guarantee the rights of inmates and improve conditions under which they serve their sentences. It lists a set of actions to be carried out by the states and the Federal District in the short-, medium-, and long-term.

53. Preparation of this master plan started with a diagnostic of the prison situation in each Federation unit, which gathered quantitative and qualitative data and identified the main needs of each region. The result should be a more human system that is safe and appropriate to basic attention to incarcerated people.

54. The Master Plan targets are as follows:

- Target 01* Establishment of Board of Trustees or the equivalent
- Target 02 Incentive to the establishment of Community Councils
- Target 03 Establishment of an independent and autonomous Ombudsman Service
- Target 04 Establishment of a Judicial Administrative Office at each agency in charge of penitentiary administration
- Target 05 Establishment of Discipline Councils in criminal establishments
- Target 06 Establishment of Technical Commissions for Classification in every criminal establishment
- Target 07 Drafting of a Penitentiary Statute and Bylaws
- Target 08 Establishment or expansion of legal assistance services in every criminal unit
- Target 09 Incentive to the expansion of Public Defender Offices for comprehensive attention to inmates
- Target 10 Incentive to the application of penalties and measures instead of incarceration
- Target 11 Establishment of a penitentiary worker career and drafting of a career plan
- Target 12 Expansion of penitentiary staff
- Target 13 Establishment of a Penitentiary Administration School
- Target 14 Adherence to projects or agreements aimed at providing comprehensive health care for inmates
- Target 15 Adherence to school, literacy, and vocational training programmes
- Target 16 Establishment of literature spaces and building of collections
- Target 17 Establishment of work infrastructure in criminal establishments
- Target 18 Adherence to or preparation of projects for assisting inmates' families
- Target 19 Ongoing updating of data of the Penitentiary Information System-INFOPEN
- Target 20 Building, expansion, or remodeling for increasing the number of incarceration vacancies
- Target 21 Investment on equipping and reequipping criminal establishment
- Target 22 Adherence to projects aimed at providing assistance to female inmates and former inmates.

55. DEPEN monitors and assesses compliance with the actions and timetable set for each target.

(b) Alternative sentencing

56. It should be further noted that the Brazilian State's endeavors to enhance the alternative methods of sentencing, under the National Program in Support of the Prison System and by the establishment of the National Alternative Sentencing Strategy (ENAPE), to ensure greater effectiveness in facing conflict and in achieving social pacification. ENAPE reinforces government policies to promote alternatives to incarceration and more effective measures to reduce violence and criminal recidivism, which have received greater emphasis as of 2000. This is illustrated by the psychosocial monitoring of sentences and alternative measures, which was recognized as a good practice at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice held in Salvador/Bahia in 2010 and at the First National Conference on Public Security (Conseg) in 2009, which defined the need to favor alternatives to deprivation of liberty as a principle.

57. Efforts are made to assimilate international experiences into criminal public policies, as shown by the renewed discussion of the victim's role in the operation of criminal justice; by the diversified mechanisms for the solution of conflicts, such as mediation and restorative justice; by the introduction into the Brazilian legislation of intervention mechanisms other than deprivation of liberty, such as the protective measures under Law 11340 of 7 August 2006 (Maria da Penha Law) and the provisional remedies under Law 12403 of 4 May 2011.

58. The alternative sentencing policy focuses on the following: mediation and restorative justice; provisional remedy; conditional stay of proceeding, sentence transaction; and rights restriction sentencing. Currently, this policy's operational and inter-sectorial flow is being worked on by the federal, state, and municipal governments in workshops, with the participation of various segments of society for all the regions of the country.

(c) Management computerization

59. In 2007, Brazil introduced a standardized computerized system for all penitentiary institutions, known as the National Penitentiary Information System (INFOPEN). The system is managed by the National Penitentiary Department (DEPEN) and fed by every criminal establishment in the states and the Federal District. Admissions are made in the system's management module by penitentiary agents or the staff of state penitentiaries. The statistical data, independently from the management system adopted, are relayed monthly to DEPEN through INFOPEN, under risk of affecting financial transfers from the National Penitentiary Fund (FUNPEN).

60. In order to help the states and the Federal District to set up integrated and updated data systems in conformity with INFOPEN, Target 19 was added to the Penitentiary System's Master Plan, namely, the installation of computer terminals in every criminal establishment, subject to the obligation of ongoing updating of the data in the Penitentiary Information System.

61. Moreover, it is worth mentioning the approval of Law 12.714, of 14 September 2014, regarding monitoring criminal execution, provisional remedies, and temporary incarceration. The Law provides for a procedural tool for relaying information to judges, with a view to following up sentence serving and incarceration deadlines. In addition, it ensures the expedite flow of proceedings and access to the Public Prosecutor's Office and to the defense, so as to avoid unduly long incarceration.

62. The drafting of the aforementioned Bill was included in the National Plan in Supporting of the Prison System; it will help the justice system to expedite the realization of the rights of people deprived of liberty. The Bill calls for a procedure of automatic notification to judges so that they may take the necessary steps toward the full realization of the rights of people deprived of liberty or under to security measure.

(d) National system of information on public security, prisons, and drugs-SINESP

63. To reinforce the mission of formulating public security and prison policies based on respect for citizenship and the individual rights and guarantees embodied in the legislation, the Brazilian State has developed an official statistics system for compiling and providing accurate and timely data and information for the strategic planning of actions against crime.

64. The National System of Information on Public Security, Prisons, and Drugs-SINESP established under Law 12681 of 4 July 2012, represents a major effort by the State toward the formulation of a national policy based on the compilation of data and information on public security, the prison system and criminal execution, and on the trafficking of crack and other illicit drugs. The system will also make available studies, statistics, indicators, and other information to help in the formulation, implementation, execution, monitoring, and evaluation of public policies.

65. The Executive branch at federal and state levels, including the Federal District, are connected with SINESP, which may also be joined by the Municipalities, the Judiciary, the Public Defender's Office and the Public Prosecutor's Office. The system will also promote the integration and the interconnected operation of the networks and systems of data and information of all participants regarding public security, criminality, prison system, and drugs. The Federal Government will be able to support the states and the Federal District in the implementation of SINESP, as well as the Judiciary, the Public Prosecutor's Office and the Public Defender Office if they lack the necessary technical and operational conditions to do so.

66. SINESP has a Managing Council responsible for administration, coordination, and formulation of guidelines and for defining the forms of access to data and information. This Council will publish at least once a year a national report encompassing statistics, indicators, and other information.

(e) Development and qualification of agents and officers

67. The consideration of a penitentiary officer's role, his/her qualification, and the assistance he/she requires is fundamental for achieving the sentence's social reintegration objective under the LEP. According to INFOPEN, there are currently over 97,000 penitentiary officers.

68. State penitentiary officers are being trained to abide to the minimum rules for handling inmates, in order to create a culture of respect for the human rights of people deprived of liberty.

69. Since 2005, DEPEN has encouraged and funded the establishment and the empowerment of State Penitentiary Management Schools as centers of excellence of qualification for penitentiary services in the states and the Federal District. This policy has already yielded results. This year, the four last Penitentiary Management Schools will be established in the states of Alagoas, Maranhão, Mato Grosso, and Roraima; with this measure, all states and the Federal District will be equipped with such centers.

70. The First National Encounter of Penitentiary Management Schools, held in Brasília in October 2011, brought together

representatives from these schools to discuss the challenges faced in the performance of their duties and how to overcome these challenges. 71. One of the main results of this encounter was the establishment of a community of School managers, made operational through the *DEPEN.net* virtual discussion platform. The Second Network Encounter was held on 25-27 July 2012.

72. Another major result of the implementation of the development and qualification policy was the establishment of a Penitentiary Management Schools network, in conformity with Target 13 of the Penitentiary System's Master Plan.

73. Brazil is also continuously investing on the qualification of public security professionals, as the continued education of these professionals is a major tool toward the achievement of public security focused on the concepts of human rights and citizenship.

74. In this connection, the Brazilian Government engages itself directly in various activities aimed at qualification in respect of human rights, as well as financing training programmes developed by the States and the Federal District, in conformity with the National Curriculum Matrix.

75. Some of the initiatives carried out directly by the Federal Government include the following: (a) The National Network of Higher Studies in Public Security, in partnership with universities, which has been offering post-graduation programmes for public security professionals since 2008; (b) Distance Education Network, which includes courses on human rights and citizenship, trafficking in persons, and moderate use of force; since then more than 330,000 public security professionals and penitentiary officers have already taken the courses.

76. Partnerships with states and the Federal District are also established under agreements through invitation for bidding, which selects the best proposals in the areas specified. The call for biddings pertaining to education is imbued with the concern for educating security professionals in human rights.

77. Moreover, an effort is made to integrate professors of public security schools into the university environment, so that a greater number of them may have access to high quality education that will positively reflect on their performance. To this effect, courses for these professors are offered in the following areas, among others: ombudsman services and control of police activity; differentiated use of force; forensic ballistics; forensic DNA; legal medicine and lab tests; fingerprinting; criminal analysis; georeferencing; police intelligence; and human rights.

78. In 2010 the Ministry of Justice issued a "Cartilha de Atuação Policial na Proteção dos Direitos Humanos de Pessoas em Situação de Vulnerabilidade" [Primer on Police Action to Protect the Human Rights of Persons in a Vulnerability Situation]. It provides guidance on procedures for transporting people under arrest to Police Precincts, such as informing prisoners of their rights. It also discusses how to address racial, color, or gender prejudice, as well as presenting legal principles and procedures for police approach, procedures for handling cases of racism and combating prejudice in public security institutions, in addition to current legislation on these issues.

(f) Transparency and the information access law

79. The Information Access Law (Law 12527 of 18 November 2011), which entered into force on 16 May 2012, establishes the transparency limits and criteria of access to information under public administration custody, thereby reinforcing a State policy, which encompasses public agencies that form part of the direct administration by the Executive and the Legislative, including the Government Accounting Offices, the Judiciary and the Public Prosecutor's Office, as well as autonomous government agencies, public enterprises, mixed economy corporations, and other entities directly or indirectly controlled by the Federal Government, the states, the Federal District and the Municipalities.

80. The publicizing of revenue, expenditures, contract outlays, income of public servants, and other kinds of information through consultation is a valuable tool for the population to monitor and evaluate government actions and the application of public funds. Especially as regards prison policy, the Brazilian State's transparency mechanisms, coupled with participative management, hinders corruption and makes the prison system more efficient.

(g) Social participation and control

81. Regarding the penitentiary policy, social participation and control are encouraged through the strengthening of the Community Councils, the State Penitentiary Councils, and other civil society organizations willing to engage in a dialogue between civil society and the prison system management.

82. Target 2 of the Penitentiary System's Master Plan calls for incentive to the establishment and maintenance of Community Councils. These Councils are criminal execution agencies that function through social participation with the objective of safeguarding the rights of inmates and inspecting the local application of penitentiary policies. They also seek to approximate society to the prison system, to give visibility to the fact that sentences are being served, and to encourage reflection on the effects of incarceration and on the relations generated by crime.

83. In 2012 DEPEN is supporting five qualification and coordination events in the states and will hold the First National Encounter of Community Councils in October, in Brasília. The purpose is to prepare civil society representatives to act critically upon criminal and penitentiary policy, detecting problems and proposing solutions and recommendations to penitentiary managers and others involved in criminal justice system. In the Northern region, the event was held in July, in the state of Rondonia; in the Southern region, a course will be offered in the state of Santa Catarina, in August; and in the Northeast, the event will be held in the state of Ceará, in November. Regarding events in other regions, negotiations are under way. On July 2012, a book on Fundamentals and Analyses of Community Councils was published to provide inputs for these Councils' action.

C. Education

84. School instruction and vocational training of those incarcerated or interned form the basis of educational assistance. Elementary education will be obligatory and will be integrated into the school system of the states and the Federal District. Vocational training will be offered at the beginner level and at the technical upgrading level. Agreements with public or private entities may be signed so that these entities may establish schools or offer specialized courses in prisons. As called for under the LEP, criminal establishments should have a library for common use, with educational, recreation and didactic books.

85. According to INFOPEN data, 9,35 per cent of the prison population study, which means that 43,000 inmates attend classes. The majority of them – about 25,000 – is at the elementary education level. In view of this, significant changes have been adopted in recent years.

86. On 15 July 2009, the CNPCP approved Resolution no. 3, which defined new norms for the offer of education in prisons. In 2010, the National Educational Council (CNE) passed Resolution no. 2, which set national guidelines for the offer of education to young people and adults deprived of liberty in criminal establishments. In addition, in 2011, Law 12433/11 was sanctioned, modifying the Criminal Execution Law and providing for the remission of the penalty of both temporary prisoners and those serving sentences based on time spent on education. Decree no. 7626/2011 was also issued the same year, establishing the Strategic Plan for Education in the Prison System (PEESP).

87. The purpose of PEESP is to increase enrollment and ensure the quality of education offered in prisons. In states, the policy should encourage the designing of state educational plans for the Prison System; these plans should be prepared by the State Education Department, along with the prison administration agency.

88. In this sense, the Third National Seminar on Education in Prisons was held on 14-17 May 2012 to provide guidance for the states and the Federal District for the preparation of their State Education in Prisons Plans in compliance with PEESP. The Seminar was important for establishing a dialogue between the states and the Federal Government, which led to an exchange of good practices as well as the introduction of initiatives and proposals on the issue to managers.

89. Also worth mentioning, in addition to PEESP, is the action of DEPEN/MJ and of SECADI/MEC aimed at expanding and enhancing the quality of education offered to persons deprived of liberty, with special emphasis on universalizing literacy under the Literate Brazil Program (PBA).

90. The purpose of PBA is to overcome illiteracy and help those no longer illiterate to continue studying, through support to literacy programmes for young people, adults and the elderly. The MJ and the MEC work toward closer coordination between State Education Departments and Prison Management to expand PBA and enhance its quality in criminal units in every state, thereby achieving the eradication of illiteracy among the country's prison population.

91. In addition, DEPEN/MJ and SECADI/MEC have set a schedule of technical visits to the states to ensure the achievement of the targets established for 2012, such as the strengthening of inter-ministerial actions at the Federal Government level and of inter-sectorial actions in the states, as well as ensuring the application of PEESP. The visits focus on the application of funds transferred under MEC's Coordinated Actions Program, the strengthening of the Literate Brazil Programme, the preparation of the state plan on education in prisons, and other issues peculiar to each state.

92. Access to education is also called for under the Penitentiary System's Master Plan. The work of DEPEN/MJ, in this case, is done on two fronts: technical and financial support to the states and coverage of persons deprived of liberty by policies already in place.

93. Technical support is offered also through meetings, participation in Work Groups and Seminars, distribution of information materials, and other actions likely to render a quality contribution to the management of the prison system. Financial support is provided under agreements regarding specific actions aimed at fostering a culture of vocational training of inmates and at the integration of policies.

D. Work

94. In respect of work therapy (in-house and outside work), approximately 110,000 inmates (about 20 per cent of the prison population) carry out activities in crafts or under industrial and agricultural projects, under partnerships with the private sector, or with autonomous government agencies.

95. The vocational training programme under implementation seeks to finance Projects for Vocational Training and Establishment of Permanent Workshops (PROCAPS). It provides financing for the setting-up of permanent workshops, purchasing raw materials, and contracting training services. At the first stage, the Ministry of Justice will finance at least 50 permanent workshops and courses directed at specific areas. Twenty states are expected to meet the requirements of MJ Administrative Rule no. 69 by July 2012 and will receive the necessary funds for carrying out their activities. A total investment of R\$6 million will be channeled to 57 criminal establishments and 3,000 inmates will be trained (multipliers), while a further 30,000 will benefit from the multipliers' work.

96. The PROCAPS will also help integrate social policies into the penitentiary system. In addition to vocational training, the project calls for cooperation agreements between penitentiary managements and the State Social Welfare Departments, the State Labor Departments, the Internal Revenue Service, the Courts of Justice, and the State Public Prosecutor's Office. The objective is to include incarcerated persons and former inmates under other policies, so that they may obtain a work record book, access to social welfare programmes aimed at inclusion into the labor market and the National Employment System (SINE), and other policies.

E. Health

97. Article 196 of the Federal Constitution; articles 10, 14, and 41 of the Criminal Execution Law (Law 7210/84); and article 7 of the

guidelines governing the Unified Health System-SUS (Law 8080/90) provide that persons deprived of liberty are entitled to health care.

98. Health care in the prison system is preventive and curative and includes medical, pharmaceutical, and dental services. In case a criminal establishment is not properly equipped to do so, health care will be provided elsewhere under authorization by the establishment's director. Medical follow-up of women prisoners is ensured particularly during pregnancy and after delivery; medical care is extended to the newborn as well.

99. To ensure the provision of health care in deprivation of liberty establishments, the Brazilian State has invested in the National Health Plan in the Penitentiary System (PNSSP), which is undergoing revision and expansion; and in expanding the Stork Network Program (Programa Rede Cegonha) aimed at women in the penitentiary system. The main initiatives to guarantee the rights of persons deprived of liberty to health care are listed below, and two issues raised by the Subcommittee on Prevention of Torture will be commented on.

(a) National health care plan in the penitentiary system

100. Inter-ministerial Administrative Rule no. 1777 issued on 9 September 2003 by the Ministry of Health and the Ministry of Justice established the National Health Plan in the Penitentiary System, which defined strategies and lines of action for providing the prison population with access to health.

101. At first, health care was focused on basic attention – in respect of both prevention and health promotion and investment on risk groups – as conditions in prison units are propitious to the dissemination of infectious/communicable diseases.

102. The Federal Government provides the states and the Federal District with funds to implement basic health units in prison establishments. Between January 2004 and July 2012, a total of 269 health teams were formed in 242 criminal establishments, at a cost of approximately R\$50 million. Specifically in the states visited, eight were formed in Goiás, eight in Espírito Santo, 33 in Rio de Janeiro, and 77 in São Paulo.

103. This way PNSSP has ensured health coverage for 30.69 per cent of the prison population (CNES/DATASUS/May 2012). To expand coverage, in April 2012 the Federal Government set up an Inter-ministerial Work Group to revise the Plan, with a view to launching the National Health Policy in the Prison System still in 2012.

104. This policy will establish guidelines for the provision of health care to inmates, more consistent with international norms and with human rights, to cover all persons deprived of liberty. It should be noted that, in line with the National Basic Care Policy (PNAB), the policy will significantly increase financial resources for maintaining, building, and equipping units, directly involving the municipalities and ensuring the transfer of funds for the implementation of health actions in the prison system.

105. It is also worth mentioning that since 2006 the Ministry of Justice has equipped 258 basic units (22.20 per cent of the penitentiaries, public jails, and custody hospitals in the country). By 2014, thanks to a revised and comprehensive PNSSP and also a larger budget, improvements will be ensured through requalification of health units and expansion of the care system, under the Ministry of Health's "Project on Extending Health Care to the Family." It should also be noted that the Penitentiary System's Master Plan monitors the actions of the states and the Federal District in relation to health in the penitentiary system.

(b) Policies on the provision of health care to incarcerated women

106. Women serve their sentences in appropriate establishments, where duties and rights inherent to their personal condition are observed. According to the last survey, done by the National Penitentiary System in December 2011, there were 34,058 incarcerated women, approximately 6.0 per cent of the total prison population. Units for this group should take into account the peculiarities of women's health care on the basis of National Public Health System (SUS) guidelines and principles.

107. The PNSSP calls for the provision of low-risk and high-risk pre-natal care for pregnant women in all penitentiary units, including care of complications and delivery. There are currently teams in units capable of providing care to 7,500 women.

108. To improve the provision of health care to incarcerated women, the Brazilian State is extending the Stork Network Program to the penitentiary system, as well as investing in female units.

109. The Stork Network Program, introduced on 14 March 2011, calls for an investment of R\$9.4 billion for providing safe, humanized care to mother and child. This way, 62 million Brazilian women in fertile age will have access to speedy pregnancy tests in health centers; if tested positive, women will be entitled to at least six pre-natal consultations, to clinical and lab tests, to a qualified health professional, and to full health care for the child up to 24 months, among other benefits.

110. This programme has been implemented in all states and the Federal District and has already yielded positive results; by July 2012, it had benefitted 1.4 million pregnant women in 2,600 cities.

111. Under partnerships with the states and municipalities, the Stork Network is being extended to women's penitentiary units. Incarcerated pregnant women receive the assistance of Institutional Thematic Supporters and Institutional Service Supporters, professionals that form part of the "Comprehensive Support" strategy, as well as matrix consultants with expertise in comprehensive care of mother and child. These professionals may be called upon to act by the Prison System teams through the Stork Network's State Leading Group, to support the change of practices in connection with the Prison System and with adaptation of the environment.

112. It should be recalled that the vacancies created under the National Program in Support of the Prison System should follow the

specifications of CNPCP 2011 Resolution no. 9, which calls for the building of a nursery and a day nursery module to assist pregnant incarcerated women and incarcerated women and their children.

113. In 2011, a total of R\$2 million from the National Penitentiary Fund (FUNPEN) was applied to the adaptation of Basic Health Units and Centers of Reference in Mother and Child Health. In 2012, a further R\$3.8 million from FUNPEN will be applied for the same purpose in 20 federative entities, as well for a Specialization Course in Prison Health Management. In addition, R\$13.2 million will be spent on the teams' maintenance and R\$1 million on research and training.

114. At the same time, efforts are under way to equip prison establishments with mother-child health units in all states. To apply this strategy, R\$2.8 million will be spent by the end of 2012 in 17 states on care services for incarcerated women during pregnancy, at delivery, and while nursing, as well as for their sons and daughters. This financial support is meant for the purchase of routinely used materials for the health care of the women and their children, such as first aid items; oral health care modules; urgency and emergency kits; equipment for material collection, and basic and gynecological examinations; and items for the setting-up of the environment needed for care, family interaction, and the care of mothers and children.

115. Another initiative in respect of women's incarceration was the appointment of a Special Commission under DEPEN/MJ, charged with drafting action proposals for the Ministry of Justice's Strategic Project: "Realization of the Rights of Women in the Criminal System." It will work on a priority basis on a child care plan, along with the Inter-ministerial Group set up for formulating comprehensive policies for incarcerated women and women released from the criminal system.

116. In this connection, it should be highlighted that a First Planning Encounter on Women's Project was held on 31 May and 1 June 2012. It was attended by representatives of the states and the Federal District and by members of the DEPEN Special Commission and of the Inter-ministerial Work Group. The objective was to identify the main state demands as well as good practices and to firm up proposals for improving public actions and policies related to women's incarceration. The encounter set a specific work agenda for institutional strengthening and for closer relations between the Federal Government and the federative members to guarantee the rights of women in prison.

117. As regards the adoption of children of incarcerated women, it should be pointed out that, under Brazilian legislation, serving sentence under a closed regime does not entail the loss of paternal power. The placement of children for adoption should follow the provisions of the Statute of the Child and the Adolescent (ECA) and must have the mother's authorization; under no circumstances incarceration means the loss of custody of a child.

118. In view of the SPT denunciations, this issue will be discussed at the next meeting of the Inter-ministerial Work Group. The Penitentiary System's Ombudsman Office is also cataloguing the cases and requesting the competent agencies to take action.

F. Comments on the observations of the Subcommittee on Prevention of Torture

119. In the course of the Subcommittee on the Prevention of Torture's visit to Brazil, three issues were raised, which the Brazilian State now seeks to clarify: examinations after initial detention; reprisal for asking medical care; and care of victims of torture and ill-treatment.

120. It should be pointed out that CNPCP Resolution no. 7 of 14 April 2003 calls for the realization of a medical exam soon after the initial detention, consistently with international standards. The confidentiality of medical care is assured wherever it takes place and is mandatory for all doctors under the Medical Ethics Code.

121. As regards reprisal, under their protocol the health teams are instructed on how to promote the observance, by the other teams, of the human rights of persons deprived of liberty. With the adoption of pedagogical strategies by the Ministry of Justice and the Ministry of Health, which were reinforced as of 2011, and with the expansion of the coverage of the National Health Plan in the Prison System, and the compulsory signing of contracts by the municipalities as of 2013, these issues will be more thoroughly addressed and assured.

122. Specifically in respect of the care of the victims of torture and ill-treatment, the Ministry of Health, under its Administrative Rule no. 104 of 25 January 2011, established that "agravo" means any damage to the physical, mental, and social integrity of the individuals as a result of noxious circumstances, such as accidents, intoxication, drug abuse, and lesions self-inflicted or inflicted by others. The Administrative Rule also defined domestic, sexual, and/or other forms of violence as *agravos* that must be compulsorily notified. Such acts should be notified and entered by the health professional into the *Agravo* Notification Information System (SINAN) pursuant to the routine norms established by the Ministry of Health's Health Surveillance Department. It should be noted also that the third edition of the National Human Rights Program included the programmatic action of training and qualification of official forensic experts as well as of public health agents to improve identification and records of torture.

G. Justice and public security system

(a) Access to justice

123. To guarantee the right of persons deprived of their liberty to due process, Brazil has established 21 legal assistance units to help detainees and their families and 17 structured headquarters in 19 states and in the Federal District, at a total cost of R\$15 million, which permitted 390,000 persons to be assisted, as follows:

19 Specialized Nuclei of Legal Assistance to Detainees and their families, provided by Public Defender Offices in the following states: Acre, Alagoas, Bahia Ceará, Federal District, Espírito Santo, Maranhão, Minas Gerais, Mato Grosso do Sul, Pará, Pernambuco, Piauí, Rio de Janeiro, Rondônia, Rio Grande do Norte, Rio Grande do Sul, São Paulo, Sergipe, and Tocantins. In addition, there are two Federal Public Defender Office nuclei in the following federal penitentiaries: Cantaduas, in the state of Paraná, and Mossoró, in

the state of Rio Grande do Norte.

17 restructured main offices of Legal Assistance to Inmates and Their Families, provided by the Federal Public Defender Office in the following states: Acre, Alagoas, Bahia, Ceará, Espírito Santo, Goiás, Minas Gerais, Pará, Pernambuco, Piauí, Paraná, Rio de Janeiro, Rio Grande do Norte, Rio Grande do Sul, São Paulo, Tocantins, and Federal District.

124. Another relevant action in this connection is that of the National Force of the Public Defender’s Office to provide, whenever requested, legal assistance and protection of the rights of temporary, definitive, and interned male and female detainees that lack the financial means to hire a lawyer, in all Units of the Brazilian Penitentiary System. This measure optimizes the work already done by the respective State Public Defender’s Offices, or stepping in when there is no Public Defender’s Office. The Force has already worked in the states of Minas Gerais, Pernambuco, and Santa Catarina, benefiting 5,066 persons.

125. Moreover, to guarantee access to justice for the population living in a vulnerable situation, legal assistance centers have been established in the Pacifying Police Units (UPPs) of the state of Rio de Janeiro. To this effect, a cooperation agreement was signed by the Rio de Janeiro State Governor, the president of the National Council of Justice (CNJ), the Minister of Justice, the president of the Rio de Janeiro Court of Justice, and other ten authorities of the National and the Rio de Janeiro State Judiciary. This partnership makes the UPPs into centers of access to Justice and citizenship. In this manner, the population will have access to different agencies of the Judiciary at both the local and the national levels, and access to Justice becomes available also to the families of detainees.

(b)Forensics

126. To strengthen forensics independence, Law 12030 of 17 August 2009 was enacted, establishing general norms for official criminal forensics. This law ensures forensics experts technical, scientific, and functional autonomy, so that any possibility of interference in their work is precluded. As this is an activity that requires high professional qualification, this law establishes as a requirement for the exercise of this profession nationwide approval at a public competitive examination, in addition to specific academic training.

127. Currently nine states and the Federal District have forensics units linked to the Civil Police, and in 16 states the forensics units are administratively subordinated directly to the Public Security Department, Social Defense, or similar bodies. The exception is the state of Amapá, where the Scientific Technical Police is subordinated directly to the Government and enjoys the status of a Department.

128. It should be noted that, in some states, such as Santa Catarina and Rio Grande do Sul, where forensics is separate from the Civil Police, Central Forensics Bodies have been established and there is a forensic expert career. In the state of Paraná, there is a forensics expert career under the Scientific Police.

129. Also worth mentioning is the initiative of the Secretariat for Human Rights of the Presidency of the Republic of Brazil in establishing, in 2003, a Work Group on “Torture and Forensics Expertise,” which drafted the Brazilian Protocol on Forensics Expertise in the Crime of Torture that provides guidelines to be followed by forensics bodies, experts, and professionals. The Brazilian Protocol is consistent with the Istanbul Protocol as regards procedures for identification and production of forensic evidence in cases of crime of torture. The document is also guided by the principles and recommendations of the United Nations Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, as well as SPT’s orientation.

130. To contribute to the incorporation of the Istanbul Protocol procedures into the practices adopted by official Brazilian forensics experts, between 2006 and 2011, the Brazilian Government held training workshops on “Forensic Expertise focused on crimes of torture” in eleven Brazilian cities. About 800 people were trained, including Judges, Prosecutors, Federal State Attorneys, Chiefs of Police, Public Defenders, Official Medical Examiners, Criminal Experts, Committees on Combating Torture, and representatives of entities devoted to Human Rights.

H.Measures to improve the social-educative system

131. To reduce disparities among the states and promote the transition from a prison culture to a social-educative culture regarding adolescents, the Brazilian Government is implementing a programme in support of the states and municipalities toward implementation of SINASE. This has yielded the following results: (a) improvement of the physical network, 82 building projects in the states and the Federal District, resulting in a total of 5,570 vacancies/adolescents; (b) training of 13,765 professionals active in the social-educative system; (c) studies and surveys, including on such themes as “homicide by adolescents serving social-educative deprivation of liberty sentences,” “profile of religious assistance in the Brazilian social-educative system,” “media coverage of issues related to adolescents in conflict with the law;” (d) information made available through the System of Information on Children and Adolescents-SIPIA SINASE Web (module for permitting the synchronizing of information management procedures between the Federal Government and social-educative units; (e) support to innovative, culture transforming experiences, such as the Socioeducando Award; (f) support for restorative practices developed in São Paulo and Rio Grande do Sul; and (g) support for technical defense and judicial and social protection of adolescents in conflict with the law. There is also under way a regionalization process that includes the establishment of specialized structures, such as juvenile courts and prosecutors and defenders offices.

Programme for the Implementation of the National Social-Educative System

2007-2010 Budgets

Year	SDH	FNCA	Total			
	Allocated	Authorized	Allocated	Authorized	Allocated	
2007	7,534,000.00	7,533,364.22	40,692,462.00	40,304,424.82	48,226,462.00	47,837,789.04
2008	47,994,209.00	38,506,358.38	18,790,371.00	10,283,532.30	66,784,580.00	48,789,890.68

2009	59,240,000.00	53,906,741.00	8,250,000.00	5,847,227.24	67,490,000.00	59,753,968.54
2010	55,851,805.00	53,678,687.27	9,206,351.00	1,563,313.02	65,058,156.00	55,242,000.29
Total	193,457,248.00	167,278,399.92	93,822,955.00	62,877,518.57	287,280,203.00	230,155,918.49

132. To support the expansion and upgrading of the physical network, the Annual Budgetary Plan 2012/2015 (Plano Pluri-Anual - PPA) now fosters the establishment of nuclei for comprehensive initial care of adolescents in the capitals and regions of greater concentration, by implementing the operational integration of Courts, Public Prosecutor's Offices, Public Defenders Offices, state security agencies, and social-educative teams. This includes financing for building and remodeling facilities. PPA 2012/2015 also calls for the building of new units to make possible the deactivation of 20 units considered inadequate according to surveys done by State management agencies and based on Public Prosecutor's Office data. These investments purport to ensure basic living conditions along the entire social-educative physical network. The table below shows the amount of investment scheduled for 2012-2015.

YEAR	SDH/PR	National Child and Adolescent Fund	TOTAL
2012	5,965,000	5,554,060	11,519,060
2013	13,000,000	8,269,723	21,269,723
2014	13,000,000	8,269,723	21,269,723
2015	13,000,000	8,269,723	21,269,723
TOTAL	44,965,000	30,363,229	75,328,229

133. One example of the effort to improve the units' conditions is the Padre Severino Unit, which was visited by the STP, where remodeling and expansion work should be completed by December 2012. It will have modules for the care of 90 adolescents according to SINASE standards, including accommodations for adolescents with physical impairments. In addition, between 2003 and 2011 the Federal Government spent R\$14 million under six agreements with that state for the building of two new units and expanding and remodeling four other.

134. It is also worth noting the National Council of Justice's action in regard of care and of incentive to the improvement of the social-educative system. On 26 May 2009, it published its resolution no. 77, which obligates Judiciary authorities to undertake periodical inspection visits to social-educative units. The Justice for Young People Program encompassed inspection visits to all internment units in the country in 2011 and 2012, undertaken by judges appointed by the National Council of Justice. The data gathered then have been consolidated in the document titled "*National Overview of the Execution of Social-educative Internment Measures*," which mapped the profile of interned adolescents and the geographic distribution and conditions of the social-educative internment establishments, as well as of the Juvenile Courts. The CNJ, in partnership with the National Applied Economics Research Institute (IPEA), has recently undertaken a survey on "Juvenile Justice – Current situation and improvement criteria" to learn about the situation of children and young people. CNJ recommendations to the Courts of Justice point out, among other things, the need for the Courts' specialization and regionalization, as well as for expansion of the Judiciary's technical teams.

135. The dynamics of SINASE's inter-sectorial coordination has also made significant progress in the integration of public policies on education, health, social welfare, and public security. As a specific result of this synergy, one should note the publication of Inter-ministerial Administrative Rule no. 1426 of 14 July 2004 and of the Ministry of Health's Administrative Rule no. 647 of 11 November 2008, which regulate comprehensive health care for adolescents in social-educative units. These administrative rules are currently undergoing revision in view of increased transfers of financial resources to units, so that they may promote health and engage mobile mental health teams to care for adolescents deprived of liberty. In conformity with these administrative rules and with the backing of the Ministry of Health, the state and municipal health departments are entering operation plan agreements to ensure the requisite supporting structures for providing health care in internment units, including sanitary surveillance procedures. Currently, seven states have operation plans eligible for receiving funds for promoting health in the units: Acre, Federal District, Goiás, Minas Gerais, Pernambuco, Piauí, and Rio Grande do Sul. The states of Alagoas, Ceará, Pará, and São Paulo are about to enter such agreements.

136. In respect of access to education, the Brazilian State has endeavoured to expand the provision of vocational training, to set schooling guidelines, and to extend educational programmes to social-educative units. The SINASE Law signalled the Federal Government's commitment to financing and priority access to qualification programmes by adolescents serving social-educative measures. This initiative will make possible the offer of vocational training in the country's social-educative units to those deprived of their liberty. PPA 2012-2005 also calls for other actions in partnership with the Ministry of Education, such as the definition of schooling standards for schools located in internment units, the regularization of these schools under the formal educational system, and the implementation of educational programmes in the social-educative system's school network.

137. Brazil is also committed to the application of the internment measure only as a last resort. In addition to insisting on the brevity of measures, especially of internment, article 35, II of the SINASE Law provides for "the exceptionality of judicial intervention and imposition of measures, which favour the emergence of conflicts;" III provides for "priority of the practice or measures that are restorative and that whenever possible meet the victims' needs;" and VII calls for "minimum intervention, limited to what is necessary for achieving the measure's objective;" article 42 establishes six months as the maximum deadline for re-evaluating the measure; and article 43 establishes that re-evaluation of the measure's maintenance, substitution, or suspension may be requested at any time by the director of the social-educative programme, the Public Prosecutor's Office, the adolescent, and the adolescent's parents or custodians. The new law also makes it mandatory for the biennial evaluation already called for under Statute of the Child and the Adolescent (ECA) to be based on targets agreed by consensus by the technical team, the adolescent and the adolescent's parents, under an Individual Care Plan-PIA to be judicially homologated.

138. A strategy that has been quite successful in avoiding internment is the incentive for the strengthening of Networks and Courts. Since 2008 the Federal Government encourages the creation of and supports the maintenance of a National Juvenile Court (FONAJUV) consisting of representatives from the States' Courts of Justice and from the three main national judges, prosecutors, and defenders associations. This Court has abided by a conceptual and practical alignment in the enforcement of the law so as to

avoid undue or illegal internment, as well as calling for a joint effort to reduce the number of adolescents deprived of liberty. The graph below shows the downward trend in the pace of the internment growth rate in recent years:

139. Another Federal Government initiative is the establishment of the National Network for the Defense of Adolescents in Conflict with the Law, consisting of representatives from the State Public Defenders Offices, Defense Centers, and Relatives Associations to guarantee the technical defense and the follow-up of adolescents under social-educative measures.

140. Brazil develops several strategies for the ongoing training of teams that provide social-educative care. To this effect, training centers have been established in partnership with universities and government schools, with actions aimed at professionals that work with social-educative programmes under semi-open and closed regimes. The SINASE schools follow a Training Matrix with ten modules of 160 hours. The matrix is also used for distance training (EAD) through a portal maintained in Partnership with the University of Brasilia. During the 2009-2011 period, 24 agreements were signed for the training of 13,765 professionals, at a cost of R\$11 million. The new edition of the EAD modality, to start in August 2012, expects the participation of over 5,000 professionals in basic training, with the development of a specific programme for 800 technical professionals, focused on the management of social-educative programmes.

141. Lastly, with respect to the Justice system, the SINASE Law stresses the need for technical defense of adolescents throughout all phases. The Public Defender Offices in the states are endeavoring to create and structure specialized centers, with Federal Government support, to care for adolescents that break the law. In this connection, 15 agreements were signed between 2009 and 2011 with Public Defender Offices and Centers for the Defense of Children and Adolescents (CEDECAS), totaling R\$2.5 million.

I. Treatment of drug addiction

(a) The crack plan – Crack can be beaten

142. Decree no. 7179/2010 established an Integrated Plan to Combat Crack and Other Drugs, aimed at preventing use, treating users and reintegrating them into society, and at combating crack and other illicit drugs. This Plan calls for ongoing coordination of policies on health, social welfare, public security, education, culture, and youth, among other policies, consistently with the assumptions, guidelines, and objectives of the National Policy on Drugs.

143. The “*Crack can be beaten*” Plan is providing R\$4.0 billion for priority actions in 14 capitals. It calls for integrated, coordinated actions with the direct participation of the Ministries of Health, Social Welfare, Justice, Human Rights, and Education, coordinated by the Civil Cabinet at the Presidency of the Republic. The Plan’s pillars are Care, Prevention, and Authority. The first refers to the expansion and qualification of services in the areas of health and social welfare aimed at users and their families. The second pillar refers to support for technical work in the areas of health and social welfare, and intelligence in combating trafficking and traffickers, with intensified action in big centers and in border zones. It also calls for the requisite changes in the law for combating drugs. The third pillar calls for extensive training and qualification of Social Workers, Security Agents, and Educators and students through both live attendance and distance courses.

144. The Plan’s targets up to 2014 are as follows:

Implementation of 234 new “Street Consultation Offices,” thereby increased the network’s current 76 to 308 by 2014.

Addition of 2460 new beds for the specialized infirmaries and upgrading of 1.142 of the 4.121 existing beds.

Implementation of 408 new Adults Shelter Units, thereby increasing their number from 22 to 430.

Implementation of 166 new Children-Adolescents Shelter Units, thereby increasing their number from 22 to 188 by 2014.

Implementation of 41 new 24-hour CAPS-ad 24h by 2014 and [CAP-ad = Psychosocial Care Center for drug addicts] changing the existing 134 into CAPS-ad into 24-hour ones in 2012

(b) Comprehensive health care for offenders with mental disabilities

145. The third edition of the National Human Rights Plan (PNDH-3), Guideline 16 –Strategic Objective III lists as one strategic action the establishment of guidelines to guarantee adequate treatment of persons with mental disabilities, consistently with the deinstitutionalization principle. In this connection, the First and Second National Encounters on the Care of Persons under Security Measure were held, both promoted by the Federal Attorney’ Office for Citizen’s Rights and the Ministry of Health. These Encounters purported to gather inputs for the definition of specific norms for caring for persons deprived of liberty at Custody and Psychiatric Treatment Hospitals-HCTPs; the definition of social reintegration alternatives for internees of HCTPs; and show how to train multipliers of the inter-sectorial approach to the care of people under security measure in the 17 states that have HCTPs.

146. Inter-ministerial Administrative Rule no. 1.777/2003, which establishes the National Health Plan in the Penitentiary System, points to the need for a specific document setting norms and guidelines for Comprehensive Care of Offenders with Mental Disabilities. Conscious of the urgency of discussing and drafting such a document, consistently with STP’s recommendation, the Ministry of Health and the Ministry of Justice drafted a proposal based on Law 10.216/2001 on psychiatric reform and on the National Conference on Mental Health Report, which indicates that the Unified Health System-SUS, more specifically the Mental Health Care Network, should be responsible for the treatment of persons subject to security measures.

147. To elicit contributions and learn the perspectives of the different segments involved with the subject, in 2012, the Ministries of Health and of Justice gave instructions to the Commission on Comprehensive Care of Persons Held Under Security Measures, an offshoot of the Inter-sectorial Technical Committee on Health in Prisons, in which participate the Ministries of Health, of Justice, and

of Social Development, as well as the Secretariat for Human Rights, civil society, and the academia.

148. The proposal's main point is the setting up of an Inter-sectorial Team on Comprehensive Health Care of persons held under security measures in each state, made up of a health professional, a justice professional, and a welfare professional. This team will work in the coordination, in an integrated manner and in conformity with the peculiarities of each case, toward the deinstitutionalization of patients now in HCTPs, intervening at the admission time, making judges sensitive to criminal alternatives, such as treatment in the Psychosocial Care Centers (CAPS), and at the release time, employing all the resources available in their territories in the areas of health, justice, and welfare, among others.

149. The CAPS form part of a network of effective services that supersede the hospital-centered model; these services are open, provide daily care on a territorial basis, and are integrated with the community. They work toward the patients' social reintegration and in promoting their autonomy, providing medical, psychological, and social follow-up. In Brazil there are currently 1,648 CAPS, 138 of which are specific for the treatment of drug addiction – CAPS-AD.

150. After incorporating the Commission's contributions, the Ministries of Health and of Justice will draft a document on Comprehensive Care of Persons under Security Measure, to be issued together with the National Health Policy in the Prison System, still in 2012.

151. In the specific case of the Roberto Medeiros Center for Treatment of Drug Addiction, the state of Rio de Janeiro has committed itself to undertake a dialogue based on local visits to the state's units by representatives of the Penitentiary Administration Department and by the State Health Department. The information gathered by the survey will serve as a guide for the preparation and implementation of a State Operating Plan, with the active participation of the State Health Department and consistently with the National Plan on Health in Prisons.

V. Policies on preventing and combating torture

152. To monitor the implementation of policies and check material conditions, as well as to receive any denunciations, the Federal Government, through the Ministry of Justice (CNPCC and Ombudsman Office), the Ministry of Health, the Secretariat for Human Rights, and the Secretariat for Women's Rights, undertake periodic inspections of facilities where there is deprivation of liberty.

153. At the state and local levels, inspections are carried out by the Penitentiary Councils, the Community Councils, the Sanitary Surveillance Agency, judges, public prosecutors and public defenders from the area of Criminal Execution, and civil society organizations. These inspections yield reports with recommendations for the improvement of these establishments, as well as urge the authorities to take the pertinent steps.

154. In addition to inspections, the Federal Government undertakes several other initiatives for preventing and combating torture, including the "Plan for Integrated Actions to Prevent and Combat Torture," and a proposal for the establishment of a National Mechanism for Preventing and Combating Torture, among other SDH/PR and Ministry of Justice initiatives.

155. It should be noted that these policies are in general aligned with the international approach to this issue, although the Federal Government seeks to adapt this approach to the national context.

A. Plan of integrated actions for preventing and combating torture in Brazil

156. Since the National Report on Human Rights (1999) and the 2001 report of Sir Nigel Rodley, the United Nations Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, the Brazilian State has coordinated policies on preventing and combating tortures. With the publication of the Second National Report on Human Rights (2002) and other reports and studies on the issue, the State has strengthened its policy with the establishment of the Plan of Integrated Actions for Preventing and Combating Torture in Brazil (PAIPCT) in 2006.

157. The PAIPCT incorporated contributions from civil society and from specialists from different areas, and systematized a set of integrated actions for the justice system, with a view to building an agenda of public policies and coordinated procedures involving the Executive, the Legislative, the Judiciary, and the states and the Federal District. In addition to measures for obtaining a national diagnostic of torture through the monitoring of facilities of deprivation of liberty, the incentive to the action of the State Committees on Combating Torture is also worth noting.

158. As a preventive action of education and awareness-raising about human rights, the PAIPCT encourages the enlightening of the population about the practice of torture. To bring aggressors to account, it encourages the establishment of independent Ombudsman Offices, and specific Judicial Administrative Offices of the Police and the Penitentiary Systems. The PAIPCT calls also for the qualification of health professionals, doctors and psychologist active in the prison system, in recording cases of torture and reporting them to the judiciary authorities.

159. So far, 16 states have adhered to the PAIPCT and 11 states have set up state committees, including Goiás, Espírito Santo, and Rio de Janeiro, with equal participation of civil society and government. These state committees allow external control of institutions connected with deprivation of liberty and enhances social participation and transparency of the monitoring process. They focus on monitoring public policies on prevention of torture and offer proposals aimed at their improvement, inspection of the facilities of deprivation of liberty, and the promotion of information and education campaigns.

160. In the state of Goiás, the committee was set up under State Decree no. 7576 of 14 March 2012. It is now at the structuring and members selection stage.

161. In Rio de Janeiro, the committee was established under State Law 5778 of 29 June 2010 at the same time the PAIPCT was

signed by the state government. The Committee meets regularly every month.

162. In 2001, civil society in the state of Espírito Santo established a committee on combating torture, which meets monthly. On 13 December 2004, the state government formally established the State Covenant on the Eradication of the Crimes of Torture, and adhered to the PAIPCT on 13 March 2006.

B. Mechanism for preventing and combating torture

163. On 3 October 2011, the President of Brazil sent Bill (PL) no. 2442/11 to the National Congress on the establishment of the National System for Preventing and Combating Torture (SNPCT) and of the National Mechanism for Preventing and Combating Torture (MNPCT)

164. In Congress, PL no. 2 442/2011 was annexed to other Bills that were already under consideration so that it could be discussed more expeditiously by the plenary. It is now being considered on a priority basis by the Chamber of Deputies.

165. The establishment of the SNPCT has been a priority in the area of human rights since 2007, with Brazil's ratification of the Optional Protocol to the Convention against Torture. This priority has been reiterated under the National Human Rights Program (PNDH-3) in 2009. To draft the Bill, the Secretariat for Human Rights held meetings with the National Committee on Preventing and Combating Torture and participated in discussions at the United Nations and Mercosur.

166. It should also be noted that the Bill is consistent with the requirements of independence, effectiveness, efficacy, and politically feasible cooperation among different institutions that have competence and attributions related to the subject. The principles and norms of the Brazilian legislation are preserved, and, in view of the issue's special nature, there is a specific discipline pertaining to its independence and operation, and autonomy in the discharge of functions, as well as in reference to the appointment and destitution of members; in this way, the openness, transparency, and inclusion suggested in SPT recommendation are ensured.

167. In general, the establishment of the National System for Preventing and Combating Torture will be a step ahead and will strengthen the prevention and combat against torture, by the coordination and cooperation of public and private agencies and entities with legal or statutory attributions for monitoring, supervising, and controlling the establishments and units that house persons deprived of liberty, or for promoting the defense of the human rights of such persons, by permitting the exchange of information and of good practices. Another significant aspect is that it will guarantee the technical, financial, and administrative support required to the operation of the SNPCT, the CNPCT, and the MNPCT in every state.

168. Three states have already established their own mechanisms, including Rio de Janeiro. The State Mechanism for Preventing and Combating Torture was established under the same legislation that set up the State Committee, i.e., Law 5778 of 30 June 2010, and is administratively subordinated to the Legislative Assembly of the State of Rio de Janeiro. Its members, elected for a four-year term, with the possibility of reelection, took office in July 2011 and have met weekly since. So far, about 60 visits have been made to facilities where there is deprivation of liberty.

169. The state of Espírito Santo has an agency that functions similarly to a state mechanism. In 2011, under Normative Series no. 2/2011, the Espírito Santo Court of Justice, the Espírito Santo State Government, the Espírito Santo Attorney General, and the Bar Association established a State Commission on Preventing and Combating Torture, subordinated to the Espírito Santo Court of Justice.

C. The national Human Rights Ombudsman Office

170. *The Brazilian State has available one key instrument for addressing issues related to the mechanisms for reporting human rights violations: the National Human Rights Ombudsman Office .*

171. The Human Rights Ombudsman Office is competent for receiving, analyzing, and processing reports of human rights violations; for disseminating information and orientation about actions, programmes, campaigns, rights, and care services, protection, defense, and for establishing accountability in regard to human rights services at the federal, state, and municipal levels. The active channel for dialogue with civil society for receiving denunciations and for disseminating information is the *Disque Direitos Humanos* [Dial Human Rights] Call Center: *Disque 100*. The service operates 24 hours a day, seven days a week. Calls are free of charge and may be made from anywhere in the country.

172. Implementation of the actions follows processing channels coordinated by the protection and accountability networks, which must attend to victims of violation, wherever violation occurs. A single tool is used by the Ombudsman Office, namely, the Care and Management Computerized System, developed on a free platform, SIMEC – *Disque 100 - Direitos Humanos*. This tool organizes systematically the specificities inherent to the vulnerable social groups attended to, as well as the different forms of receiving reports, the violations reported, and the final recipients of the reports.

173. It must be also highlighted the work of the National Ombudsman Office for the development of social indicators about institutional violence from the received complaints and information. Between 1 January 2011 and 25 June 2012, the National Human Rights Ombudsman Office received 1,694 reports of Torture and Other Cruel, Inhuman, and Degrading Treatment. The federal entities that received more complaints in absolute numbers were São Paulo, Minas Gerais, Pernambuco e Rio de Janeiro. On the other side, Distrito Federal and the states of Mato Grosso, Mato Grosso do Sul and Pernambuco received more complaints per each 100 thousand inhabitants.

174. Implementation of *SIMEC – Disque 100 – Disque Direitos Humanos* ensures the adoption of mechanisms for monitoring reports along the entire investigation process. The technological apparatus allows speedy access to information on claims and ensures that *in loco* monitoring actions are more effective, as they direct interventions and inspections straight to where violations have not yet

ceased.

175. The ongoing dialogue involving the states, the Judiciary, and civil society organizations reinforces the dynamics of interconnected networks devoted to guaranteeing human rights, devising methods of protection, prompt attention, and establishing accountability for reports of human rights violations. In this connection, the Ombudsman Office continues to act directly in emblematic, collective cases, as well as in the resolution of social tensions and conflicts that involve human rights violations.

176. Hence, it is worth mentioning the role of the National Forum of Police Ombudspersons, established in 2006, integrated by twenty police ombudspersons from the states. Between 2006 and 2012, the Forum promoted the creation of Ombudsman Offices in Alagoas, Sergipe, the Federal District, and Paraíba. In addition, it participated in the preparation of the folder “The Police stopped me. Now what?” and helped set up the state committees on controlling deaths under police custody in São Paulo and Maranhão.

D. Mechanism for combating torture and ill-treatment in the socio-educative system

177. Social control of the social educative system is one of the main features of the SINASE Law. In addition to inspections and visits by the judicial authority and the Public Prosecutor’s Office, the Statute of the Child and the Adolescent assigned to the Rights Councils and the Custody Councils a complementary role in the monitoring of the programmes on care and social control of public policies geared to children and adolescents.

178. Although Brazil has no specific Ombudsman Office dedicated to the rights of children and adolescents, the National Human Rights Ombudsman Office has taken on cases related to them. The *Disque 100*, operated by the Ombudsman Office, receives denunciations regarding the treatment of adolescents in conflict with the law. One of the priorities is to make this channel better known by the families, in addition to the possibility of access to the Custody Councils and agencies of the Justice System and to the SDH/PR.

179. The National Council on the Rights of Children and Adolescents (CONANDA), in conjunction with the States Councils and the network of professional Councils and Associations, including the Bar Association, and the Federal Psychology and Social Work Councils, are engaged in inspecting internment units. The network of professional Councils has issued public reports and published resolutions on the establishment of uniform norms for ethical procedures to be followed by professionals in this area. Moreover, public hearings and frequent inspections of internment units have been undertaken by parliamentary commissions in respect of human rights.

180. Also worth mentioning are the actions aimed at strengthening the mechanisms for combating torture, consistently with SINASE and incorporated into the Federal Government planning, including the following: (a) definition of Judicial Administrative Offices and/or Ombudsman Office models for social-educative units; (b) mobilization of managers for the establishment of such units in their systems; (c) mobilization of inspection entities; (d) development of a specific action plan for the social-educative system, in conjunction with the states that have already signed a term of commitment with the Federal Government for the implementation of Mechanisms for Combating Torture.

181. The University of Brasília (UnB) is participating in a study and definition of reference norms for the social-educative approach, to be annexed to the SINASE National Plan, which includes: architectonic parameters for Social-educative Units; programme pedagogical parameters; SENASE management model; and security parameters for facilities of deprivation of liberty, as well as norms and procedures pertaining to the “social-educative -security” concept, which calls for respectful, dignified treatment of interns, keeping in sight the vulnerability of this group.

E. Other actions by the Ministry of Justice

182. The Ministry of Justice implements three major policies toward preventing and combating torture, fostering the Community Councils (CCs) and the State Ombudsman Offices and reactivating the National Public Security Council. It has also worked on the revision of procedures for searching visitors to prisons.

(a) National public security councils

183. The First National Conference on Public Security, held in 2009, was a democratic landmark, as it introduced an important mechanism that makes possible thorough social control and the full exercise of citizenship rights. At that time, the Brazilian State defined ten principles and 40 guidelines for the National Public Security Policy.

184. To ensure ongoing civil society’s participation at the federal level, the State reactivated and restructured the National Public Security Council (CONASP), whose membership now includes civil society and public security workers, represented by democratically elected representatives to engage in systematic discussions of national public security policy. It should be noted that this collegiate body’s vice president is a civil society representative freely chosen by the other members.

(b) Ombudsman offices of the penitentiary system

185. Article 5, XLIII of the Federal Constitution had already established that torture is a non-bailable crime not susceptible of pardon or amnesty, considered it a heinous crime, and exacted accountability from its executors, instigators, and all those that being able to prevent the crime were guilty of omission. In 1997, the National Congress passed Law 9455, which defines crimes of torture and makes other provisions regarding the types of punishment. Article 1, paragraph 4, I, increases the sentence by one sixth to one third if the offence is committed by a public agent, and provides for his/her loss of position, employment, or public function if convicted, as well as prohibiting him/her from exercising his/her activity for twice the length of the sentence. These provisions reflect the Brazilian State’s commitment with abolishing such criminal conduct, particularly in respect of civil service.

186. To promote control and the follow-up of possible cases of torture or ill-treatment in the State penitentiary systems, the Ministry of Justice is implementing a policy aimed at setting up and equipping state penitentiary systems' Ombudsman Offices (Target 3 of the Penitentiary System's Master Plan). By late 2012, the existing Ombudsman Offices in eleven states will be restructured with the acquisition of equipment. This support, together with the provision of a computerized information system and with coordination actions and networking, will allow the monitoring and follow-up of reports pertaining to the Brazilian penitentiary system. Coordination actions and networking include the establishment of a Virtual Forum of Penitentiary System Ombudspersons, joint inspection visits, and the holding of the Third National Encounter of Penitentiary System Ombudspersons, planned for November 2012.

187. It is worth noting that about 40 per cent of the states have their own Penitentiary System Ombudsman Office and about 63 per cent have Penitentiary System Judicial Administrative Offices.

188. To monitor the implementation of penitentiary policies and verify prison conditions as well as any reports, inspections of state prison establishments are undertaken, according to a yearly schedule, by the Ministry of Justice (CNPCP and Ombudsman Offices), the Secretariat for Human Rights, the Ministry of Health, and the Secretariat for the Women's Rights. At the state and local levels, periodic inspections are made by the Penitentiary Councils, the Community Councils, the Sanitary Surveillance Agency (ANVISA), judges, Criminal Execution prosecutors and public defenders, and civil society entities. Reports on these inspections make recommendations for improving these establishments and urge the competent authorities to take the pertinent measures.

189. In addition, the Ministry of Justice has supported coordination actions and networking through the establishment of a Virtual Forum of the Penitentiary System Ombudspersons, joint inspection visits, and by holding the Third National Encounter of Penitentiary System Ombudspersons, scheduled for November 2012. These initiatives will allow a better monitoring and follow-up of reports related to the Penitentiary System.

(c) Search procedure

190. Regarding the procedure for searching visitors, the Brazilian State has endeavored to improve the regulation of this matter, establishing that scanning search be the rule at all criminal establishments, and prohibiting any kind of mechanism susceptible of violating the fundamental rights of visitors. A Bill is being drafted to prohibit the practice of strip search in the prison system and to set rules for other forms of search.

191. This Bill's intention is to give priority to scanning search and set rules for manual search, to be done on a visitor's body and clothing, while strip search is forbidden. Should manual search be necessary, it should be done by a qualified agent of the same sex of the person to be searched, while human dignity should be respected at all times.

VI. Reference to the recommendations of the United Nations Subcommittee on Prevention of Torture

192. The State referred to the recommendations of the SPT report as indicated below:

<i>Recommendations / SPT report paragraphs</i>	<i>Sections of the State's report</i>
9, 12	Section 1
26, 29, 31, 41, 43, 64, 68, 86 and 129	Section 2.1
26, 132, 135, 138, 139, 142, 149 and 150	Section 3
70, 72, 76, 78, 93, 95, 97, 101, 103, 108, 109, 111, 114, 117 and 123	Section 4.1
33, 55, 58, 61, 62, 66, 68, 74, 88, 90, 98, 100, 109, 123, 125 and 129	Section 4.2
114,	Section 4.3 e 4.4
39, 41, 43, 45, 47, 49, 51 and 121	Section 4.5
39, 41, 43, 45, 51, 61	Section 4.6
26, 35, 68	Section 4.7
139	Section 4.8
152, 154	Section 4.9
17, 20, 33, 51, 53, 55, 61, 62, 119, 142, 149 and 150	Section 5

VII. Conclusions

193. In 2012, Law No. 9455 of 1997, which defines the crime of torture in Brazil, celebrates 15 years. However, the normative and institutional progress achieved since the end of dictatorship and the return to democracy have not yet completely overcome the issues involved to this crime. The visit of the SPT, as well as the recommendations made by this mechanism, represented a valuable opportunity for the Brazilian State to evaluate and enrol the efforts made in the last years, aiming at implementing this Law in the country.

194. Therefore, the continuous monitoring of institutions where there is deprivation of liberty is essential to prevent torture. It is necessary that a network of different actors such as judges, public defenders, prosecutors, policemen and federal and State managers, engage in a tireless work on the facilities where there is deprivation of liberty, in order to decrease and discourage violations, as well as in order to punish its perpetrators. Preventing and combating torture rely on an active collaboration between the State and society, between all three branches of the Republic, as well as between all levels of government, for there is a permanent

and systematic surveillance against any practice of torture and ill treatment.

195. Based on this understanding, Brazil has developed public policies for the institutionalization of monitoring structures of facilities where there is deprivation of liberty, as well as enhanced the mechanisms of receiving complaints and empowering victims. Examples of this advancement are the creation of the National System for Preventing and Combating Torture and the work of the National Human Rights Ombudsman Office.

196. The Brazilian democracy has achieved a legal and institutional framework that vehemently prohibits torture. There are State structures permanently mobilized to receive and investigate complaints, to oversee institutions and to promote a social conscience of repudiation to torture. In face of these guarantees, besides the persistent challenges, Brazil has mobilized resources and carried out actions to decrease the prison deficit, to enhance the infrastructure of facilities where there is deprivation of liberty, to ensure and improve the access to justice, to better qualify the human resources in the whole justice system, as well as to promote the education for a culture of peace, citizenship and human rights.

197. In this diligent work, we look forward to fighting torture not only in its obvious manifestations, but also in any practice of subjection of citizens to inhumane and degrading conditions. The human dignity must be protected and defended inside all institutions, no matter the reasons that produced the internment or deprivation of liberty.

198. Brazil recognizes its historical and structural challenges to be overcome, but the country emphasizes its important achievements for a paradigmatic State and societal change toward a zero tolerance position regarding torture. This report is a milestone in this process; it is the result of a government effort that involved numerous agencies of the Federal and State Governments and of the National Public Prosecutor's Office, the National Council of Justice, and the Federal Prosecutor's Office for Human Rights.

199. The series of policies and actions presented herein is a concrete evidence of the Brazilian State firm and unwavering commitment to prevent and combat all forms of torture. Moreover, the publication of the recommendations made by the SPT shall allow the challenges to be treated with transparency, cooperation and a constructive spirit, aiming at the full realization of human rights in Brazil, based on international cooperation and on a fruitful dialogue with the civil society.

200. Through the present report to the SPT, the Brazilian State also reaffirms its commitment to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984), as well as to its Additional Protocol (2005) and its Fund (2007), to which the State intends to elaborate a proposal in order to facilitate the implementation of the received recommendations. The SPT has an important mission to accomplish, and this dialogue, to which the Brazilian State is open, is fundamental for the consolidation of human rights and for combating their violation worldwide.