



Selective imprisonment in Brazil: A story beyond the walls.

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ABSTRACT

This article discusses the Brazilian prison system and the challenges posed by social inequality that affect the prison population, presenting a concise historical context. The work is situated within the paradoxical context of a country with a Criminal Enforcement Law (LEP) considered modern, but which maintains a selective, segregating, and punitive model of incarceration. The central objective of this study is to analyze the contrast between the humanized ideal of the Criminal Enforcement Law (LEP) and the selective and exclusionary reality of the national prison system. It seeks to substantiate the social injustices perpetrated in prisons, often through the very mechanisms of justice. Furthermore, the article aims to discuss the need for transformation of the prison system, in alignment with the principles of human rights and the 2030 Agenda for Sustainable Development. The methodology of this study is qualitative and reflective in nature, delineated from a transdisciplinary approach. The narrative construction permeates a theoretical review of the legal, social, and ideological aspects of the prison system, with a dialogue between Law, Social Sciences, Public Health, and Education. The analysis included an examination of the Criminal Enforcement Law and a historical review from the Penal Code of 1830, in addition to a critical interpretation of official data and empirical studies. The results indicate institutional ineffectiveness in Brazilian prisons, operating as the last step in a systematic process of denial of rights that precedes imprisonment. It is demonstrated that overcrowding, low levels of education, and racial selectivity characterize the discrepancy between the norm and reality. However, the study highlights the potential of the Criminal Enforcement Law as an instrument for inducing humanitarian public policies. The analysis in light of the Sustainable Development Goals (SDGs) reveals that the effectiveness of the law requires integrated actions in health, education, and work, transforming the prison into a space for citizen reconstruction.



Keywords: Brazilian Prison System; Person Deprived of Liberty; Criminal Enforcement Law; Social Inequality; Denial of Rights.

Cárcere seletivo no Brasil: Uma história que vai além dos muros.

RESUMO

O presente artigo discute o sistema prisional brasileiro e os desafios impostos pela desigualdade social que recaem sobre a população carcerária, apresentando uma contextualização histórica concisa. O trabalho se insere no contexto paradoxal de um país com uma Lei de Execução Penal (LEP) considerada moderna, mas que mantém um modelo de encarceramento seletivo, segregador e punitivo. O objetivo central deste estudo é analisar o contraste entre o ideal humanizado da Lei de Execução Penal (LEP) e a realidade seletiva e excludente do sistema carcerário nacional. Busca-se fundamentar as injustiças sociais executadas no cárcere, muitas vezes por meio dos próprios mecanismos da justiça. Além disso, o artigo visa discutir sobre a necessidade de transformação do sistema prisional, em alinhamento com os princípios dos direitos humanos e à Agenda 2030 para o Desenvolvimento Sustentável. A metodologia deste estudo é de natureza qualitativa e reflexiva, delineada a partir de uma abordagem transdisciplinar. A construção narrativa permeia uma revisão teórica sobre os aspectos legais, sociais, e ideológicos do sistema prisional, com diálogo entre Direito, Ciências Sociais, Saúde Pública e Educação. A análise incluiu o exame da Lei de Execução Penal e um resgate histórico desde o Código Penal de 1830, além da interpretação crítica de dados oficiais e estudos empíricos. Os resultados indicam uma ineficácia institucional no cárcere brasileiro, operando como o último degrau de um processo sistemático de negação de direitos que antecede a prisão. Demonstra-se que a superlotação, a baixa escolaridade e a seletividade racial, caracterizam a discrepância entre a norma e a realidade. Contudo, o estudo destaca a potencialidade da LEP como instrumento indutor de políticas públicas humanitárias. A análise à luz dos Objetivos de Desenvolvimento Sustentável (ODS) revela que a efetividade da lei exige ações integradas de saúde, educação e trabalho, transformando o cárcere em um espaço de reconstrução cidadã.

Palavras-chave: Sistema Prisional Brasileiro; Pessoa Privada de Liberdade; Lei de Execução Penal; Desigualdade social; Negação de direitos.



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INTRODUCTION

Before contextualizing the issues surrounding the Brazilian prison system and the people deprived of their liberty, it is relevant to consider a poem by Sophia de Mello Breyner Andresen that explores the meaning of the word “freedom,” a state or feeling of great value to human beings.

Do not believe, Lídia, that any summer
lost by us can ever return
offering the flower
we postponed to gather.

Each day is given to you only once,
and within the rounded circle of night
there is no mercy
for the one who hesitates.

Later will be late, and it is already late.
Time erases everything except that
long indelible trace
left by what was not lived.

Do not trust the delay you count upon.
Kronos never pauses, for his stride
always advances farther
than your own.

It may seem rather difficult to draw analogies between a poem and the Brazilian prison system, but this one seems fitting, as it figuratively represents the lives of thousands of people deprived of their liberty in Brazil, who suffered deprivation long before they were incarcerated.

Social inequality in Brazil has deprived and continues to deprive thousands of individuals of their right to education and healthcare. These aspects hinder the development of public policies that promote social equity. It is worth noting that, in Brazil, most individuals deprived of their liberty have never been socially included. The right to healthcare is constitutional and applies to all Brazilians, including those deprived of their



liberty, a right reinforced by the Criminal Enforcement Law (LEP). Therefore, when the State violates this right, which is enshrined in national and international norms, it comes to be considered a delinquent State (VALENTIM, J. L. R. S., 2024). The country has a prison population of illiterate or undereducated individuals, meaning that the State has failed to guarantee these individuals broad access to education, as required by the country's highest law (according to Article 205 of the Brazilian Federal Constitution):

Education, a right of all and a duty of the State and the family, shall be promoted and encouraged with the collaboration of society, aiming at the full development of the individual, preparation for the exercise of citizenship, and qualification for work (BRASIL, 1988).

It is worth noting that the concept of freedom in this text extends beyond the physical dimension to encompass freedom as a condition of dignity and citizenship. This symbolic interpretation of the opening verses of the poem encapsulates the situation of individuals who, even before their incarceration, were deprived of structural opportunities for a full existence. Thus, sociological and historical analysis of prison reveals a form of social imprisonment that predates legal incarceration.

According to the National Human Rights Observatory (2024), there are currently more than 840,000 people deprived of their liberty in Brazil. This is the third-largest prison population in the world, with an occupancy rate of 140% of prison capacity, particularly in the states located in the North and Northeast Brazil. Furthermore, 75% of the prison population awaiting sentencing in Brazil identify as black or brown. The number is significantly different from the percentage of black people registered in the 2022 Census conducted by the Brazilian Institute of Geography and Statistics (IBGE, 2022), which was 55.5%. According to the same report, currently 40% of people deprived of their liberty in Brazil are in provisional detention, and among these, the proportion is even more evident: three out of every four people under this custodial regime are black.

According to the SISDEPEN report (2025):

With regard to the educational attainment of people deprived of their liberty in Brazil, it is possible to state that 43.1% have not completed primary education, followed by 17.8% who have not completed secondary education and 10.9% who have completed primary education. Only 0.9% of incarcerated individuals hold a completed



higher education degree. When analyzing educational data for the Brazilian population, drawn from the PNAD Contínua 2024, it becomes evident that the prison system does not reflect the distribution of educational levels observed in Brazilian society. In the prison system, more than half of those in custody have low levels of schooling, whereas in the broader Brazilian population there is greater dispersion across all educational levels.

A historical retrieval of the Brazilian prison system in light of legal regulations reveals that progress has been made, essentially in terms of guarantees and human rights. However, the data and analyses presented in the SISDEPEN report, updated in 2025, clearly demonstrates that the Brazilian prison system is also a byproduct of structural social exclusion. This is particularly evident when the report states that there is no correlation between the levels of education in the Brazilian society and the “prison society.” Thus, the very semantics of the text showcases not only that there are two societies, but also that the majority of the prison population, more than 53%, is semi-literate. In addition to educational deprivation, poor access to healthcare before incarceration establishes a baseline vulnerability amplified in the prison system.

In their study on the health of women in the prison system, Oliveira et al. (2020) highlight one of the most critical aspects of vulnerability and social exclusion in prison: the high prevalence of syphilis among incarcerated women, particularly pregnant women. This study highlights that the high incidence of the disease is an indicator that access to healthcare, a fundamental right, is failing. By comparing the results, the study found that the syphilis rates among incarcerated pregnant women are significantly higher than those in non-incarcerated women—with prevalence ranging from 8.7% to 28.6% among incarcerated women, compared to 1.3% among non-incarcerated women. To overcome this structural challenge, it is crucial to ensure adequate prenatal care and a full range of preventive and treatment measures are offered to incarcerated pregnant women, which requires strengthening the National Policy for Comprehensive Healthcare for People Deprived of Liberty in the Prison System (PNAISP).

This reality reveals the deepening of an incarceration model that, historically, has targeted specific groups. The constantly rising numbers are not neutral but revealing of the logic of a state that punishes when it should be guaranteeing rights. As Valentim (2023)



notes, exclusion from access to health, education, and citizenship precedes imprisonment. Prison is the culminating stage in a systematic process of denial of rights. This exclusion is not only an effect of poverty, but an expression of a social structure that criminalizes vulnerability and transforms inequality into a criterion for punishment. This phenomenon, described by scholars such as Loïc Wacquant (2001) and Angela Davis (2016), reflects the global expansion of massive incarceration as a response to social crises rather than crime itself. In the Brazilian case, this logic is even more perverse, as it reproduces a colonial and racist legacy that, since the 19th century, has associated criminal control with the control of black and low-income populations.

Dias (2024) revisits the issue by pointing out that people deprived of their liberty suffer a double punishment: one imposed by social exclusion, which has deprived them of access to fundamental rights, and another arising from the State's own negligence during the serving of sentences. This interpretation broadens the understanding of prison as a symbol of the failure of Brazil's criminal justice system. Therefore, how can one speak of social reintegration or resocialization when these individuals have never been integrated into society or socialized?

Within this scenario, this article foregrounds a discussion on the topic grounded in a theoretical review of studies and research in Brazil, articulating approaches that range from criminal proceedings, human rights, and the Brazilian Constitution to processes of resocialization and reintegration, as well as the stigmatization of people deprived of their liberty. As this is a broad topic that also spans ideological, political, social, and cultural dimensions, this paper does not aim to exhaust the subject, but rather to offer analyses and discussions that provide a perspective on people deprived of their liberty that goes beyond the prison's concrete walls.

METHODOLOGY

The methodological pathway of this study was based on a transdisciplinary approach, combining theoretical review, document analysis, and critical interpretation of official data. This perspective dialogues with the complex thinking of Morin (2005) and with



the foundations of transdisciplinarity formulated by Nicolescu (2008), allowing us to understand the structural selectivity of the Brazilian prison system and the tensions that permeate the guarantee of human rights in prison.

The study is qualitative and reflective in nature, supported by a narrative structure that promotes articulation between different fields of knowledge. This approach is consistent with the tradition of qualitative research in health and social sciences, as described by Minayo (2014). Thus, the dialogue between Law, Social Sciences, Public Health, and Education facilitated a critical and contextualized reading of prison as a complex phenomenon marked by historical, political, and cultural inequalities. The research traverses topics such as criminal proceedings and rights guarantees (COSTA; JESUS, 2025), stigmatization, social exclusion, and incarceration policies (LEMGRUBER, 2017), as well as the interactions between health, education, and work as structural pillars of human dignity, delving into the gap between laws and policies.

The next phase consisted of a critical analysis of the disparity between the normative content of the LEP and the concrete conditions of incarceration. To this end, secondary data from official and recognized sources were used, such as the National Human Rights Observatory (2024), which identified Brazil as having the third-largest prison population in the world, with more than 840,000 people deprived of their liberty. Data from SISDEPEN (2025) and PNAD Contínua (2024) were also incorporated, demonstrating that more than half of those in custody have predominantly low educational attainment and that nearly 40% are held in pre-trial detention without a final conviction. In addition, empirical studies such as Oliveira et al. (2020) were included, identifying a high prevalence of syphilis among pregnant women deprived of their liberty and illustrating the gaps in access to healthcare and fundamental dignity. These elements supported the demonstration of the racial, social, and educational selectivity operating within the prison system, reinforcing the distance between what the law proposes and what reality imposes.

Based on the findings, the practices and studies related to resocialization were systematized in Table 1 of the Results and Discussion section, mapping relevant initiatives across the axes of education, work, health, and the entrenched gaps between laws and policies. This stage also articulated the study's results with the 2030 Agenda for Sustainable



Development, using the Sustainable Development Goals (SDGs) as an ethical and political framework for analysis. In particular, the following SDGs were considered: SDG 3, which addresses health and well-being; SDG 4, focused on quality education; SDG 8, which proposes decent work and economic growth; SDG 10, dedicated to reducing inequalities; and SDG 16, which promotes peace, justice, and effective institutions. Applying this international lens made it possible to assess how the Brazilian prison system contradicts global human rights commitments, underscoring the urgency of public policies capable of moving beyond a punitive logic toward restorative and emancipatory practices.

In summary, the methodological pathway combined theoretical review, document analysis, and critical interpretation of official data, all articulated from a transdisciplinary and ethical perspective. This combination highlighted the structural contradiction between what the law promises—a humanized and regenerative model—and the reality it perpetuates—a selective, segregating, and punitive system. Therefore, the methodology is not restricted to a descriptive account of the findings, as it seeks to promote critical reflection and to delineate pathways guided by human rights principles and the SDGs as a civilizational horizon.



RESULTS AND DISCUSSION

A BRIEF HISTORY OF PRISON IN BRAZIL FROM 1830

The history of the Brazilian prison system can be traced back to 1830, since until then the country did not have its own Penal Code. This was characteristic of a country that was still a Portuguese colony and therefore still had to follow the rules set by its province. At the time, crimes and penalties in Brazil were governed by the Philippine Ordinances, which had a specific book for the country. In Book V of the Philippine Ordinances, which dealt specifically with the penalties that could be applied in Brazil, were death, flogging, mutilation, burning, public humiliation of the defendant, confiscation of property, and fines.

Since that formative period, punishment in Brazil has taken on an exemplary and corporal character, aimed more at maintaining social order and racial hierarchy than at justice itself. This colonial criminal legacy structured a model of the state that, instead of preventing crime, sought to discipline bodies and territories considered dangerous—a logic that persists to this day in the prison system.

Until 1830, in Brazil, there was no provision for curtailment and deprivation of liberty, since the ordinances date back to the 17th century and prison reform movements only began at the end of the following century. Prisons in Brazil followed the old understanding of imprisonment as a means of preventing escape from the punishment that would come, rather than as an end in itself, as Santis and Engbruch (2012) believe.

Even in a context in which the culture of punishment involved the use of violence against human beings as a form of punishment, the reform of the punitive system in Brazil began in 1824. This reformist political movement came about through the New Constitution; it was during this reform that Brazil removed flogging, torture, hot irons, and other punishments that used cruelty as a punitive instrument from the law. It was also determined that prison facilities, jails, should be clean and secure, and that defendants should be separated according to the nature of their crimes. According to Santis and Engbruch (2012), “The abolition of cruel punishments was not complete, since slaves were



still subject to them”.

The formal abolition of corporal punishment did not necessarily represent the complete eradication of its symbolic structures. Practices of humiliation and segregation remained in prisons and in the penal imagination, becoming institutionalized violence.

Prison sentences were introduced in Brazil in two forms: simple imprisonment and imprisonment with labor. This prison model was implemented in 1830, with the Criminal Code of the Empire, meaning that prison system reform had not yet been implemented. In this context, the death penalty and penal servitude were still in place. The galley sentence involved prisons with forced labor, which were perpetual, aspects that were very convenient for Portugal in Brazil at that time, since Latin American countries were already abolishing slavery. This Imperial Penal Code of 1830, imposed on Brazil by Portugal, left it up to provincial governments to define their prison systems and all related regulations. This was yet another convenience that the province granted to Cologne, providing it with tools that would later also be applied to social segregation. Thus, forced labor, prescribed as part of the punishment, consolidated the logic of productive exploitation of incarcerated bodies—a continuation of enslavement practices. This relationship between punishment and productivity remains in contemporary prisons, where work, rather than being an instrument of emancipation, often takes on a coercive character.

Santis and Engbruch (2012) highlight in their article the perception of the commission of “upstanding citizens” appointed to produce a report on the situation in prisons. Reports dated April and September 1829, and in the year 1841:

[...] In describing the sordid environment, filthy and full of smoke, it becomes clear that the inmates made small objects (combs, spoons) from ox horns. Poor medical care, insufficient and inadequate food, the mixing of convicted and non-convicted inmates, lack of water, accumulation of garbage led the commission to conclude that such was “the miserable state of the Jail capable of revolting even the least philanthropic spirit.”

[...] in the 1841 report, the commission already referred to the jail as a “school of immorality erected by the authorities and paid for by the public treasury.” That year’s commission adopted a more critical stance, offering recommendations for the future São Paulo House of Correction (inaugurated in 1852), as well as immediate proposals, such as removing



prisoners deemed “insane” from that environment, separating the remaining detainees into different areas, and improving hygiene and food conditions (SANTIS; ENGBRUCH, 2012).

The situations highlighted in reports made by citizens regarding the situation in prisons accurately portray part of the current Brazilian prison system, even after almost two centuries. In the next section, we will examine the current situation in Brazil with regard to persons deprived of liberty and connect it with what has been described above, as well as understand why there have been advances in Brazilian law, i.e., Criminal Enforcement Law, but not in social behavior.

BEYOND CONCRETE: A LOOK AT BRAZILIAN SOCIETY

In Brazil, there has been a hardening in the application of sentences, a massive expansion of incarceration, and persistent human rights violations, all of which have intensified the segregation of those sentenced. However, this mass incarceration is not evenly distributed across society, as it targets a specific and selective profile of the population (ADORNO, 2006; LEMGRUBER, 2001; SALLA, 2003; SALLA; BALLESTEROS 2008).

Brazil in 2025 is paradoxical, as it has very advanced legislation that is considered by many legal experts to be among the most modern in the world. The Criminal Enforcement Law (LEP) recognizes the rights of persons deprived of liberty, but with policies that reinforce the conservative agenda of the extreme right or simply the agenda of customs.

The Bolsonaro administration won the 2018 elections with a rather emblematic phrase, which was repeated often before and during the presidential election campaign: “the only good criminal is a dead criminal”. During this period, the country was immersed in waves of violence widely reported in all major national media outlets. It is important to note that this social phenomenon has increased significantly in Brazil, especially in recent years.

During his presidential campaign, Jair Bolsonaro stood out for his critical stance toward the fundamental guarantees established by the UN, going so far as to argue that



the growing violence in the country is the result of a “misguided human rights policy”. The candidate proposed a policy of confrontation, which involved making the possibility of punishment for police work more flexible. This approach included defending the “exclusion of illegality” (a kind of safe conduct for police officers who caused deaths during operations), as well as defending the expansion of gun ownership among the population. This position is consistent with his history as an outspoken defender of the military dictatorship and critic of memory policies, such as the National Truth Commission (SANTA INÊS et al., 2019).

In this controversial environment, and also over decades, a popular belief has developed that prisons in the country are “lax,” meaning that the justice system imposes few sentences or simply does not imprison people. However, this is not the reality, because, contrary to common sense, approximately half of the people in prison in Brazil have not been formally convicted by the criminal justice system (IDDD, 2016).

An analysis of the National Survey of Penitentiary Information (MOURA, 2019) shows that 40% of the prison population consists of prisoners awaiting trial. In Brazil, according to current legislation (Criminal and Criminal Procedure), imprisonment before conviction and for an indefinite period is considered an extreme measure and should therefore only be ordered if it is truly necessary (SANTOS, 2015).

Given this reality in the Brazilian prison system, and observing the proportion of the prison population in Brazil that has not even been tried in the first instance, Lages and Ribeiro (2019), appropriately ask the following question: “Is it really the case that half of the inmates need to await a court decision on their release, as provisional prisoners?”.

This data reveals the crisis of pretrial detention as an expression of a system that imprisons to investigate, rather than the other way around. In short, procedural delays and the lack of sufficient public defenders turn the presumption of innocence into legal fiction.

To delve a little deeper into this issue, it is necessary to understand more than just the changes in the laws governing criminal proceedings in Brazil. It is also necessary to understand the social profile of the prison population in this country. It should therefore be noted that there are studies conducted by universities and reports produced by the Brazilian federal government itself that point to a significant increase in incarceration over



the last 20 years, exceeding 500% (MONTEIRO; RIBEIRO, 2013). In this context, several phenomena in the legal field could explain this significant increase. However, a hypothesis supported in academic circles, based on scientific evidence, is that in Brazil, there is selectivity in the criminal justice system, which has acted to segregate those who are already socially excluded from society.

According to Holloway (1997), “in Brazil, due to the enormous social inequality that exists, the exercise of overt policing throughout our history has been understood as surveillance of dangerous classes”. According to Misse (2014), this occurs because:

The Brazilian police operate according to a logic that runs counter to that of investigation, for instead of seeking the causes of crimes, in order to arrest only those who break the law, thereby preventing new offenses, the police forces (military and civil) tend to arrest first, only then carrying out the investigation.

From this perspective, it can be observed that police actions are focused on criminals rather than crimes, therefore using positivist criminology to guide their work (ALVAREZ, 2006). In the article “Police organization in a metropolitan area,” Paixão (1982) points out that the police first find the criminal and then determine what crime the individual committed. For him, this occurs precisely because the State practices a kind of specific surveillance over a segment of the Brazilian population, an aspect that is carried out by the police force, whether civil or military. This phenomenon leads to the selection of social class to be recorded as the perpetrator of crimes.

In this regard, Wacquant (2001) describes Brazilian prisons as resembling “concentration camps for the impoverished”. The author also compares prisons in Brazil to public companies that are like “industrial warehouses for social waste.” In his view, prisons in Brazil play a role of segregation and social exclusion rather than serving a penal function, such as the reintegration of convicts. Therefore, moving away from this punitive model of social segregation, which constitutes a closed circle in which the application of law and order for the protection of human rights is unrecognizable, also presents a major challenge for public security and justice policies to be formulated and implemented by democratically elected governments (ADORNO, 2006).

The evidence shows that mass incarceration should be understood as a form of



institutional racism and systematic exclusion, which can only be overcome through restorative justice policies, reduced sentences, and expanded social reintegration programs.

In Brazil, there are essentially two groups debating public security policies centered on repressive and preventive approaches. The first group believes that deterrent measures should be the main pillar of government action. This concept, therefore, is closer to the perspective of law and order, and to this end, it is necessary to equip the police, improve the judicial system, apply penalties more rigorously, and increase incarceration. The second group looks beyond punishment and/or imprisonment; they believe that the state should adopt measures aimed at reducing social inequality and, therefore, should take action on unemployment, promote increased community participation, value education, and emphasize resocialization (MONTEIRO; RIBEIRO, 2013). This group characterizes its approaches to the prison system not only by incarceration (punishment), but also from a more humanitarian, social, and economic perspective.

In Brazil, the prevailing view is that prison is a place of punishment, especially with the new narrative structure of the Bolsonaro administration, which believes that “the only good criminal is a dead criminal”. However, the fact is that there has been a significant increase in arrests, a trend that has not changed over the last 20 years. Therefore, this is not a problem of a single government, but rather of the way in which society as a whole understands and deals with the problem. This social conception of the Brazilian prison system is, at the very least, inefficient, since, pragmatically speaking, it has not contributed to reducing crime; on the contrary, it has increased the prison population and brought about various other social problems. Examples of this include the increased cost to the state of maintaining more prisons, the recidivism of prisoners, the increase in violence, and the feeling of insecurity experienced by Brazilian citizens. Therefore, it is necessary to look beyond the concrete, outside the prison, and change the perspective on how to address this social problem that has persisted for decades in Brazil.

From this more humanitarian perspective, the debate on the prison system transcends incarceration and aligns with the principles of the LEP, which has the normative role of promoting important public policies and ensuring the social reintegration of persons



deprived of their liberty. To realize this vision, the State must adopt measures aimed at reducing social inequality, guaranteeing material, legal, educational, social, and health assistance. These actions focus on valuing education and work as pillars of resocialization, extending care and assistance even to those who have been released from the prison system. It is in this effort beyond punishment that the need for strategic interventions, such as health training, comes into play, aiming to mitigate the chronic inequalities of the system.

This change in perspective is supported by studies that demonstrate the feasibility of intervention through health education. Such research shows that investment in training and knowledge is important for optimizing health care in prisons. One example is the evaluation of the course “Health Care for Persons Deprived of Liberty” (ASPPL), offered via AVASUS (Virtual Learning Environment of the Brazilian Health System), which has proven to be a strategic and relevant tool for public health policy interventions for the prison population. By massively training healthcare professionals in all regions of Brazil, the study showed that technology-mediated education can improve the healthcare system's response, a vital aspect given that prison healthcare is considered a public health emergency in Brazil (VALENTIM, J. L. R. S. et al., 2022).

It should be noted that the AVASUS case is paradigmatic: by promoting massive digital education, it demonstrates that technological innovation can reduce inequalities, strengthen care networks, and transform the penal system into a space for human development. This perspective aligns with SDG 4 (Quality Education) and SDG 3 (Good Health and Well-being), which guide lifelong learning and universal access to healthcare.

Oliveira et al. (2024) also propose that public policies focused on the prison system should include collaborative socio-technical networks, i.e., training and learning environments that bring together health professionals, educators, and incarcerated individuals, as a way to transform the Brazilian scenario. This includes rebuilding based on listening, because recognizing incarcerated individuals as legitimate voices is a gesture of restoring citizenship, as much as thinking of prison as a space for human development and the promotion of rights (Dias, 2024; Valentim, 2023).



Addressing selectivity in prisons, therefore, requires a profound transformation that replaces the logic of punishment with the logic of inclusion and dignity, respecting basic rights such as education and health, in order to achieve a truly democratic judicial system.

This paradigm shift requires state policies, not just government policies, aligned with UN (UNODC, 2023) and UNESCO (2024) guidelines on social reintegration and alternatives to incarceration. As these organizations assert, “effective justice is justice that repairs, not destroys; that reintegrates, not segregates.”

THE CRIMINAL ENFORCEMENT LAW (LEP) AND ITS ASSISTANCE MODALITIES AS INSTRUMENTS OF DIGNITY AND RESOCIALIZATION OF PRISONERS

The Brazilian Criminal Enforcement Law (LEP), under number 7,210, was enacted on July 11, 1984, by then-military president João Figueiredo, in the final moments of the Brazilian dictatorship. This enactment represented a historic milestone by anticipating principles that would be consolidated four years later in the Federal Constitution of 1988, such as human dignity, the prohibition of torture, and the resocialization function of punishment. However, since its inception, the LEP has carried the contradiction of having been born during an authoritarian period, which partly explains the difficulties in its full implementation.

The main purpose of the LEP was to establish more humane rules, seeking to ensure the dignity of persons deprived of their liberty and to promote the resocialization of convicts. At the same time, it sought to replace previously scattered legislation by unifying the Brazilian criminal enforcement system into a single standard.

Therefore, although the LEP provides various forms of assistance to prisoners, this article focuses on analyzing healthcare, education, work, and legal regulations, which are considered essential tools for promoting the dignity and resocialization of prisoners.

Within the set of benefits provided for in the LEP, Section III of Chapter II establishes



that healthcare must be preventive and curative in nature, which shall include medical, pharmaceutical, and dental care (Art. 14, Law 7,210/84). The law stipulates that when the penal institution is not equipped to provide adequate care, this must be provided at another location with the authorization of the administration (Art. 14, §2, Law 7.210/84).

However, the practical implementation of this standard is precarious. Reports from the Pan American Health Organization (PAHO, 2024) indicate that in more than 60% of Brazilian prisons, medical care is irregular or non-existent. This reinforces the importance of the National Policy for Comprehensive Health Care for Persons Deprived of Liberty (PNAISP) and digitally mediated training programs that enable health professionals to work in contexts of deprivation of liberty.

Another form of assistance provided for in the LEP is education. Section V of Chapter II stipulates that educational assistance shall comprise schooling and vocational training for prisoners and inmates (Art. 17, Law 7,210/84). It should be noted that this provision is directly in line with the National Guidelines for Education in Prisons (Resolution CNE/CEB No. 2/2010), which stipulate that prison education must guarantee access to basic and vocational education, in accordance with the principle of lifelong learning.

The law also stipulates that education provided to prisoners will be integrated into the state and municipal education systems and will be maintained, administratively and financially, with the support of the federal government, not only with resources allocated to education, but also by the state justice system or prison administration, as well as providing supplementary and distance learning courses and making a library available in prisons with instructional, recreational, and educational books available to inmates. The goal is to provide inmates with intellectual development and training that are important for their social reintegration.

Finally, the LEP highlights the importance of work as a condition of dignity, with educational and productive purposes. Chapter III establishes that the prisoner's work must guarantee remuneration to cover compensation for damages caused by the crime, assistance to the family, personal expenses, reimbursement to the State for expenses



incurred in maintaining the convicted person, and the constitution of savings. The law also regulates the internal and external work of convicted criminals, taking into account their skills and abilities.

This forecast is also linked to SDG 8 of the 2030 Agenda, which proposes “decent work and economic growth” as pillars of social inclusion. Prison labor, when properly regulated, can become a vehicle for rehabilitation and rebuilding citizenship. However, in practice, it is often exploited in precarious conditions and without labor guarantees.

By integrating health, education, and work, the LEP creates a set of measures aimed at the social rehabilitation of convicts and reinforces the concept that criminal enforcement is not limited to punishment, but should provide conditions for the dignified reintegration of prisoners into society.

Although the LEP establishes a set of rights aimed at the resocialization of prisoners, such as health care, education, and work, the reality experienced in Brazilian prisons is very different from the enacted law. In practice, what we see are overcrowded prisons, without access to healthcare, education, and work.

The legal text, which should serve as an instrument for social reintegration, ends up becoming a utopia in light of the degrading conditions of the prison system. Thus, the gap between the law and reality shows that the LEP, although advanced in its principles, remains ineffective in its implementation, which demonstrates more of a utopian ideal than an effective reality in the Brazilian prison system.

POTENTIAL AND CHALLENGES OF THE CRIMINAL ENFORCEMENT LAW IN BRAZIL BEYOND IMPRISONMENT

“Arresting is not enough to reduce crime.”
(MONTEIRO; RIBEIRO, 2013)



The Brazilian Criminal Enforcement Law (LEP) is considered one of the most advanced in the world. It recognizes and provides for the resocialization of prisoners as one of their rights (MACHADO, 2008). This feature of the law has symbolic significance because it shows that, at a certain point in time, the Brazilian government recognized that a purely repressive and punitive criminal justice model was not effective.

As pointed out, Brazil has modernized its legislation regarding criminal enforcement by recognizing the need for prisoner rehabilitation. However, the state's failure to ensure a reduction in crime creates an environment of popular pressure driven by the common sense belief that “the only good criminal is a dead criminal,” meaning that society demands a repressive state in which punishment is merely an instrument of public revenge. This aspect is contradictory and paradoxical to current Brazilian legislation regarding criminal enforcement, as Brazil has transitioned from a model in which punishment played a purely vindictive (punitive) role to a humanitarian period in which punishment plays a regenerative and humanized role.

Despite the advances made by the Brazilian Criminal Enforcement Law, what can still be observed, according to some citations in this article, is that the Brazilian prison system is still far from fully implementing it in a way that can truly guarantee the rights of incarcerated individuals. What we actually have is selective prison overcrowding (of young, poor Black people) and overcrowded prisons, which are more like human warehouses—they are veritable factories for criminals. Considering that Brazil's Criminal Enforcement Law represents progress, there are two hypotheses that can be tested to further justify the delays in the Brazilian prison system:

- 1) Is it social pressure based on the popular belief that punishment is merely an instrument of revenge by the state that has impacted advances in the prison system?
- 2) Is the idea that “the only good criminal is a dead criminal” also part of the common sense of those who represent institutions linked to the Brazilian judiciary?

Upon closer examination of this prison system, although controversial and



contradictory to Brazilian law itself (LEP), not all scenarios are pessimistic or negative. There are several initiatives by the judiciary, the community, and universities that support the enforcement of the law and guarantee the rights of persons deprived of liberty. The Brazilian LEP is symbolically powerful, so despite the fact that progress is still slow, it has managed to bring about important public policies in all regions of Brazil. Table 1 presents some of the most cited works and studies on the issue of the resocialization of incarcerated individuals in Brazil. The selected projects focus on four areas: education, work, health, and gaps between laws and policies.



Table 1 – Work contributing to the Brazilian Prison System.

Article title	Subject of study	Access link	Axis
Prison Labor and the Social Reintegration of Incarcerated Individuals in Brazil	Analysis of the key legal aspects of prison work in Brazil	https://revistadoc.aap.direito.ufmg.br/index.php/revista/article/view/277	Labor
Resocialization: the challenge to educate women in the detention system	Research on education in the female prison system	https://doi.org/10.1590/S0101-32622010000200003	Education
Reintegration through studying and working in brasilian prison system	Study on the effective impact of education and work on the social reintegration of prisoners	http://www.emdi.alogo.uff.br/sites/default/files/Elionaldo_Tese_Final_PARTE_NAO_TEXTUAL.pdf	Labor and Education
Between Serpents and Moles: The culture of control in contemporaneousness (or toward the case of the electronic monitoring of prisoners in Brazil)	Analysis of issues related to the culture of criminal control in contemporary society	http://revistaseletronicas.pucrs.br/ojs/index.php/sistemapenaleviolencia/article/view/8110/6044	Education
The Reality of Formerly Incarcerated Individuals: The Normative Framework of the Penal Execution Law versus Social Reintegration	Study on the issue of stigmatization of persons deprived of liberty	http://unifafibe.com.br/revista/index.php/direitos-sociais-politicas-pub/article/view/63	Labor



Education of adults in prison	Research on school education in rehabilitation programs in the penal system of the state of São Paulo.	https://doi.org/10.1590/S1517-97022001000200011	Education
Introduction to the Dossier: Education and Deprivation of Liberty	Publication of a dossier on the education of young people and adults (EJA) in situations of restriction and deprivation of liberty	https://online.unisc.br/seer/index.php/reflex/article/view/13447/pdf	Education
Evaluation of massive education in prison health: a perspective of health care for the person deprived of freedom in Brazil.	Study on the impacts of the massive health education strategy on prison health in Brazil	https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2023.1239769/full	Health and Education
The relevancy of massive health education in the Brazilian prison system: The course “health care for people deprived of freedom” and its impacts.	Research on aspects associated with mass training through technological mediation and its impacts on prison health.	https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2022.935389/full	Health and Education
Data Report: “Health care of Persons Deprived of Liberty” Course From Brazil’s Unified Health System Virtual Learning Environment	Publication of a report on data from the course “Health Care for Persons Deprived of Liberty” from the Virtual Learning Environment of Brazil’s National Health System.	https://www.frontiersin.org/journals/medicine/articles/10.3389/fmed.2021.742071/full	Health and Education
The challenge of combating congenital syphilis and syphilis in pregnant women in the Brazilian prison system	Study on combating congenital syphilis and gestational syphilis in the prison system	https://periodicos.ufrn.br/reb/article/view/22175	Health



Health Care for Pregnant Women Deprived of Liberty in the Prison System: Development and Content Validation of an Instrument to Assess Access to Health Care	Work on the development and validation of content for an instrument to assess access to healthcare for incarcerated pregnant women	https://repositorio.ufsc.br/bitstream/handle/123456789/215308/PGSC0242-T.pdf?sequence=1&isAllowed=y	Health
Limits and challenges for women deprived of their liberty and those released from the prison system in the Health Care Networks	Analysis of the limitations and challenges for female prisoners and former prisoners in accessing the services of the Health Care Network.	https://www.scielo.br/j/physis/a/9ZG5kXknWnwXNJFkyTmBV9m/?format=html&lang=pt	Health
Pregnant and Postpartum Women Deprived of Liberty: An Evaluation of Prenatal and Postnatal Care	Research on the assessment of pregnant women and new mothers regarding the healthcare they received during pre- and post-delivery.	https://rbepdepen.depen.gov.br/index.php/RBEP/article/view/279/213	Health
Reflections on practice of resocialization and criminal alternativas: Private actions in the spheres of public policy	Reflection on policies regarding public prisons managed by the private sector	https://www.scopus.com/pages/publications/85017599035?origin=scopusAI	Gap between laws and policies
When the state of affairs is unconstitutional: about the judiciary position in the incarceration problem	Comparison of the decisions of the Supreme Courts of Colombia and Brazil declaring the “unconstitutional state of affairs” of their prison systems, and discussion of what Brazil can learn from the limitations of the Colombian decision.	https://www.scopus.com/pages/publications/85097465302?origin=scopusAI	Gap between laws and policies



Alternative prison management in the State of Rio Grande do Norte: case study on the assistance association for convicts (APAC)	Study of the contribution of the alternative prison management model promoted by the Association for Assistance to Convicts (APAC) to the rehabilitation of prisoners in Rio Grande do Norte	https://www.scopus.com/pages/publications/85164315940?origin=scopusAI	Gap between laws and policies
The role of CNJ and the recognition of the unconstitutional state of affairs of the Brazilian prison system in the perspective of dialogical activism	Study of the role of the National Council of Justice (CNJ) in improving the Brazilian prison system, considering the decision of the Federal Supreme Court in the preliminary injunction ADPF 347, which recognized the unconstitutionality of the prison system.	https://www.scopus.com/pages/publications/85091698400?origin=scopusAI	Gap between laws and policies
Citizenship regimes in Brazilian prisons: Hybrid, unjust and weak	Study of the three types of common regimes in Brazilian male prisons and the extent of rights for the prison population	https://www.scopus.com/pages/publications/85183345493?origin=scopusAI	Gap between laws and policies

The Brazilian prison system represents a complex dimension of public policy, as its problems extend beyond the prison walls and concrete buildings. As can be seen in Table 1, several approaches are being pursued in order to address this serious social issue. These paths generally pass through the world of education and work as a way of resocializing individuals deprived of their liberty. However, studies also look at the issue of social stigmatization; this axis, like the others, is also a serious problem that has not yet been resolved. Today, the prison system in Brazil is far from being a solution for reducing crime. This problem must be addressed through strong public policies that also aim to reduce social inequality. Nevertheless, neglecting prisons does not contribute to solving issues



beyond them.

Evidence shows that the gap between the legal framework and the reality of Brazilian prisons is reflected in poor health care, inadequate education, and the exploitation of labor. Studies indicate high rates of tuberculosis and HIV among incarcerated individuals, especially among pregnant women, amid insufficient clinical monitoring and poor integration with the healthcare system (NAVES et al., 2024; CAMPELO et al., 2024; SAITA et al., 2021).

In the field of education, research shows that the programs offered are bureaucratic, oriented toward institutional control, and riddled with gender barriers, which limits their emancipatory potential (FERNANDES; GODOI; MATOS, 2023; ROMERO-CARAZAS et al., 2025; COLLINS, 1988). Similarly, prison labor appears to be a disciplinary and administrative mechanism rather than a genuine strategy for training or social reintegration (ALVES ARAÚJO; RIBEIRO, 2023; OLIVEIRA, 2018; PORTUGUES, 2001). These findings reinforce that the maintenance of these practices stems from institutional inertia and punitive logics that sustain cycles of exclusion (DE ASSIS DOS SANTOS et al., 2024; DAUDELIN; RATTON, 2023).

The findings of the studies listed under the heading “Gap between laws and policies” converge on the conclusion that there is a crisis of governance and institutional failure in the Brazilian prison system. This crisis is manifested by the recognition of the Unconstitutional State of Affairs (ECI) by the Federal Supreme Court (STF), which highlights the violation of fundamental rights due to systemic failures in the actions of the State itself. In this context, the National Council of Justice (CNJ) emerges as an institutional actor that acts as a catalyst for the other branches of government (especially the Executive) to develop public policies within their jurisdiction. The CNJ seeks to promote institutional dialogue and can act as a body for monitoring compliance with structural decisions, through the signing of terms and agreements aimed at improving the prison situation (KOSAK; BARBOZA, 2020).

The common model of prison management — which is flawed and lacks concepts that support its specificity — opens space for debate about alternative models. Studies on the Association for Assistance to Condemned Persons (APAC) show that this alternative



management model, which is carried out by a private non-profit legal entity, achieves high rates of resocialization of convicts and low costs per prisoner (SOUZA; LIMA, 2023).

This shows that overcoming inequalities requires coordinated action between public administrators, civil society, and the justice system. Managers are responsible for ensuring intersectoral coordination, adequate resources, and monitoring mechanisms that address institutional resistance and punitive practices (KOSAK; BARBOZA, 2020; LERMEN et al., 2015; DE ALMEIDA SILVA; SINHORETTO, 2023). Civil society has a role to play in strengthening alternative models such as APACs, as well as promoting education, health, and professional training initiatives with a proven impact on reducing recidivism (DE SOUZA; NELSON; LIMA, 2023; BROVKINA et al., 2021; BUMBLAUSKAS; GUAY; FORBES, 2024).

The justice system is responsible for ensuring that rights are upheld and promoting structural reforms that reduce violations and ensure rehabilitative practices (MACHADO, 2020; BORGES ZURE et al., 2025; FERREIRA, 2021). The articulation between these three pillars is essential to transform rehabilitation from a legal promise into effective and sustained practice based on respect for rights and social justice (FILHO; ROLIM NETO; NASCIMENTO, 2020; FRANCESCHINI; WESTPHAL; AKERMAN, 2022).

Transforming this scenario requires intersectoral governance models capable of integrating health, education, social assistance, and justice, even though such arrangements remain fragmented and lack coordination in the country (FRANCESCHINI; WESTPHAL; AKERMAN, 2022; VALENTIM et al., 2023; NEVES; BURLANDY; MEDEIROS, 2024). Experiences such as the Asia-Pacific model and the “De Braços Abertos” (With Open Arms) program demonstrate the potential of standardized and community-based practices, even in the face of challenges related to funding and continuity (DE SOUZA; NELSON; LIMA, 2023; TEIXEIRA; LACERDA; RIBEIRO, 2018).

Social participation is also a fundamental axis, with civil society organizations working to defend rights, offer educational and integrative practices, and strengthen alternative models of rehabilitation (GIAMBERARDINO, 2023; MIRANDA; GOLDBERG; BERMUDEZ, 2022; LENA; GONÇALVES, 2021). In addition, the integration of the Sustainable Development Goals has advanced in specific initiatives, albeit unevenly and



to a limited extent (FERNANDES et al., 2025; DA MOTTA; ALÉCIO; SELA, 2022; VALENTIM et al., 2024).

CONCLUSIONS

The reflections developed in this study indicate that the Brazilian prison system embodies a social model marked by selectivity, structural inequality, and daily denial of rights (ROMÃO et al., 2023). This finding imposes an ethical imperative: to reconceive prison as a space for rebuilding lives rather than annulling existence.

The constitutional promise of resocialization, enshrined in the Criminal Enforcement Law (LEP), remains an ideal far removed from reality, in which prison operates more as a device for exclusion than for social reintegration. In this scenario, the rights to education, work, and health become fragments of a conditioned citizenship, circumscribed by walls and stigmas. Nevertheless, the experiences examined throughout this paper show that transformation is possible when prisons are approached as educational and health territories—dimensions that are fundamental to human dignity.

Considering this analysis in light of the 2030 Agenda for Sustainable Development implies recognizing that the effectiveness of the LEP depends on adopting transdisciplinary structures of action capable of integrating public policies and fields of knowledge in an articulated, effective, and efficient manner. The global motto “no one is left behind” takes on a concrete meaning in this context: no human being should be rendered invisible or discarded by the criminal justice system. Thus, it urges the state and society to understand prisons not as marginalized spaces, but as territories in which human development must also be guaranteed (UNITED NATIONS, 2015). In this vein, the SDGs offer an ethical and political framework to drive the effectiveness of the LEP and shift institutional practices within the prison system, as reaffirmed by the *2023 UNDP Annual Report on Rule of Law and Human Rights*, which proposes the integration of justice, health, and education policies as the basis for sustainable development.

An analysis of the SDGs reveals that the Brazilian prison system directly violates



internationally established commitments. SDG 3 (Good Health and Well-Being) is predicated on universal and equitable access to health services, including psychosocial care, disease prevention, and dignified treatment—goals that remain far from reality in prisons, which are marked by unsanitary conditions and neglect (IPEA, 2024a; OPAS, 2024). SDG 4 (Quality Education) calls for inclusive and transformative education, guided by lifelong learning; however, prison education is still restricted, instrumental, and disconnected from emancipatory perspectives (IPEA, 2024b; UNESCO, 2015).

SDG 8 (Decent Work and Economic Growth) reaffirms the right to fair working conditions and productive training. Nonetheless, within prisons work assumes a coercive or merely utilitarian role, without any real prospect of reintegration into the labor market (IPEA, 2024c). SDG 10 (Reduced Inequalities) addresses the need to eliminate structural inequalities—economic, racial, and gender—which, in practice, sustain criminal selectivity and the overrepresentation of certain social groups in prisons (IPEA, 2024d). Finally, SDG 16 (Peace, Justice, and Strong Institutions) guides the establishment of inclusive and accountable institutions capable of ensuring justice and promoting human rights. However, the absence of effective monitoring and accountability mechanisms in the prison system demonstrates how far Brazil still is from achieving this goal (IPEA, 2024e).

Based on these milestones, approaching the 2030 Agenda as a driver of the effectiveness of the LEP implies understanding that criminal enforcement is not restricted to the justice system, but a complex public issue that requires coordinated efforts across the fields of education, health, social assistance, culture, economics, and human rights. It is about promoting a transdisciplinary approach that brings together different sectors and fields of knowledge to rebuild the living conditions and dignity of individuals deprived of their liberty.

Accordingly, the implementation of the SDGs in the prison context should be considered a strategic tool for reconfiguring the Brazilian penal system, transforming it into a process of citizen reconstruction rather than mere containment. Incorporating the principles of Agenda 2030 into prison administration requires recognizing that human and sustainable development is only achievable when it extends to those whom the social



system relegates to social invisibility (UNITED NATIONS, 2015).

Therefore, to affirm that there is room for human rights in a selective prison system is to also affirm that there is room for the 2030 Agenda as a guide for public policy within the penal system. Only when the LEP is interpreted and applied in light of the SDGs—as an ethical and practical commitment that no one will be left behind—will it be possible to bridge the gap between law and reality (ROMÃO et al., 2023). Transforming prisons into spaces of care, education, and dignified work is more than a legal duty: it is a civilizational imperative.

In this way, we believe that the future of Brazilian prisons hinges on the ability to transform the LEP into a living instrument, capable of ensuring that every individual deprived of liberty continues to be recognized as a rights-bearing and learning subject. Dignity, in this context, is the true measure of justice.

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