

How UNAFEI inspires my career

In one of my first lessons at the UNAFEI 174th International Senior Seminar, about “Prevention of Reoffending and Fostering Social Inclusion”, Professor Takuya Furuhashi introduced his speech with the quote: *The mediocre teacher tells. The good teacher explains. The superior teacher demonstrates. The great teacher inspires.* After wonderful five weeks of intense learning in Japan, I must recognize: UNAFEI does inspire!



In Brazil, although we were for 40 years one of the pioneers countries with a very modern penal legislation – a fact reemphasized by the Tokyo, the Nelson Mandela and the Bangkok Rules – the practice is still very archaic. Since the 1980s, our penal laws aim primarily, rather than at punishing, at reintegration of the convicted into society, and also foment non-custodial measures instead of imprisonment. Despite various instruments of non-prosecution and alternative non-custodial measures and penalties, applicable to the great majority of the criminal types, the country still has the world's third largest prison population, 30% of which are pre-trial detainees. We have the 21st highest prison population rate – 357 per 100,000 inhabitants, based on a population of 211.8 million¹. Just in 2019, there were 395,470 new penal execution procedures (after criminal conviction), 58% of which established imprisonment as penalty². Besides that, conditions in our penal institutions are generally very bad due to overcrowding and threat or violence from crime syndicates inside the facilities. Instead of being a way to reintegrate inmates in society, prisons work, in the words of the leader of a major criminal organization, as “a fabric of its new members”.

At the seminar, we were exposed to many successful criminal policies that contribute not only to a general reduction of crime rates, but also prevent reoffending and foster social inclusion of prior criminals. Evidences of the better cost-effectiveness (for the criminals and for the society) of non-custodial measures, in comparison to prisons, were showed by the visiting experts Dr. Matti Jousten (criminologist) and Ms. Jana Spero (Ministry of Justice in Croatia). The advantages of not even prosecuting or executing sentences were highlighted by Prof. Machiko Watanabe and Prof. Hidehito Hosokawa. The importance of a program that follows the reinsertion of offenders into society and its challenges were well illustrated by Prof. Mika Kitagawa and Prof. Hiroyuki Watanabe. Some creative policies to help reintegration after prison were also explained, such as the “Volunteer Probation Officers” and “Hello Work” of Japan and the “Yellow Ribbon Project” of Singapore. The Group Workshop Sessions were very effective to discuss and deepen that information and to exchange individual experiences with the participants. Visits to correctional institution, probation office, half-way house and the museum of police force also opened our minds for good alternatives of criminal policy.

Back to my home country, I immediately decided to change my work specialty. As a Federal Prosecutor, I left the highly coveted area of international corruption and financial crimes and voluntarily chose to work at the least disputed task at the Federal Prosecutors Office in São Paulo, which is not only responsible for the investigation and prosecution of diverse federal crimes, but also is majorly in charge of procedures following conviction.

1 <https://www.prisonstudies.org/country/brazil>

2 “Justiça em Números 2020”, available at <https://www.tjce.jus.br/wp-content/uploads/2020/08/jn-2020.pdf>

In Brazil, we do not rely on a probation service with power of decision. After hearing the legal opinion of a prosecutor, or by his provocation, it is always the role of the judge to decide, for instance, which type of prison the convicted will be sent to, substitution for non-custodial measures, paroles, and final releases.

With all I have learned at UNAFEI, in this new task I do prioritize not only to substitute jail for non-custodial measures, but also to tailor them individually for each offender, in order to promote his/her social inclusion. Those measures, often combined, include: the development of skills for a new occupation; the conclusion of high school or university; community service based on the convict's abilities (a measure that highlights his/her qualities in a positive environment); and occasional psychological therapy (depending on the type of offense).

In addition to that, I have also volunteered to represent the Public Prosecutor's Office at the São Paulo State Penitentiary Council. This is a Council composed by representatives from the Public Prosecutor's Office, public defenders, criminal lawyers, psychologists and psychiatrists, as well as all directors of the correctional facilities in the State. Its primary attributions are to discuss penitentiary policies and inspect facilities, to assure that prison rights are being observed. At that Council, I have chosen to integrate a work team that will try to improve possibility of work and education in correctional facilities. Despite being a right of convicts, only less than 20% get access to work or study while incarcerated in the State, which holds today more than 215,000 prisoners.

The great relationship among the seminar participants also creates a good international network, in which we keep exchanging information and experiences about not only the Seminar theme, but also on other relevant justice matters. To take part in a UNAFEI Webinar is also a great way to keep learning and contributing with its aims. My plans of diffusing and debating all I have learned in the school of Prosecutors and Judges are unfortunately delayed by the Covid-19 Pandemic. Nevertheless, I am preparing right now a presentation for the Federal Prosecution Service Podcast, which is followed not only by criminal justice authorities, but also by many law students.

With all that, I hope to well implement and spread what I have learned, in the hope of contributing for a peaceful and inclusive society. I am extremely grateful to the Japan International Cooperation Agency (JICA), the Asia Crime Prevention Foundation (ACPF), and UNAFEI, for the privilege of being inspired by such a great experience!