

BRAZIL AND THE BRAZILIAN CORRECTIONAL SYSTEM

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I. BRAZIL AND THE BRAZILIAN CORRECTIONAL SYSTEM

A. Brazil

Brazil, officially named the “Federative Republic of Brazil”, is the largest country in South America, and the fifth largest in the world in land area. It has 47% of the territory of the South American continent, and a population of over 192 million inhabitants. Its official language is Portuguese and is currently the only Portuguese-speaking country in South America. With an extensive coastline (7,491 kilometers), Brazil still has borders with 10 countries: Venezuela, Guyana, Suriname and French Guiana to the north, Colombia to the northwest, Bolivia and Peru to the west, Argentina and Paraguay to the southwest and with Uruguay to the south.

Brazil was discovered by the Portuguese on 22 April 1500, and became a colony of exploitation of the Portuguese Crown. Its independence was declared on 7 September 1822 by Dom Pedro I, the Portuguese emperor, and became a republic on 15 November 1889 through a military coup organized by Marshal Deodoro da Fonseca — the first president of Brazil. The country has experienced two dictatorships: one civil, governed by Getúlio Vargas in the period from 1930 to 1945, and a military dictatorship, between 1964 to 1984.

The Brazilian economy is the largest in South America and in the Southern Hemisphere and is the sixth largest in the world in nominal GDP (Gross Domestic Product), with the value of US \$2.492 trillion. Its GDP per person (PPP) is US \$11,181, and the official currency is the “real”. The country is developed in the agricultural, mining, manufacturing areas and services, besides having vast manpower and a large job market. The main export products are: aircraft (Embraer and Helibrás), motorcycles and cars (Fiat, Volkswagen, General Motors, Ford, Hyundai, Renault, Peugeot, Citroen, Mitsubishi, Harley-Davidson, Honda, Yamaha, Kawasaki), shoes, alcohol, sugar, orange juice, soybeans, coffee, steel and iron ore. It should be noted that Brazil has the second largest business aviation market in the world, behind only the United States, the second largest global market for mobile telephony and the second largest commercial television network in the world, Rede Globo. The country is still part of a group of four emerging economies called “BRICs” (Brazil, Russia, India and China) and, in 2050 Brazil will reach a GDP of US \$11.3 trillion, placing it as the fourth largest economy in the world.

As mentioned earlier, the current population of Brazil is approximately 192 million inhabitants, of which 83.75% of the population is in urban areas. The population is concentrated in the southeastern areas (79.8 million) and Northeastern (53.5 million). The country’s most populous cities are São Paulo, with 11,376,685 people, Rio de Janeiro with 6,390,290 and Salvador with 2,710,608 inhabitants. Brasília, the federal capital, ranks fourth with a current population of 2,648,532 inhabitants. In racial terms, 47.7% of the population identifies themselves as white, 7.6% as black, 43.1% as mixed race, 0.4% as indigenous and 1.1% of Asians. Brazil has the largest Japanese community outside the territory of Japan, with more than 1.6 million Japanese citizens and Brazilian citizens of Japanese descent.

The current Federal Constitution, written in 1988, defines the country as a presidential federal republic formed by the Union (Federal Government), the Federal District and 26 states, with 5,564 cities. The capital of Brazil is Brasília, located in the Federal District, and the current President is Ms. Dilma Rousseff, successor of Mr. Luiz Inácio Lula da Silva.

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B. Brazilian Correctional System

The Ministry of Justice is part of the structure of the Federal Government and, in accordance with Decree No. 6.061/2007, is the highest body responsible for matters relating to the defence of the legal system, political rights and constitutional guarantees, judicial policy; rights of Indians; narcotics; Public Safety (Federal Police, Federal Highway Police, Railway Federal Police); planning, coordination and administration of the national penitentiary policy, citizenship, immigration and foreign matters; Consumer and Indian Affairs Ombudsman Offices, full and free legal assistance to the needy, prevention and repression of money laundering; and assistance to the Presidency. The Ministry was established on 3 July 1822, and the current Minister of Justice is Dr. José Eduardo Cardozo.

The National Penitentiary Department (DEPEN) integrates the structure of the Ministry of Justice and is responsible for monitoring the application of the rules of criminal enforcement nationwide, supervision and inspection of state prisons, as well as oversight and coordination of federal penitentiaries; the Ministry supports Brazilian states in the deployment of the units and the training of personnel in the prison system, manages the Brazilian prison policy, takes care of resources from FUNPEN - National Penitentiary Fund and hosts the National Council on Criminal and Penitentiary Policy (NSCLC - CNPCP). Currently the post of Director General of DEPEN is occupied by District Attorney Dr. Augusto Eduardo de Souza Rossini.

Brazil currently has 1,420 prison units distributed throughout the country, and the vast majority are managed by the states. Only 4 units of maximum security (Supermax) are managed by the Federal Government through the Federal Prison System, designed to house highly dangerous criminals who have proven involvement with organized crime. Among the units are:

- Prisons: for criminals sentenced to imprisonment in a closed regime
- Agricultural and Industrial Colonies: for criminals sentenced in a semi-open regime
- Public Chains: for inmates arrested in preventive custody
- Custody Hospitals for Psychiatric Treatment: for criminals with mental illness or with incomplete or delayed mental development
- Sheltered houses: for inmates sentenced to deprivation of liberty in the open regime, or limited to weekend

According to INFOPEN — Penitentiary Information System, Brazil currently has 549,577 inmates, of which 513,538 are men and 36,039 are women. Of these, 3,992 are foreigners of various nationalities from all parts of the world. The division of inmates by type of crime is:

- Crimes against persons: 60,579
- Crimes against property: 249,655
- Sex crimes: 21,096
- Crimes against public peace: 8,344
- Narcotics: 116,768
- Firearms: 29,056
- Other: 64,079

Having completed this general overview, the material in the individual presentation addresses and further analyses aspects of the treatment of female offenders.