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**APAC: AN INSTITUTION  
IN FAVOR OF THE  
HUMANIZATION OF  
FEATHERS**

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**Abstract:** This article will focus on APAC (Association for the Protection and Assistance to Convicts), a differentiated institution for serving sentences, whose essential purposes are based on trust, respect and love. With its innovative proposals, APAC sees the offender as a person who is able to recover, provided that there is a differentiated treatment. It is a project to humanize the criminal execution of the Court of Justice of Minas Gerais, which proposes a different look at the convicts, aiming at their recovery, reintegration into society and consequent achievement of Social Peace.

**Keywords:** APAC. Feather greeting. Humanization.

## INTRODUCTION

APAC (Association for the Protection and Assistance to Convicts) is a civil entity governed by Private Law, different from all others responsible for the application of penalties imposed by the State on people who have violated the law. With its innovative ideology, APAC suggests humanization in the application of penalties. The Apakian Method aims to recover the criminal and, when compared to the conventional Prison System, it is seen that it is weak (and flawed). In this regard, it is necessary to emphasize the *jus puniendi* of the State, that is, its right to punish, which, in order to be used, must faithfully carry out the execution of the sentence, framing it as retribution for the crime committed. It is also important to remember the preventive purpose of its application, and still, it is necessary to guarantee the essential rights of the convict, especially the preservation of his Dignity. It must be noted that Criminal Law, being a dense branch, will be used as an *ultima ratio*, when the other branches of law fail to protect the legal assets essential to social life. Following this reasoning, one must remember the criminal sanction as a

response by the State in the exercise of its *jus puniendi* and within the Due Process of Law. It is noteworthy that, according to the Apakian precepts, every person who commits a crime must be given a different look, dedicating, therefore, Dignity and Respect, ensuring that the purposes of the penalty are fulfilled and the need to carry out the punishment. its social function. With the objective of “punishing” the offender, who violates a legal precept, the Brazilian Criminal Legal System presents three types of penalties, which correspond to the punishments established by the legislator, being regulated in the Special Part of the Penal Code. They are: Penalty Deprivation of Liberty; Restrictive of Rights and Penalty of Fine, all of which are duly typified in the Brazilian Penal Code. In this sense, it is correct to say that penalties are established with a view to regulating coexistence in society, perhaps imposing limits on citizens. At this moment, the figure of the Constitutional Principles is vital, which act as undisputed guidelines in the application of the penalty and whose main objective is to rescue the Dignity of those who committed a criminal offense. APAC reveals itself as an innovative method, which looks at the criminal and sees the Human Being, capable of being recovered and reinserted into society, provided that it receives a dignified and respectful treatment. There is human valorization, allied to evangelization and other requirements, aiming to provide the convict with favorable conditions for his recovery. This innovative method is based on 12 basic elements, which have been fully reflected and studied in order to produce the intended effects; they are: Community Participation; Recovering helping Recovering; The work; Legal Assistance; Health care; Spirituality; Human Valorization; The family; The volunteer and the training course; Center for Social Reintegration – CRS; Merit; Journey of Liberation with Christ. All of

them are essential for the implementation of this methodology: the joint action of all will generate positive responses. Trust and Love are two highly subjective topics that provide the necessary support for this innovative methodology. These two characteristics must necessarily be present, enabling the implementation of this method, which is so differentiated and welcoming and which has proven positive results. In summary, the Association for the Protection and Assistance of Convicts (APAC) reveals itself as a new model of institution of custodial sentences, diverging from traditional techniques, which introduces a more humanitarian scenario in prisons, proposing, for that, guiding principles and differentiated treatment, all aimed at the effective recovery of the convict and his recognition as a Citizen, who made a mistake, but who was able to repair it and overcome it, being, therefore, able to live in a healthy society.

## METHODOLOGY

In order to fulfill the proposed objectives, this study aimed to present the APAC (Association for the Protection and Assistance to Convicts). Therefore, a more intense analysis of this method was necessary, aiming at its knowledge. Thus, the research was divided into four sections, which were essential for the development of this work, namely:

**Descriptive Bibliographic Research:** carried out through a historical survey, of an interdisciplinary nature, which covered the History, Philosophy, Anthropology, Sociology, Health and Bioethics applicable to the Brazilian Penitentiary System, with emphasis on each of the prison modalities: APAC and the conventional system.

**Documentary Research:** in which the content and the constitutional (and fundamental) principles and rights related to the topic were analyzed. A study was

also made of bills in progress in Brazil, jurisprudence involving international treaties and conventions, laws, bills, lawsuits and court decisions relevant to the subject at hand.

**Field research:** which was carried out through visits to public jails (in the cities of Uberaba and Frutal, both in Minas Gerais) and in some APACS (female and male, in Frutal) to verify the conditions presented by each of them, which made possible the dialogue of the author with the detainees (in the conventional system) and with the recoveries (in the APAC system). These data were used and allowed a practical experience in relation to the object of study, in addition to leading to reflection on the theoretical concepts used, combining them with the practical situation experienced in everyday life. This experience was of paramount importance for the author, who could see and feel the differences between one and another prison system, reaching some conclusions about the most appropriate method for the recovery of those who commit a criminal offense.

**Virtual Search:** in which the author sought information about the APACS (on the websites of each institution), in addition to other information that served as a basis for the construction of this work and that illustrated it with useful and credible information.

## THEORETICAL FOUNDATION

The Brazilian Prison System has as a striking feature the existence of serious problems, and these are intensifying over the last decades, which is mainly justified by the great leap in incarceration rates, highlighting that these have their origin in the countless structural and social deficiencies and deficiencies that accompany the country's history.

These gaps present in the Prison System can also be attributed to the lack of interest and resources on the part of the Public Power, which has concrete legislation, however, these

laws are not always put into practice. In 1955, the 1st United Nations Congress on Crime Prevention and Treatment of Offenders took place in Geneva, Switzerland. This Congress approved some minimum rules for the treatment of prisoners and, in 1957, they were adopted by the Economic and Social Council of the UN, through Resolution No. procedures for effective application of the minimum rules.

In the aforementioned Resolution, some topics are highlighted, such as: item number 6, and its sub-items 1 and 2, which say, respectively, that the rules contained in this Resolution must be applied indiscriminately, without any discrimination based on religion, language, political opinion, sex, race, color, national or social origin, means of wealth, birth or any other status; respect for the religious beliefs and moral precepts of the group to which the inmate belongs is also asserted.

A distinction is also made between the types of inmates, according to the crime committed, in addition to being separated by sex and age (item 8 of the aforementioned Resolution).

APAC, which follows these principles proposed by the UN Resolution, was established in 1974 by the lawyer Mário Ottoboni in the city of São José dos Campos - SP and, since then, despite several obstacles encountered along the way, it has been gaining strength in the prison scenario, with the proposal of giving convicts the possibility of returning to social life, without the stains left by the practice of a crime, which implies a great advance in terms of deprivation of liberty, being also a progress in the current days, in especially in the face of the chaos installed in the Brazilian Prison System.

Currently, compliance, by itself, with the Penal Executions Law by the State would already cause several changes in the prison context. It is important to note that the

Union and the States are responsible for administering the System and complying with the LEP. However, what can be seen are inefficient administrations, slow judicial processes, in addition to prejudice in various forms, which generates a lack of capacity to promote the rehabilitation of prisoners.

This way, greater attention must be given to the urgency regarding the implementation of public policies that respect the convict and, above all, that contemplate the particularities of the fulfillment of their sentences.

Therefore, it is essential that this is done in a transdisciplinary perspective, of integrated action of social, criminal and criminal enforcement policies.

It appears, therefore, that institutional actions are developed without any planning that takes into account the humanization of criminal enforcement. These are precarious, isolated, punctual, ineffective and only contribute to the degradation and violation of the right to a dignified life. It is noted that all forms of incarceration are complex, which implies thinking about the worsening of this situation.

From the above, it is possible to perceive that the guardianship aimed at prisoners exists, which is stamped in several legislations, including the support of the United Nations - UN. What is lacking is the due compliance with these laws, because only then will the Dignity of the Human Person and respect for the condition of Human Being of the prisoner remain, precepts that APAC proposes to fulfill.

## **FINAL CONSIDERATIONS**

In view of the above, it is clear that the Brazilian Prison System is in frank decay. It is necessary to emphasize the responsibility of the State regarding the duty to care for detainees. To this end, it must use the Principle of Integral Protection, aiming to ensure with absolute priority the right to life and dignity.

There is a clear understanding that it is necessary to guarantee conditions worthy of segregation, which will be done through the creation of effective public policies to protect the incarcerated person. Furthermore, measures such as: separating men and women in different establishments are urgently needed; o establish wards with distinctions of detainees by age, criminal record, reasons for detention; provisional prisoners separated from convicts, and other care.

Thus, it would be enough to comply with the precepts proposed by the Criminal Execution Law. However, the administration of the System and compliance with the LEP are the responsibility of the States and the Union, but what we see is an opposite scenario, full of disrespect and lack of capacity to promote the rehabilitation of incarcerated people. In turn, APAC aims to humanize the prison system, instituting new forms of treatment and contributing to the construction of social peace.

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