

International Journal of Human Sciences Research

THE RIGHT OF ACCESS AND PERMANENCE OF INCARCERATED WOMEN IN EDUCATIONAL ACTIVITIES WITHIN THE PRISONS OF RIO DE JANEIRO

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<http://lattes.cnpq.br/4694052662124434>

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Abstract: This research aims to analyze the schooling of women incarcerated in Rio de Janeiro prisons, studying the profile of inmates and observing the availability of places for basic and technical-vocational education, where the courses offered to them are always related to the area of care and beauty, defining gender roles. With this, the memory of the Christian and moralistic education taught by the nuns of `` *Instituto Nossa Senhora da Caridade do Bom Pastor* `` between the 19th and 20th centuries is related to the education taught today, investigating whether there are still remnants of a sexist teaching that can hinder development educational and professional status of prisoners and also erase their subjectivity, understanding that the schooling process must be a means of social transformation, resistance, maintenance and acquisition of rights. Therefore, to study this topic, Laws and Decrees on the emergence of female penitentiaries and schooling in these environments are examined, relating to data obtained by SISDEPEN, anchored in the concept of discipline (FOUCAULT, 1999) and the conception of liberating education (FREIRE, 2018).

Keywords: prison – women – education

INTRODUCTION

Female imprisonment has been occurring for at least two centuries in Brazil, as the first reports appeared after Independence in 1822. However, at this time the number of women imprisoned was still quite small compared to the total female population seen today. According to data from the National Penitentiary Department Information System – SISDEPEN¹ by June 2023, 27,375 women were deprived of their liberty, compared to less than 6,000 prisoners in 2000.

1 Information retrieved on 02/01/2024 from <https://www.gov.br/senappen/pt-br/servicos/sisdepen>

2 Information retrieved on 02/01/2024 from https://conectas.org/wp-content/uploads/2018/05/infopenmulheres_arte_07-03-18-1.pdf

Related to this, there are issues intrinsic to this practice that need to be highlighted, as the women who continue to be arrested are poor, black, peripheral and with low education. According to INFOPEN women in 2018, around 62% of prisoners were black, 50% of them were up to 30 years old, 62% were single and more than 70% were already mothers.², which raises concerns about the relationship between mothers and children, as there is a brief rupture in this bond due to imprisonment, where these children become the guardians of the prisoner's family.

In addition to all these circumstances, the low level of education of prisoners across the country is analyzed, which is also a determining factor for their entry into the world of crime. Until 2018, 45% of them did not have completed primary education, but only 26% were carrying out some educational activity, which could be school or non-school activities, such as reading, sports and professional training, that is, the number of women who need to complete Basic education does not keep pace with the number of public-school places in prisons. Observing this national discrepancy, this research proposed to investigate the data of the female population imprisoned in prisons in Rio de Janeiro as it is one of the institutions that fails most in providing this data and therefore, the real situation of Rio de Janeiro's penal institutions is not known.

Furthermore, to contextualize the materials collected today, the entire memory of women's prisons in Brazil is explored, analyzing all the legislation produced on imprisonment, which resulted in a sexist and moral past of pure control of female bodies, as for many years Female penal institutions were administered by nuns who tried to mold and domesticate women through prejudiced and exclusionary

educational practices, where they sought to reborn a new subject, now disciplined and docile. Therefore, the objective of this research is to analyze the formal and non-formal education aimed at them within prison, analyzing the policies to promote access and permanence created throughout the history of education in prisons and thus bringing into reflection the real conditions educational resources that women find to study.

WOMEN'S PRISONS IN BRAZIL: A PORTRAIT OF THE OBLIVION OF IMPRISONED WOMEN

The entire historicity of incarceration in Brazil is marked by three moments, the first of which is Independence in 1822, followed by Abolition in 1888 and later the Proclamation of the Republic in 1889. All these transformations that occurred throughout the 19th century brought major changes in the police and judicial apparatus aimed at social control that were expressed in the Criminal Code of 1830 (ANGOTTI, SALLES, 2018, p10).

The first reports about the imprisonment of women occurred after Brazil's independence, at this time there were still no specific prisons for them, especially because the number of women who committed crimes was still very low and normally linked to the moral values of the time, where the bodies women were even more controlled and disciplined (FOUCAULT, 1999).

Eight years after independence, the first Brazilian Penal Code was sanctioned by Emperor D. Pedro I. There are not many articles in it that specifically deal with women, only crimes and, consequently, their penalties stand out. In article 151 of the same Code, it is clear that prisons at the time were mixed, where care of the penal establishments was the responsibility of the prison guards. However, the legislation itself addresses the concern of a possible violation of a woman's body:

If the crime declared in the preceding article is committed by a jailer, guard, or other employee of a prison, prison house, or other similar establishment, with a woman, who is imprisoned, or placed under his custody, or supervision; or with a person's wife, daughter, or sister who is in these circumstances. (BRAZIL, 1830)

It was only in 1850, after countless debates about the creation of a correctional house, that the first Court Correction House was opened in the neighborhood of Catumbi, North Zone of Rio de Janeiro. With this, Decree Number: 678 was sanctioned, however, again there is no literature on the imprisoned woman, again demonstrating the forgetfulness of this subject.

After the Proclamation of the Republic, movements arose for the reform of Brazilian prisons and the creation of spaces intended only for women, as they were sent to men's prisons to serve their sentences, but it was recommended that:

[...] It is of the utmost importance to preserve the morality and modesty of the prisoners, and that they, having the necessary food and clothing, do not prostitute themselves; for which purpose it is necessary to take measures to prevent that immorality, placing second bars on the inside and entrusting their custody to competent and well-trained people. (Sant'Anna, 1951, p. 89 apud SALLA, ANGOTTI. p. 11)

Female imprisonment emerged through arbitrary practices of morality, arrests occurred mainly for cases such as drunkenness, riots and prostitution. At this time, a woman could not have control over her own body, it must be an instrument of a single man, her father or husband, when he becomes an instrument of herself and her wishes, every act is interpreted as a crime and Now, the female body becomes an instrument of the State, as Foucault (1999) highlights:

The body is there in the position of instrument or intermediary; any intervention on him through confinement, through compulsory work, aims to deprive the individual of his freedom considered both a right and an asset. According to this penalty, the body is placed in a system of coercion and deprivation, of obligations and interdictions. Physical suffering, bodily pain, is no longer the constitutive element of punishment. Punishment went from an art of unbearable sensations to an economy of suspended rights. If justice still has to manipulate and touch the bodies of those being punished, this will be done remotely, according to strict rules and aiming at a much 'higher' objective. As a result of this new retention, an entire army of technicians came to replace the executioner: guards, doctors, chaplains, psychiatrists, psychologists, educators. (FOUCAULT, 1999, p. 15)

This way, the arrests committed throughout the 19th and 20th centuries were mostly social ruptures contrary to the role of women and the expectations they had about them, about their bodies and their obligations.

The idea that women were domesticable, docile beings, ready for marriage and the generation of children was common, and those who deviated from these purposes were a danger to society.

During the republican period there was an increase in female incarceration, again thanks to moral values, however, discussions about the conditions of imprisonment of these women only gained strength at the beginning of the 20th century after some reforms were made to improve the appearance of prisons in Brazil, at that time, they were under the care of the prisoners' Patronage.

At the end of the 19th century, a French religious institution called: '*Instituto Nossa Senhora da Caridade do Bom Pastor d'Angers*' emerged in Brazil, which aimed to reconstruct female morality. Then, in 1891 the Sisters of '*Instituto Nossa Senhora da Caridade do Bom Pastor*', as they became known, founded

their first house in Rio de Janeiro, but it was only in 1920 that they began to manage a house for juvenile offenders in the same state, with this, they gained more visibility in this prison scenario and also began to manage the Reformatory for Women of Porto Alegre in 1937, the Women's Penitentiary of the Federal Capital, the current Talavera Bruce in 1942 and the Carandiru women's wing in 1946.

Since 1920, the psychiatrist at the São Paulo Penitentiary, José de Moraes Melo, had already argued that the administration, care and education of prisoners were the responsibility of the ladies of the religious congregation (Mello, 1928, p. 34 apud ANGOTTI; SALLES, 2018, p.16). Lemos de Brito, a famous penitentiary practitioner, also agreed with this conception, furthermore, he also believed that domestic work was of a feminine nature and therefore advised against agricultural work, thinking that domestic tasks would be the way to recover female morals.

Therefore, the education of women deprived of liberty was being structured to meet male desires, creating a new subject, submissive, docile and disciplined. For this, the education offered in prisons must be linked to work at home, as the ideal was for them to get a good marriage as soon as they regained their freedom, as Fernanda Curcio (2020, p. 134) highlights:

These women went through an intense process of "domestication", being taught how to embroider, cook, and when they were "ready", they gained freedom, so that they could find a "good match" to form a marriage.

It is observed that educational practice was yet another mechanism of control and consequently of docilization of female bodies, through the exacerbated use of discipline (FOUCAULT, 1999). When bringing the concept of docilization, it is necessary to explore the idea of erasing the subjectivity

of these women, because when disciplined bodies are produced, who these people really are, their memories, their desires, their actions, forms, are gradually erased. talking, walking. In this aspect, education and work can promote such practices of erasure, as Faceira and Konalewski (2021) report, which is a form of human rights violation, is not being able to be who you are.

The Sisters of `` *Instituto Nossa Senhora da Caridade do Bom Pastor d`Angers` ``* remained in prisons until the 1980s, when they handed over the administration of prisons to the Department of Justice, due to the exponential increase in female crime and cases of indiscipline committed by inmates.

During the rules of the new State, in 1940, the second Brazilian Penal Code was sanctioned, in which, for the first time, it deals with accommodation only for women in Article 29, 2nd paragraph: "Women serve sentences in a special establishment, or, failing that, in an appropriate section of a penitentiary or common prison, being subject to internal labor" (BRAZIL, 1940).

In the years that followed there were not so many transformations, it was only after the Military Coup in 1964 that there was a major change in the prison scenario, as at this time there was the introduction of a new profile within Brazilian prisons, that of the political prisoner. These new individuals had a higher level of education and were politically aware of the atrocities committed in prisons, which led to the formulation of the Penal Code and the Penal Execution Law, both from 1984, still in force today. This act of remembering the practices of torture and other evils that took place in these institutions allows resistance to be created and struggles to be waged so that these rights are no longer violated. Andreas Huyssen (2014, p.196) argues: "[...] At the simplest level, we could say that only the memory of rights violations can feed the

future of human rights in the world, providing a substantial link between past and future."

The promulgation of the LEP was a milestone in the memory of Brazilian prisons, where the maintenance of the rights of people deprived of liberty is explicit, granted based on six types of assistance: material, health, legal, educational, social and religious, being the duty of the State crime prevention and guidance on returning to society (BRAZIL, 1984). This new legislation now deals more specifically with women prisoners, in Section III of health care, medical care is ensured for women, extending to their newborn children, valuing humanitarian treatment during the gestational and postpartum period, in establishments Women's prisons must be staffed with female employees, there must also be nurseries so that convicts can take care of their children who are at least 6 months old and daycare centers to house children over 6 months old and under 7 years old (Law 11,942 of 2009).

When exploring the history of women's prisons, it is noted that the prisons were designed and built for men, they were responsible for the welfare of the sisters from religious congregations, the conservatism, chauvinism, made explicit in the treatment, and the education offered.

EDUCATION IN PRISONS

In Brazil, until the middle of the 19th century, there was no creation of penal institutions to serve sentences for crimes committed. At this time, there were spaces where prisoners awaited their sentences, which normally took place in a public square as a kind of celebration of the torture of prisoners. delinquent bodies. Foucault (1999) reports:

[...] The punishment little by little stopped being a scene. And everything that could imply a spectacle since then will have a negative character; and as the functions of the penal ceremony gradually ceased to be understood, the suspicion remained that such a rite that gave a “closure” to the crime maintained spurious affinities with it: equaling it, or even surpassing it in savagery, accustoming the spectators to a ferocity that everyone wanted to see them away from, showing them the frequency of crimes, making the executioner look like a criminal, the judges like murderers, reversing the roles at the last moment, making the victim an object of pity and admiration. [...] (FOUCAULT, 1999, p. 13)

With the creation of the Court’s House of Correction, the penalty ceases to be an act of torture, of celebration and becomes the exercise of disciplinary power, active in controlling the masses. This new model of imprisonment brought with it the exercise of work and the Catholic faith as means of “recovering” the imprisoned person, and this introduction of religion made educational practices possible according to Decree Number: 678 of July 6, 1850 in its article 119:

“The Chaplain of the House of Correction, in addition to what he is responsible for in Articles 95, 97 and 99, is responsible for the following: 1st Helping the Director in the moral education of prisoners, and contributing as much as he can to their correction and reform. [...]” (BRAZIL, 1850)

In the same Decree, article 167 determines the creation, when possible, in each of the divisions of the House of Correction of a school for teaching literacy and teaching the four arithmetic operations to prisoners (BRAZIL, 1850). This first legislation was the initial milestone for the construction of education as assistance and as a means of “resocialization” of the imprisoned person.

Still at the end of the 19th century, it was replaced by a new decree, Number: 8,386

of 1882. It contained a specific chapter on moral, religious and school regulations. At this moment, there is still no division between religion and education, however, it is with this new legislation that preceptors are introduced to teach inmates and the chaplain becomes an assistant. Furthermore, there are other changes described in the Decree (BRAZIL, 1882):

Art. 281. School instruction is entrusted to a preceptor and given simultaneously to prisoners, gathered in classes at the school.

Art. 282. Teaching includes: Reading. Writing. Elementary arithmetic. Rudimentary notions of grammar.

Art. 283. Class attendance is mandatory for prisoners, without prejudice to the institution’s discipline, and exemptions granted by the director are preserved.

Art. 284. The preceptor may exclude from class the prisoner who acts in an inconvenient manner, informing the director of the punishment that the offense requires.

Art. 285. The preceptor is helped by the chaplain in teaching morals, religion and rules of civility.

In this same chapter, there is also a requirement to build a library composed of books that are enjoyable and edifying reading for prisoners (BRAZIL, 1882). It is important to highlight that in this period the illiteracy rate in Brazil was 82.6% for people over five years of age, which is also reflected in prisons, therefore: “Art. 288. The reading may be done, by the chaplain or another employee designated by the director, aloud, accompanied by family instructions for those who cannot benefit from it individually.” (BRAZIL, 1882)

In the 20th century, the main changes in the educational area began during the presidency of Juscelino Kubistchek (1956-1961), as at this

time, the government aimed to develop several productions in five years, such as food, energy, industrial and educational, also resulting in the construction of the city of Brasília. For this reason, there was investment in technical-professional education to meet the need for qualified labor, helping the country's growth.

In 1957, Law Number: 3,274 was sanctioned, which establishes in more detail the professional education provided in prisons, declaring in its 22nd article the objective of assisting the prisoner in the search for his vocation, in choosing a profession and consequently in readaptation in the environment. social, acting as a "resocializing" practice. In addition to technical-professional education, moral education must also be taught: "[...] by instilling habits of discipline and order, the principles of civility and love for the country are also understood, as well as the teachings of religion, in these respects, each person's beliefs are respected." (BRAZIL, 1957, art. 23).

Furthermore, for the first time, the Law determined the teaching of prisoners who had a disability, global developmental disorder, high abilities or giftedness, known at that time as "mentally retarded".³ Article 24 determines: "When the presence of mentally retarded people is recorded by the classification of the sentenced, they will be given, in a separate course, and in separate establishments or pavilion, education compatible with their faculties." (BRAZIL, 1957)

During the Military Dictatorship (1964-1985) there were no educational transformations within prisons, revealing a disregard for people deprived of their liberty. However, outside the walls, the dictatorial government launched, through Law Number: 5,379 of 1967, a literacy method known as MOBREAL, focusing on the education of young people and adults who for some reason did not learn to read and write. Even so, this era

³ Today this nomenclature is no longer used, people with disabilities are used.

brought great debates about the preservation of the human rights of prisoners, resulting in the formulation of the Penal Execution Law of 1984, which places education as one of the forms of assistance for people deprived of liberty, but still with a mandatory nature, where the subject already deprived of his freedom did not have the right to choose. Only in 1988 with the Federal Constitution did education become a right for everyone and a duty of the State.

In the 21st century, education in prisons begins to gain space in the educational environment. In 2009, Resolution Number: 3 was sanctioned after the First National Seminar on Education in Prisons, in which it established the guidelines to be followed such as encouraging reading, continued training of educators, recognition of the uniqueness of prisons and their subjects, among others. Furthermore, there is debate about the recognition of education professionals working in prisons (BRAZIL, 2009).

The following year, Resolution Number: 2 appeared, dealing for the first time with the financing of education in prisons through transfers from the Fund for Maintenance and Development of Basic Education and Valorization of Education Professionals (FUNDEB), in addition, exploring the presence of the community and prisoners' family members in their lives inside prisons and differentiated care for prisoners with inclusion and accessibility needs and the particularities of gender, color, belief, age and social condition (BRAZIL, 2010).

In the same year, during the government of former president Dilma Rousseff, the Strategic Education Plan within the scope of the Prison System - PEESP was established by Decree Number: 7626 of 2011, which aimed to expand and improve the provision of education in prison institutions, including Youth and Adult Education, Professional and Technological

Education and Higher Education. Some of its objectives were to promote the training of education professionals in penal establishments, universalize literacy and expand the supply of education in the system, provide conditions for the continuity of studies for ex-prisoners and encourage the development of state education plans for the system. prison (BRAZIL, 2011).

Finally, Resolution of the National Council of Justice Number: 391 of 2021 is also presented, which establishes the remission of sentences for reading for people deprived of their liberty. For redemption to occur, the prisoner must voluntarily read any book in the library's bibliographic collection within 30 days. After reading, the individual must produce a reading report on the work to serve as proof. Those who have their reports approved by the Validation Committee will be entitled to a 4-day refund for each work read. As a result, today education, in addition to helping prisoners experience their lives inside and outside of prison, also helps to redeem their sentence. As a result, there have been great advances in education in prisons, but they are still not enough to serve everyone, especially everyone.

THE EDUCATION OF INCARCERATED WOMEN IN RIO

As previously reported, the education of women in prisons can be interpreted as a mechanism for controlling female bodies, which are much more closely watched and consequently disciplined than male bodies. It is observed that their teaching from the beginning was anchored in sexist conceptions, the reintegration of women into society did not happen through work, much less through basic education, as the nuns' objective was to get them married, form their families and with that to rebuild their morals, for this they were taught how to cook, wash, iron, among

other functions. This sexist teaching generated alarming data in the education of prisoners that persists to this day, revealing discrepant data between them and men.

Rio de Janeiro did not provide data for the Infopen Women National Penitentiary Information Survey for the years 2014 and 2018, but according to the 2023 SISDEPEN, today the state of Rio contains 1,537 prisoners divided into five units: Talavera Bruce, Oscar Stevenson, Nelson Virgínia, Maternal and Child Unit and Nilza da Silva Santos, the latter located in the municipality of Campos dos Goytacazes. According to data from SISDEPEN, it is estimated that 70% of them did not complete basic education, demonstrating the State's ineffectiveness in guaranteeing the right to access and remain in public schools.

Educational activities are divided into two types: school activities carried out in the form of Youth and Adult Education (EJA) and organized according to the following segments: Literacy, Elementary Education I, Elementary Education II and Secondary Education, while activities not school activities are sport, reading and professional training. For the analysis of SISDEPEN data, the focus is on school activities and professional training offered in the form of Vocational Technical Education.

Through the analysis of these website databases, it was possible to observe that around 80% of the 319 inmates of Oscar Stevenson did not complete basic education, followed by 70% of 191 incarcerated in Nilza da Silva, there is no data on Talavera Bruce and Nelson Hungary. It is worth highlighting the lack of data on the education level of prisoners in each unit and on those enrolled in school and educational activities, which is another policy of burying data, making the work of researchers and consequently the fight for quality education more difficult. It is also noted that the low level of education does

not keep up with the number of enrollments that must exist in order to reduce this percentage. Currently, of the 319 prisoners at Oscar Stevenson, only 52 are carrying out any school activity, totaling 16%, there is no data to indicate that the prisoners are carrying out school activities at Nilza da Silva. At Talavera Bruce there is no information about schooling, however, the references about those enrolled are incomplete. Although the Nelson Hungary Prison does not provide information about the inmates' education, around 82% of them are enrolled in school activities. This way, it is understood that Youth and Adult Education, a modality applied in prison environments, is still unable to meet the demand of students who need to complete their studies, once again proving the ineffectiveness of the State.

The transformation of education as a right must be preserved, however it is necessary that there are sufficient places for those who wish to study, especially when attendance in classes is used as a remission of the sentence, with 1 being given (one day of sentence for every 12 hours of school attendance as determined by Law Number: 7,210 in its article 126 (BRAZIL, 1984).

When analyzing the data on Technical-Vocational Education in Rio de Janeiro, the concern increases. The courses offered to prisoners are always linked to the area of care and beauty, they are courses in manicure, eyebrow design, hairdressing, among others, socially constructed as "women's work", which are undervalued and define gender roles. It must be noted that these courses are also of great professional importance, however, it is necessary that other courses are offered, that women can have their right to choose guaranteed, that they can be and do what they want and that these courses are not offered only to the female gender as a determination of a role. Added to this, there is still concern about the possibility that no course is being

4 Information retrieved on 02/05/2024 from <https://www.admpenitenciaria.rj.gov.br/>

offered in all prison institutions in Rio, since according to the website of the Secretariat of Penitentiary Administration (SEAP)⁴, some agreements with companies that offered such courses were terminated, such as Firjan-SENAI, SESC-SENAC and Estaleiro MacLaren Oil. Therefore, it is not known how vocational education is in Rio de Janeiro.

Analyzing all these problems, we think about the real role of education as a right and as a tool in the process of "resocialization" of the imprisoned person, problematizing the term, as it is understood that after prison these subjects will be reinserted into society, as if they weren't already. The prison and the people inside it are part of society, life is lived inside or outside the prison, social relationships can still be maintained and built, work and education can be carried out. There is no resocialization because these individuals are socialized beings, they have their social life. Before being arrested, they roamed the streets, attended schools, squares, bars, churches, shopping malls, like the rest of the Brazilian population. So, education is not used to "resocialize", "reinsert" or even "recover" a person, we must think about the real role of education within prisons:

To think about the role of education in the social field is already complex and involves many discussions; After all, what is education for? To teach literacy? To facilitate communications? To transmit a legacy of information from our precedents? For the training of qualified professionals? To spread social norms through a certain type of ideology from a ruling class? Who does education serve? (DUARTE; PEREIRA, apud SANT'ANNA, 2018, p. 345).

This way, education provided in prisons and other assistance is understood as helping in the prisoner's freedom process, providing greater opportunities with an increase in the educational level of inmates and technical-

professional training to face the demands of the prison market. work. But beyond that, education is a liberating practice, capable of transforming reality through its students, as Paulo Freire highlights: “*Education does not transform the world. Education changes people. People transform the world.*”

CONCLUSION

This article sought to analyze the education of women in prisons and consequently the contradictory practices that permeate prisons, since, even though these environments are constituted as disciplinary institutions, a place for the annulment of the “self”, standardization of the masses and erasure of people’s memories trapped, it is still a space for resistance, for productions, memories and construction of new memories. Kornalewski and Faceira (2022) emphasize: “Social memory lives in a contradictory context because it configures a space of struggle and resistance within institutions that reproduce processes that nullify the individuality of the subject.”

Furthermore, the crucial role of education in creating each individual’s awareness and liberating them from the condition of oppressed is highlighted, as according to Freire (2018, p. 42-43):

Who better than the oppressed will be prepared to understand the terrible meaning of an oppressive society? Who will feel the effects of oppression better than them? Who, more than them, to understand the need for liberation? Liberation that they will not reach by chance, but by the practice of their search; for knowledge and recognition of the need to fight for it.

Therefore, drawing inspiration from the quote above, it is extremely important that Youth and Adult Education in prisons is built from the students, their experiences and stories of oppression lived inside and outside prison, so that education fulfills its liberating role and not erasing memories and subjectivities.

Furthermore, it is necessary for the State, together with educators and other education professionals, to rethink the educational model taught within prisons, providing a quality and captivating education for its students, in addition to equalizing the offer of places in school education and professional training for both genders. Therefore, there is a struggle not only for access and permanence of these individuals in the school institution, but also for the preservation of their rights, for the preservation of each subject’s “self”.

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