



MEDICAL CARE IN THE PRISON SYSTEM IN THE LIGHT OF THE GUIDELINES OF THE PENAL EXECUTION LAW



<https://doi.org/10.56238/levv16n47-041>

Submitted on: 03/15/2025

Publication date: 04/15/2025

Anyele Oliveira do Nascimento Vieira¹ and Clóvis Marques Dias Júnior²

ABSTRACT

The precariousness of the Brazilian prison system ends up harming the fundamental right to health of inmates, which is characterized as a violation of human rights and the Federal Constitution of 1988. The absence of effective public policies, associated with overcrowding and state negligence, makes the scenario catastrophic, resulting in direct impacts on the physical and mental health of prisoners. The objective of the present study was to analyze the conditions of medical care in the light of the Penal Execution Law and the Fundamental Rights of incarcerated people. Its methodology is exploratory and descriptive methods, using the procedure of bibliographic research with secondary sources. Therefore, urgent changes need to occur in the penitentiary system. It is essential that the State acts with resourcefulness, in order to carry out the necessary actions to guarantee the right to health of the inmates. The results indicate that the inefficiency of the state in relation to the implementation of public policies further enhances inequalities and hinders the entire process of rehabilitation of inmates, making the cycles of social exclusion and criminal recidivism even more evident. Finally, it is concluded that the structural reform of the prison system and the adoption of efficient measures to ensure adequate medical care are of paramount importance to ensure the dignity of prisoners. The study was able to give the necessary emphasis to the need for articulated action between the State, inspection agencies and civil society so that the realization of fundamental rights in the prison environment can actually happen.

Keywords: Fundamental Rights. Penitentiary Health. Public Policies. Prison System. Human rights.

¹Student of the Bachelor of Laws course at the Institute of Higher Education of Southern Maranhão – IESMA/Unisulma

E-mail: anyele1705@gmail.com

²Doctorate student in Law (CEUB). Master in Teacher Training in Educational Practices (UFMA). Specialist in Constitutional Law, Public Management and Criminal Procedure. Professor of the Bachelor's Degree in Law at the Institute of Higher Education of Southern Maranhão – IESMA/Unisulma

E-mail: clovisjrs@gmail.com



INTRODUCTION

This article deals with prison conditions in the current prison system, mainly referring to the medical care guaranteed to incarcerated people, that is, it is an extremely necessary debate, given the real situation that is reported day after day on social and digital media. The destructuring, as well as the extreme abandonment and neglect of the Brazilian prison system, brings with it a series of problems and factors that contribute to the fact that the Fundamental Rights of the incarcerated, as well as the assistance to prisoners and internees provided for in the Penal Execution Law No. 7,210/84, are not applied in their harmonized form (DEPEN, 2023).

The justification for the elaboration and discussion of this theme is based on the need to verify the application of medical assistance to prisoners and internees, using the legal provision of the Penal Execution Law, as well as Fundamental Rights. Based on this, the reader will be given the opportunity to verify how medical care is provided to incarcerated people, as well as whether overcrowding directly influences this and other legal guarantees.

Brazilian society suffers en masse from the neglect of the prison system, as a consequence of this, there is a great advance in violence, in the same way that there is an increase in prison overcrowding and its ills (SILVA et al., 2023). Among the various factors that encompass the precariousness of prisons, the main one is their overcrowding. The Penal Execution Law No. 7,210/84, in its article 88, provides that the convict will be housed in an individual cell, containing a bedroom, sanitary apparatus and washbasin. In addition, in its sole paragraph, in its paragraphs, the basic requirements of this cell unit are present, these being about the healthiness of the environment and its minimum area.

However, even though these aids are guaranteed by law, they are still not applied, and for this reason, the problems arise from this overcrowding, since the support becomes insufficient for all inmates. In this way, food is precarious, as well as the absence of medical care, absence of hygiene, among other benefits that become precarious due to the lack of necessary help.

The guiding problem of the present work is to answer the following question: "What are the conditions of medical care in the light of the Penal Execution Law and the Fundamental Rights of the incarcerated?".

The objective of the present study was to analyze the conditions of medical care in the light of the Penal Execution Law and the Fundamental Rights of incarcerated people. And the specific ones were: to discuss the reality of the Brazilian prison system and the principle of the dignity of the human person; discuss the prison structural conditions

provided for in the Penal Execution Law No. 7,210/84 and the fundamental rights of the incarcerated; analyze medical care and its main problems, causes and consequences.

METHODOLOGY

The study is a literature review, which consists of the method that combines data from the scientific, empirical and theoretical literature. Through them, it is possible to direct the definition of concepts, to review theories and methodological analysis, and it is even to identify the biases, which provides the production in synthesis of knowledge, as well as the incorporation of the applicability of the results (SOUZA, 2010).

RESULTS

Human societies have always found ways to punish those who act against the norms that govern each people. One of these means is the actions of incarceration, but it is worth noting that such actions are not interventions of modern society, as historical records indicate that possibly between 1,700 BC and 1,280 BC the first prisons appeared, although they are not yet based on legal aspects, as it was the pharaohs who destined the Egyptians to prisons, or blasphemy, default, heresies, betrayal and/or disobedience (MAIA et al., 2009).

The prison and/or prison system has undergone many transformations over the years, for example, in 1990, Brazil had approximately 90 thousand people in prison.

Figure 1. The number of people in Brazilian prisons has grown dramatically.



Source: Resende; Goulart (2017)

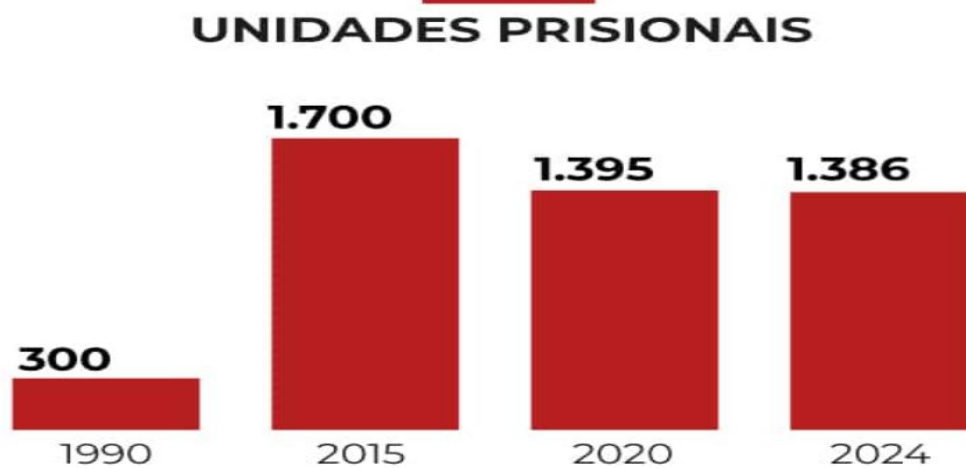
There was an increase in the numbers in the following decades, so that it reached 500 thousand in 2010 (more than quintupling) and exceeded 700 thousand in 2016.

Currently, the prison population is almost 900 thousand people, considering provisional prisoners, sentenced to different regimes and those in security measures (VIANA, 2017).

The majority of incarcerated people in Brazil are young black men, who have low or no schooling, as well as little insertion in the labor market. The crimes of drug trafficking, aggravated and simple robbery, as well as homicide, both aggravated and simple, occur more frequently (CNJ, 2022).

In addition, in the following years, the prison infrastructure did not keep up with the constant increase in the prison population. In 2020, there were fewer units due to deactivations, so the system had 1,395 prisons, while in 2024 it had 1,386. Thus, the prison system remains overcrowded (RESENDE; GOULART, 2017).

Figure 2. From 1990 to 2024, more than a thousand prison units were built.



Source: Resende; Goulart (2017)

When compared to the growth of the national population, the expansion of the prison system reveals a sharp contrast. According to the IBGE, Brazil's population was 151 million in 1990, which grew by about 213 million in 2024, so there was an increase of 41%. The prison population, on the other hand, registered a growth of approximately 900% in the same period (RESENDE; GOULART, 2017).

The Brazilian penitentiary system has been frequently the subject of debate and concern due to issues related to (dis)respect for the dignity of the human person. In other words, the Brazilian penitentiary system can be considered a complex and often problematic area of the country's justice system. Composed of prisons, penitentiaries and prisons, the system is responsible for the custody and rehabilitation of individuals convicted of crimes, however, this part of the rehabilitation is practically not done. However, the system faces a number of significant challenges that affect its effectiveness and raise



concerns regarding human rights and in the same way, the principle of the dignity of the human person (SANTOS; CARVALHO FILHO, 2023).

The humiliating situation and overcrowding in which the prisoners live proves that there is not the slightest respect for human dignity, showing contempt for these people. Examples of these conditions are poor diet, lack of proper medical care, and the use of illicit drugs that contribute to the multiplication of diseases (DAMASCENO; BAPTIST; 2019, p. 248).

Therefore, the violation of human rights in the Brazilian prison environment is increasingly serious. Currently it is very visible that there is a deficit of vacancies in prisons compared to the number of existing inmates, this overcrowding results in non-compliance with the basic rights and guarantees of the incarcerated.

DISCUSSION

As discussed in this text, the circumstances and penalties with regard to people who committed infractions were marked by considerable violence. In this scenario, on December 10, 1948, the Universal Declaration of Human Rights appeared, a document that brought significant changes to the prison system, as it determined equality for all. According to Brasil (1998, p. 2) this Declaration condemns any type of disrespect against the members of society, thus, it states art.1. "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and must act towards one another in a spirit of fraternity."

And in our country, another important document for improving the quality of life of incarcerated people was the promulgation of the Federal Constitution of 1988, which used the Universal Declaration of Human Rights as the main basis for determining the country's legal legislation. Therefore, the Federal Constitution of 1988 ensured in article 3 that all human beings are equal in rights, regardless of race, creed, age, among other particularities of human existence.

In this sense, Silva, Garcia and Silva (2013) point out that this Constitution presents in its articles directed to the legal act, the determination that incarcerated people must receive the necessary assistance with regard to their physical and mental well-being, and it is the responsibility of the State to provide all the necessary resources.

Convicts are subjects of rights and duties that have laws also in their favor that regulate them and establish fundamental norms that must be applied during the period of imprisonment and supervision of prisoners. According to articles 38 and 39 of the LEP, it is the duty of the convicted person, in addition to the legal obligations inherent to his or her condition, to submit to the rules for the execution of the sentence:



Article 39. The duties of the convicted person are:

- I - Disciplined behavior and faithful compliance with the sentence;
- II - Obedience to the public servant and respect for any person with whom he must relate;
- III - Urbanity and respect in dealing with other convicts;
- IV - Conduct opposed to individual or collective movements of escape or subversion of order or discipline;
- V - Execution of work, tasks and orders received;
- VI - Submission to the disciplinary sanction imposed;
- VII – Compensation to the victim or his successors;
- VIII – Indemnification to the State, when possible, of the expenses incurred with its maintenance, by means of a proportional discount from the remuneration of work;
- IX – Personal hygiene and cleanliness of the cell or accommodation;
- X - Conservation of objects of personal use (BRASIL, 1984).

With regard to the rights of the prisoner, they are all those not affected by the sentence or law, being forbidden distinction of a racial, social, religious or political nature, the violation of the integrity of the prisoner may make the crime of torture effective, and these rights are dealt with from article 41 of the LEP:

Art. 41 - The rights of the prisoner are:

- I - Sufficient food and clothing;
- II - Assignment of work and its remuneration
- III - Social Security
- IV - Constitution of savings;
- V - Proportionality in the distribution of time for work, rest and recreation;
- VI – Exercise of previous professional, intellectual, artistic and sports activities, provided that they are compatible with the execution of the sentence;
- VII – Material, health, legal, educational, social and religious assistance;
- VIII – Protection against any form of sensationalism;
- IX - Personal and private interview with the lawyer;
- X – Visits by spouses, partners, relatives and friends on certain days;
- XI - Nominal call;
- XII – Equal treatment, except for the requirements of individualization of the penalty;
- XIII – Special hearing with the director of the establishment;
- XIV – Representation and petition to any authority, in defense of rights;
- XV – Contact with the outside world by means of written correspondence, reading and other means of information that do not compromise morals and good customs.
- XVI - Certificate of sentence to be served, issued annually, under penalty of the responsibility of the competent judicial authority (BRASIL, 1984).

As you can see, prisoners have a range of rights at their disposal, all protected by law, so it is not just a matter of living within a system, but there are opportunities within this environment.

The State needs, regardless of what the prisoner has done, to provide the prisoner's basic meals and he has the right to receive for the services rendered, but only the prisoner with paid work can have the right to social security and savings (part of the remuneration is deposited in a savings account). The prisoner may still lose the right to work if he commits acts of indiscipline and have his visits suspended, and cannot be called by derogatory names or nicknames. According to the LEP, the prisoner has the right to hire a doctor of



personal trust, in order to guide and monitor the treatment, if there are disagreements between the official doctor and the private doctor, this issue must be resolved by the execution judge (VALADARES, 2021).

The lack of dignified living conditions in the Brazilian prison system ends up being characterized as a serious violation of human rights, especially hurting the principle of human dignity. Among the main violations, it is possible to highlight the overcrowding of cells, the lack of hygiene and basic sanitation, the precariousness in relation to food and medical care, violence between prisoners and against inmates by prison guards, the lack of access to education and work, among others.

Cunha (2019) points out that human rights violations in the Brazilian prison system are extremely serious, such as the cases of constant use of torture and other forms of physical, psychological, and sexual violence, in addition to the lack of basic health, hygiene, and food conditions. Therefore, "overcrowding, unsanitary conditions, and violence within prison units reveal the serious situation of the human rights of prisoners in Brazil, which is still a major challenge for public authorities" (SANTOS, 2020, p. 42).

In addition, there are still emblematic cases of human rights violations in the Brazilian prison system that have routinely gained prominence in the media in recent years. An example was the massacre that took place in January 2017 at the Anísio Jobim Penitentiary Complex in Manaus, which resulted in the death of 56 inmates. Another example is the Carandiru Massacre, which took place in 1992 at the São Paulo House of Detention, which resulted in the death of 111 prisoners (VALADARES, 2021).

In this line of understanding, as Mendonça (2018) concludes, the guarantee of human rights in the prison system is a duty of the State, which needs to make investments in effective public policies to combat human rights violations and promote the rehabilitation of inmates.

The Penal Execution Law in its article 3 states that "the convicted and the interned shall be assured all the rights not affected by the sentence or the law", such a legal provision covers, including the provisional prisoner. In summary, the criminal sanction should not affect the physical or moral integrity of the inmate. Convicts, even if they are incarcerated, are individuals endowed with rights and also duties, among these are the fundamental rights guaranteed by the Federal Constitution as long as it is in line with the LEP. The Penal Execution Law determines in its article 10 that "assistance to prisoners and interns is the duty of the State, aiming to prevent crime and guide the return to coexistence in society". Therefore, the State is responsible for assisting the prisoner, so that the assistance will be material, health, educational, legal, social and religious.



According to the doctrine of Odir; Bochi apud Mossin (2010, p. 101):

(...) the convicted or interned person has subjective rights that are rights proper to the human person not affected by the sentence, in addition to rights derived from his legal condition as a convict, Such rights imply obligations of the State, such as the duty of maintenance, preservation of health, personal safety, education, salary, guarantee of legal assistance, etc.

From a social and humanitarian point of view, the prisoner must have his rights protected, since regardless of the condition of convict, everyone is a human being, with the exception of rights prohibited or suspended by virtue of a final and unappealable conviction, the Federal Constitution provides for equal treatment, since they notably help in the reintegration of the prisoner, which is one of the goals sought by the penal execution. The unlimited restriction of the prisoner's activity, in multiple aspects, leads the incarcerated person to adopt a behavior contrary to the very ends sought by the penal execution. In addition, by maintaining the rules, without departing from the rigor of the law in the retributive and prevention aspects, the convict must be offered a healthy environment that favors his social reintegration (MOSSIN, 2010).

Nunes (2009, p. 30) points out that:

It is divided into a religious or moral activity, which was the only purpose of the internment in the early days of prison sentences, intellectual education that should consolidate the improvement of man, but above all, it is in social assistance that lies the possibility of treating the condemned socially, bringing him closer to the friends and family who induce his recovery.

According to Mirabete's teachings, the idea of social reintegration means, above all, providing the prisoner with the minimum living conditions indispensable for the survival of the human being, safeguarding the physical and moral integrity of the prisoner, so that when he fulfills his penal sanction he returns with dignity to social life without further delinquency. However, it is necessary to emphasize the role of the State as a subject of obligation towards the inmates who are in private custody in their custody, in the fulfillment of the penal execution.

As expressed in article 11 of the Penal Execution Law, the assistance to be provided will be:

- I – Material Assistance;
- II - Health care;
- III - Legal assistance;
- IV - Educational Assistance;
- V - Social Assistance;
- VI - Religious Assistance (BRASIL, 1984).



The Federal Constitution of 1988 guarantees that "health is a right of all and a duty of the State". In short, health is a fundamental right of the human being, and the state must provide the indispensable conditions for its full exercise.

In accordance with article 14 of the Penal Execution Law, the health care of the prisoner or interned will be of a preventive and curative nature, including medical, pharmaceutical and dental care.

For Marcão (2011), with regard to the health care provided to Brazilian prisoners, the Federal Constitution is disrespected without punishment; the Law of Penal Executions; UN minimum rules for the treatment of prisoners.

According to the subject Nucci (2009) It is, in fact, a right of the prisoner and an obligation of the State. The health of prisoners, undoubtedly, is one of the biggest problems, of all prison mishaps.

The reality of the prison situation shows us that most penal establishments do not have minimum conditions for survival. It does not have specialized personnel in the health area, much less appropriate equipment for medical, pharmaceutical and dental care. Since, the preventive and curative character of such care within the prison unit becomes unfeasible. Providing for such possibilities, the special legislation allows that when the penal establishment does not have adequate conditions for the care of the convict, medical assistance will be provided in another place, upon authorization from the management of the establishment.

Law 11,942 added paragraph 3 to article 14 of the Execution Law, providing for specific medical care for women mainly in the gestational, pre- and postpartum period, which will be extended to the newborn. However, reality shows us different situations where the penal establishment does not have personnel, much less equipment to meet such needs. In this case, the cited paragraph also mentions the possibility of care in a public or private network outside the penal institution as long as authorized by the director in charge (MARÇÃO, 2011).

Medical assistance in prisons is a legal guarantee to inmates that is guaranteed by the State, as provided for in Articles 10 and 11, II of Penal Execution Law No. 7,210/84. However, several times this guarantee is not carried out correctly, or even so, it is not offered to all inmates, being a result of overcrowding and the poor physical structures of prisons.

According to Article 14, § 2, of the Penal Execution Law:

Article 14. The health care of prisoners and internees, of a preventive and curative nature, will include medical, pharmaceutical and dental care.



Paragraph 2 - When the penal establishment does not have the equipment to provide the necessary medical assistance, it shall be provided in another place, upon authorization of the establishment's management.

Such guarantee has legal support and must be offered, so that because the establishment does not provide the necessary equipment, it must be provided elsewhere, upon authorization from the establishment's management.

However, even so, the number of inmates who do not enjoy this guarantee is considerably large, being exposed to poor hygiene conditions, which cause diseases due to their precariousness, not receiving the necessary medical assistance for treatment in the establishment, as well as not being directed to another place.

Agnaldo Rogério Pires (2010) points out that those who are already imprisoned, if they are affected by illness, should receive treatment as needed, and should thus count on a doctor's visit until health is recovered, if there is no necessary resource in the establishment for this.

Overcrowding is a problem for the proliferation of diseases and epidemics in establishments, as highlighted by Rafael Damasceno de Assis (2020, p. 2):

The overcrowding of cells, their precariousness and their unsanitary conditions make prisons an environment conducive to the proliferation of epidemics and the contagion of diseases. All these structural factors, together with the poor diet of the prisoners, their sedentary lifestyle, the use of drugs, the lack of hygiene and all the lugubriousness of the prison, make a prisoner who entered there in a condition leave, not leaving without being affected by a disease or with his physical resistance and health weakened.

Nucci (2010) discusses prison conditions in Brazil in spaces with a great spread of diseases and inhumanity, as well as there is neglect and disrespect for the constitutional principles fundamental to life, health and dignity of the human person.

It is extremely important that these guarantees are in fact applied to the inmates, as well as that it is executed in the correct way as explained by the Penal Execution Law in its Article 14. The State, as the guarantor of this and other guarantees, has the duty to enforce the law, analyzing the principles and dignity of the human person.

Luiz Antônio Rizzato Nunes (2002, p. 45) points out that "dignity is the first foundation of the entire constitutional system and the last framework gives shelter to individual rights".

Rafael Damasceno de Assis (2010) states that prisons are institutions structured by violence and the spread of diseases, in addition to being mapped by a discourse of social defense disseminated by the media.

The current prison situation is the result of the crisis in the penal system, as well as the other ills that Brazil is currently facing. Overcrowding is a factor that makes it difficult to

provide medical care in prisons, so that there are not enough funds for all inmates, as well as making an environment precarious in terms of hygiene, health and other care necessary for a dignified life.

Leonardo Sica (2002) points out that the penal system, linked to the expenses of the rulers for the maintenance of penal establishments, as well as the inhumane conditions inside prisons, overcrowding and internal corruption, lead the system to bankruptcy.

It is too clear that medical care is the path to a dignified life in prisons, but it is necessary to emphasize that there are several factors that need improvement so that this guarantee is executed in its best form. Thus, overcrowding, hygiene and materials are factors that require care on the part of the establishment, offering as much as possible a place where one can have a reasonable life, as listed in Article 41 of the Penal Execution Law, which provides for the basic and common rights of prisoners.

Nucci (2014) states that it is completely notorious that several prisons in Brazil have filthy and overcrowded cells, without any guarantee of health, as well as that in these places, several activities are carried out that are in complete disagreement with what is stipulated by law, and that the number of convicts who contract serious illnesses is too large, as well as suffering violence of all kinds.

However, even if the care of the public administration is extremely important, the greatest responsibility lies with the State, since it is not a legal entity, and is therefore not the holder of obligations and rights of the civil order like the State. In view of this, the State's responsibility, according to Di Pietro (2016), is the obligation to repair the damages that are caused to inmates whether by commissive or omissive conduct, material or legal, licit or illicit, being attributable to the public agents who practice such conducts.

Even so, the Civil Code, provides in its Article 43, about the liability of the legal entity of internal public law:

Article 43. Legal entities governed by domestic public law are civilly liable for acts of their agents that in this capacity cause damage to third parties, except for a regressive right against those who caused the damage, if there is fault or willful misconduct on their part.

Due to the conditions of the cell and the rights of the inmate, Greco (2013) describes the prison as being a promiscuous and overcrowded environment, quite conducive to having all kinds of contagious diseases such as tuberculosis, AIDS and hepatitis, so that the prisoner is subjected to all kinds of diseases that will weaken health. Therefore, the penitentiary system is often scarce due to having health professionals or even medicines that inmates need.



In view of the above, clearly the current prison system in Brazil is doomed to bankruptcy, so that there is negligence on the part of the State in relation to the execution of the fundamental rights of the inmate, as well as not enabling their rehabilitation to society. According to the understanding of the author Schwartz (2001) about the prison system, there is no doubt that the main objective of society is respect for human dignity, so that health is the main one, because it is a fundamental principle in the constitutional text.

Therefore, it is necessary that there be a reasonable improvement in the Brazilian prison system, in order to guarantee the rights of the inmates guaranteed by the Penal Execution Law No. 7,210/84 and by the Federal Constitution of 1988, offering them a dignified life so that they can be rehabilitated in society again. As highlighted by Viana (2012), there is still a long way to go in order to improve the Brazilian prison system.

CONCLUSION

The problem raised in this work was to discuss what are the conditions of medical care in the light of the Penal Execution Law and the Fundamental Rights of the incarcerated. In this way, a balanced environment can generate greater trust between administrators and inmates, making work more productive. The creation of a balanced environment, as well as proper medical care, is necessary for the inmates, as it creates harmony between them and the State, thus enabling rehabilitation and the abandonment of crime.

As guaranteed by the Federal Constitution, social rights, that is, of everyone belonging to society, are access to education, leisure, security, food, among such fundamental guarantees mentioned, we can highlight with greater relevance, the right to life, education and housing, However, among so many guarantees and fundamental rights, the right to health is indisputably primordial for the effectiveness of the guarantee of life, since basic conditions capable of favoring the individual and collective development of a society are necessary.

The fact is that all structural, legal and social problems directly influence the right to health of prisoners and internees, because, as has been perceived, the right to health is a diffuse right, fundamental and umbilically related to all other human rights. It is not possible to carry out rehabilitation if health promotion in penal establishments, in line with effective social orientation, is not an efficient and daily practice, and this can be achieved with investments in the construction of more hospitals, basic health units close to the establishments, internal medical care rooms with multiprofessional staff, Effective medicines and treatments available to inmates.



The results indicate that the inefficiency of the state in relation to the implementation of public policies further enhances inequalities and hinders the entire process of rehabilitation of inmates, making the cycles of social exclusion and criminal recidivism even more evident.

Finally, it is concluded that the structural reform of the prison system and the adoption of efficient measures to ensure adequate medical care are of paramount importance to ensure the dignity of prisoners. The study was able to give the necessary emphasis to the need for articulated action between the State, inspection agencies and civil society so that the realization of fundamental rights in the prison environment can actually happen.

ACKNOWLEDGMENT

To God and my family.



REFERENCES

1. Assis, R. D. de. (n.d.). A realidade atual do sistema penitenciário brasileiro. Monografias.com. Retrieved March 26, 2025, from <https://www.monografias.com/pt/trabalhos908/a-realidade-atual/a-realidade-atual.shtml>
2. Brasil. (1988). Constituição da República Federativa do Brasil. Brasília, DF: Presidência da República. Retrieved March 12, 2025, from http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm
3. Brasil. (1984). Decreto-Lei nº 7.210, de 11 de julho de 1984. Lei de Execução Penal. Brasília, DF: Presidência da República. Retrieved March 10, 2025, from https://www.planalto.gov.br/ccivil_03/leis/l7210.htm
4. Brasil. (2002). Lei nº 10.406, de 10 de janeiro de 2002. Institui o Código Civil. Brasília, DF: Presidência da República. Retrieved March 10, 2025, from https://www.planalto.gov.br/ccivil_03/leis/2002/l10406compilada.htm
5. Conselho Nacional de Justiça. (2022). Relatório de gestão 2022. Brasília, DF: Author.
6. Cunha, P. S. da. (2019). O sistema prisional brasileiro e os direitos humanos. *Revista Direitos Fundamentais e Justiça*, 11(1), 76–91.
7. Damasceno, G. P. M., & Batista, F. D. G. (2019). Direitos humanos e sistema prisional. *Ciências Sociais Aplicadas em Revista*, 19(36), 247–282.
8. Di Pietro, M. S. Z. (2016). *Direito administrativo* (29th ed.). Rio de Janeiro, Brazil: Forense.
9. Greco, R. (2013). *Direitos humanos, sistema prisional e alternativas à privação de liberdade*. São Paulo, Brazil: Saraiva.
10. Maia, C. N., Neto, F. S., Costa, M., & Bretas, M. L. (2009). *História das prisões no Brasil*. Rio de Janeiro, Brazil: Rocco.
11. Marcão, R. (2011). *Curso de execução penal* (9th ed., rev., ampl., e atual.). São Paulo, Brazil: Saraiva.
12. Mendonça, L. (n.d.). Os direitos humanos no sistema prisional brasileiro: Desafios e perspectivas. *Revista Jurídica*, 10(2), 53–68.
13. Mossin, H. A., & Mossin, J. C. O. G. (2010). *Execução penal: Aspectos processuais*. [Publisher not identified].
14. Nucci, G. de S. (2009). *Código de processo penal comentado* (9th ed., rev., atual., e ampl.). São Paulo, Brazil: Revista dos Tribunais.
15. Nucci, G. de S. (2010). *Leis penais comentadas* (5th ed., rev., atual., e ampl.). São Paulo, Brazil: Revista dos Tribunais.
16. Nucci, G. de S. (2014). *Manual de direito penal* (10th ed.). Rio de Janeiro, Brazil: Forense.



17. Nunes, A. (2009). *Da execução penal*. Rio de Janeiro, Brazil: Forense.
18. Nunes, L. A. R. (2002). *O princípio constitucional da dignidade da pessoa humana*. São Paulo, Brazil: Saraiva.
19. Pires, A. R. (2010). *Da assistência ao preso e ao internado*. [Publisher not identified].
20. Resende, J. M., & Goulart, M. S. B. (2017). A institucionalização do ideal ressocializador e o paradigma da desinstitucionalização prisional. In *Sistema prisional: Teoria e pesquisa* (pp. 45–67). Belo Horizonte, Brazil: Editora UFMG.
21. Santos, A. P. (2020). As violações aos direitos humanos no sistema prisional brasileiro. *Revista Brasileira de Ciências Criminais*, 28(105), 41–57.
22. Santos, R. G. da S., & Carvalho Filho, G. R. (2023). A realidade do sistema prisional do Brasil e a dignidade da pessoa humana. *Revista Ibero-Americana de Humanidades, Ciências e Educação*, 9(9). <https://doi.org/10.51891/rease.v9i9.11292>
23. Schwartz, G. (2001). *Direito à saúde: Efetivação em uma perspectiva sistêmica*. Porto Alegre, Brazil: Editora do Advogado.
24. Sica, L. (2002). *Direito penal de emergência e alternativas à prisão*. São Paulo, Brazil: Revista dos Tribunais.
25. Silva, A. J., Garcia, M. A., & Silva, J. (2013). *Prática da execução penal* (6th ed.). Curitiba, Brazil: Juruá.
26. Silva, B. A. da. (2023). *As mazelas do sistema prisional brasileiro*. São Paulo, Brazil: Arche.
27. Souza, M. T. de. (2010). Revisão integrativa: O que é e como fazer. *Einstein*, 8(1), 102–106.
28. Valadares, B. dos S. (2021). *O sistema prisional e o princípio da dignidade da pessoa humana* (Unpublished manuscript). Goiânia, Brazil.
29. Viana, J. R. (2012). A crise do sistema carcerário brasileiro. *Âmbito Jurídico*, 15(104). Retrieved from <https://ambitojuridico.com.br/cadernos/direito-penal/a-crise-do-sistema-carcerario-brasileiro/>
30. Viana, L. C. (2017). Trabalho e educação como instrumentos de emancipação nas prisões. In *Sistema prisional: Teoria e pesquisa* (pp. 89–110). Belo Horizonte, Brazil: Editora UFMG.