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

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

Keywords: APAC. Fulfillment of Sentence. Humanization.

INTRODUCTION

The APAC (Association for the Protection and Assistance of Convicts) is a civil entity governed by Private Law, different from all others responsible for applying the sentences imposed by the State on people who have violated the law. With its innovative ideology, APAC suggests humanization in the application of penalties. The Apaquian Method aims at the recovery of the criminal and, when compared to the conventional Prison System, it is seen that this 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 comply with the execution of the sentence, framing it as a retribution for the crime committed. It is also important to remember the preventive purpose of its application, and also, it is necessary to guarantee the essential rights of the convict, mainly the preservation of his Dignity. It must be noted that Criminal Law, as it is a dense branch, will be used as *ultima ratio*, that is, when the other branches of Law fail to protect legal assets essential to social life. Following this reasoning, one must remember the criminal sanction as a

response from the State in the exercise of its *jus puniendi* and within Due Process of Law. It is noteworthy that, according to the Apache precepts, every person who commits a crime must be given a different look, thus dedicating Dignity and Respect to him, ensuring that the purposes of the penalty and the need to carry out the punishment are fulfilled. its social function. With the objective of “punishing” the offender, who violates a legal precept, the Brazilian Penal Legal System presents three types of penalties, which correspond to the punishments established by the legislator, being standardized in the Special Part of the Penal Code. They are: Deprivation of Freedom; Restriction of Rights and Fine Penalty, 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 uncontested 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, liable to be recovered and reinserted into society, as long as he receives dignified treatment based on respect. There is human appreciation, combined with evangelization and other issues, aiming to provide the convict with favorable conditions for his recovery. This innovative method is based on 12 basic elements, which have been fully thought through and studied in order to produce the intended effects; they are: Community Participation; Recovering helping Recovering; The work; Legal Assistance; Health care; Spirituality; Human Valuation; The family; The volunteer and the training course; Social Reintegration Center – CRS; Merit; Liberation Journey with Christ. All of them

are indispensable 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 different 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 for the institution of custodial sentences, diverging from traditional techniques, which introduces a more humanitarian scenario into prisons, proposing, for this purpose, guiding principles and differentiated treatments, 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 and overcome it, being, therefore, able to live healthy in society.

METHODOLOGY

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

Descriptive Bibliographic Research: carried out through an interdisciplinary historical survey, which covered 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 constitutional (and fundamental) principles and rights related to the topic were analyzed. A study was also made of bills pending in Brazil, case law involving

international treaties and conventions, laws, bills, actions and court decisions relevant to the subject in question.

Field Research: which was carried out through visits to public prisons (in the cities of Uberaba and Frutal, both in Minas Gerais) and to some APACS (female and male, in Frutal) to verify the conditions presented by each of them, the which enabled the author to dialogue with the detainees (in the conventional system) and with the recovering persons (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 on a day-to-day basis. This experience was of paramount importance for the author, who could see and feel the differences between one prison system and another, reaching some conclusions about the most appropriate method for the recovery of those who commit a criminal offense.

Virtual Research: 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 have been intensifying over the last few decades, which is justified, mainly, by the great leap in incarceration rates, emphasizing that these have their origin in the innumerable needs and structural and social deficiencies that accompany the history of the country.

The said 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 the Prevention of Crime 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 the 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 without distinction, without any discrimination based on religion, language, political opinion, gender, 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 ensured.

It also establishes the differentiation 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 to give convicts the possibility of returning to social life, without the stains left by the commission of a crime, which implies a great advance in terms of custodial sentences, also being a progress nowadays, in especially in the face of the chaos installed in the Brazilian Prison System.

Currently, the fulfillment, by itself, of the Law of Penal Executions by the State would already provoke several changes in the prison

context. It is important to note that it is up to the Union and the States to administer the System and comply with the LEP. However, what you see are inefficient administrations, slow judicial processes, as well as prejudices in various forms, which generate 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 be done in a transdisciplinary perspective, of integrated action of social, criminal and penal execution policies.

It appears, therefore, that institutional actions are developed without any planning that takes into account the humanization of criminal execution. 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, even having the support of the United Nations Organization - UNO. What is missing is the proper fulfillment of these laws, because only then will the Dignity of the Human Person and respect for the condition of Human Being of the prisoner remain guaranteed, precepts that APAC has the proposal to fulfill.

FINAL CONSIDERATIONS

In view of the above, it is clear that the Brazilian Prison System is in frank decline.

It is necessary to highlight the State's responsibility 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.

The understanding that it is necessary to guarantee conditions worthy of segregation is common ground, which will be done through the creation of effective public policies to protect the incarcerated person. Furthermore, it is urgent that measures be adhered to such as: separating men and women in different establishments; establish wards with distinctions of detainees by age, criminal record, reasons for detention; pre-trial detainees separated from convicts, and other care.

Thus, it would be enough to comply with the precepts proposed by the Penal 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. For its part, APAC aims to humanize the prison system, establishing new forms of treatment and contributing to the construction of social peace.

REFERENCES

_____. **Resolução nº 663 de 31 de Julho de 1957**. Disponível em: <<http://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cdhm/comite-brasileiro-de-direitos-humanos-e-politica-externa/RegMinTratRec.html>>. Acesso em: 10.10.2018.

BATISTA, Helder Silva; Paiva, Bárbara; Ramos, François Silva. **APAC: Uma Instituição a Serviço da Humanização das Penas**. Pará de Minas – MG: Editora Virtualbooks, 2012. 14X20 cm. 81p.

BRASIL. **Lei nº 7.210, DE 11 de Julho de 1984. Lei de Execução Penal**. Brasília – DF. Disponível em: <http://www.planalto.gov.br/ccivil_03/LEIS/L7210.htm>. Acesso em: 10.10.2018.

LOPES, Beatricee. **A finalidade da Pena Criminal**. Disponível em: <<https://beatricee.jusbrasil.com.br/artigos/117590717/a-finalidade-da-pena-criminal>>. Acesso em: 10.10.2018.

TELLES, Clóvis. **Direito Penal, Justiça e Política em Debate. Disponível**. Disponível em: <<http://www.clovistelles.com.br>>. Acesso em: 09.10.2018.