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EDUCATION AND PRISON: A MISMATCH BETWEEN PUBLIC POLICIES AND REALITY

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Abstract: This article aims to describe how education in prisons has been worked on. Assuming that it is everyone's right, we surveyed the proposed policies for prisoner education, in order to elucidate how teaching is applied in penitentiaries. The aforementioned authors helped us to think about the education offered in prisons, providing a contribution to the development and appreciation of prisoners. Therefore, a survey of information was carried out through a bibliographical review and analysis of documents from the responsible bodies, enabling the understanding of how the provision of education in the penitentiary system occurs.

Keywords: public policy, education in prisons, educational practices

Our arrival at the theme of this project is part of a long academic and personal journey.

Our master's thesis dealt with the educational history of young people with severe cognitive and/or physical disabilities. We focus on the issue of the right to education. Often, this population, in addition to being deprived of school life, has in the scarce existing services something that, apparently, does not respond to educational needs. This master's work aimed to broaden the discussion about the practice and perspectives regarding the education of severely compromised people.

Therefore, in this stage of research, we are working with the idea of "culture as humanization" and with the concept of the "principle of dignity", which we have recently deepened in a specialization course in education in Human Rights. Again, we are faced with the issue of the right to education in the final work of this course.

It is from this path that we started as a theme the education of prisoners in order to highlight the right to education. We start from the point that education is everyone's right; the prison population must also benefit from

it. This is not a benefit, as many people think, but a human right provided for in current legislation.

As a family member of a prisoner, we are part of the group of those who suffer from stigmas that exist in society against prisoners. With the experience we acquired when entering prisons in cities in the state of São Paulo, we were able to see up close all the contempt and suffering that prisoners face for living in overcrowded cells, for being subject to terrible hygiene conditions, among other violations, which promotes difficulties and conflicts. All these considerations lead us to perceive the lack of dignity, related to the disregard for respect, humanity, rationality, due recognition of oneself as a citizen among other citizens.

It was also during private visits that we realized, in conversations about classes, disciplines and teachers, with several prisoners, the importance of the school in that location. About this, Bueno and Penna (2016, p. 405) point out that the school in prison, even due to the established contrast, is configured as a differentiated space:

In the established contrast between prison and school, this one stands out. Prison represents punishment, punishment, shame, stigma, incapacity for social interaction, that is, it represents the place where one never wants to be, while school represents value, represents the possibility of insertion and social ascension, in a society where knowledge associated with social prestige.

The question is to answer the following question: how does the educational/school practice take place in the São Paulo prison system? What are the proposed policies for prisoner education and how education is applied in penitentiaries. If the role of the school is to promote situations in which we become aware and which allow us to demonstrate ideas; if it is the place that prepares life projects, values and moral principles;

we intend to reflect on the importance of classrooms located in prisons.

Insofar as the characterization of prison spaces is always one of contempt and dehumanization, the specific objectives are to analyze how understanding and kindness can contemplate prison education; identify the physical spaces intended for the education of prisoners and what can be done in relation to it in these spaces; describe the reasons why prisoners study.

The justification is, firstly, founded on the provisions contained in the legislation, including laws that guarantee the education of prisoners. It is the responsibility of the State, as the enforcer of the laws, to guarantee all the rights provided for in the legal provisions and to adopt educational and resocializing measures in order to provide prisoners with humanized instructions and conditions while they are in prison.

The Federal Constitution of 1988 maintains that Brazil is a democratic State based on the rule of law. In addition, in Article 208, Item I, it establishes that the entire Brazilian population has the right to compulsory and free fundamental education, including ensuring its offer to all those who do not have access to it at the appropriate age.

The LDBEN (Law guidelines and bases of national education) — a name popularly abbreviated with the abbreviations LDB or, more properly, LDBEN — is the most important Brazilian law that refers to education. It was approved in December 1996 and bears the number 9394. The LDBEN disciplines the supply of education throughout Brazil, stating, in its second article, that:

Education is the duty of the family and the State, and must be inspired by the principles of freedom and the ideals of human solidarity, and its purpose is the full development of the student, his preparation for the exercise of citizenship and his qualification for work.

In turn, the Penal Execution Law, which is essential in guaranteeing the rights of the inmate while serving his sentence. Specifically, articles 17 to 21 of the LEP deal with educational assistance, together with a focus on the resocialization process. It determines the main challenges and dilemmas for guaranteeing the rehabilitation of prisoners, taking into consideration, the promotion of school education and human rights.

For example, in its article 17, the LEP establishes that educational assistance will include school instruction and professional training for the prisoner. Article 18 determines that elementary education is mandatory and integrated into the school system of the federative unit. Finally, article 21 requires the implementation of a library per prison unit, for use by all categories of inmates, provided with instructive, recreational and didactic books

In this sense, we look at this issue with the understanding that educational assistance to this population is one of the most important benefits, as it allows the incarcerated person to have the chance to build his/her reintegration into the social environment. Education is guaranteed for all people and is aimed at developing the personality of the human being and strengthening respect for human rights.

Many individuals who enter into crime enter the prison system without having started or completed their studies. Poverty, violence and social exclusion are some of the situations that unfortunately directly influence educational performance.

According to data from the last census of the National Penitentiary Department (DEPEN), in June 2016, the prison population in Brazil is 726,712 prisoners.

As a result, the country has the fourth largest prison population on the planet, second only to the United States with a prison population of 2,217,000 prisoners; from China, with

1,657,812; and Russia, with 644,237.

The mark of more than 700,000 people arrested in Brazil represents, according to Infopen, (DEPEN, 2019), an increase of around 707% in relation to the total recorded in the early 1990s. Only the state of São Paulo concentrates 33, 1% of the entire prison population in the country, that is: 240,061 prisoners. Thus, Novo (2017) claims that it is not only pertinent, but urgent, the formation of a permanent working group on education in prisons, to gather and enhance the efforts of people and institutions dedicated to the promotion of people's human rights and educational rights.

The author values a reorganization whose objectives consist of activities that are inseparable from education, culture, sports, professionalization or therapy. However, the model of society in which we live today does not value the human condition and, for this reason, it also becomes a factor that generates violence (NOVO, 2017).

Society, despite hearing about the problems of penitentiaries, believes that detainees deserve severe punishment and suffering, such as torture, the death penalty, prison isolation. It is thought that this population does not need public education. Novo (2017) highlights the common sense that states that "human rights only serve to protect bandits", which is the result of profound ignorance and entails, in our midst, the weakening of democratic achievements that humanity took centuries to establish. He explains that:

In fact, Human Rights exist for those who need them, and, as they are not exclusive, they also end up reaching those who once violated them. Prisoners in our country are victims of incessant affronts to human rights. The conditions of our jails and penitentiaries, which are already well known, transform custodial sentences into measures of extreme cruelty. (NEW, 2107).

However, unfortunately, it is seen that

society, letting itself be carried away by waves of sensationalism and prejudice, is unaware of the fundamental issue of Human Rights and adopts a far from humanist posture. It is important to raise awareness with new thinking based on principles of human dignity, highlighting the notion that prisoners are people and must not be treated with contempt.

In this regard, the speech of the researcher of Criminal Law Soraia Mendes, in the program ``Diálogo Brasil``, which states that:

We need to change a culture that is a prison culture; just as the engineer, the soldier, the journalist think that punishment is jail, the judge also thinks that punishment is this culture. Seek, therefore, a judiciary that understands that, under the terms of our Federal Constitution, freedom is the rule, prison is the exception. So, when prison is used, it must be used for those purposes for which they are intended under the legislation and not for this process of animalization. We need to substantially change the form of the judiciary, change the way it sees that person who is presented to it. (MENDES; MOURA, 2017).

Therefore, thinking about education in a prison system is knowing how to respect this particularity: first because they are adults and, second, because they are prisoners, who in fact live "in another world".

Prisoners, like anyone else, have the human right to education. In this sense, Oliveira (2013, p. 958), in line with Graciano (2005), comments: "the human right to education is classified in different ways, as an economic, social and cultural right; it is also taken in the civil and political scope, as it is located at the center of the realization of other rights". Moreover, as we have seen, this right is provided for in several legal documents.

Despite this, the prisoners themselves do not see education as a legally constituted right for all. They cannot perceive it because they are trapped "in another world", thus not being

able to develop the critical and participatory awareness that favors the ability to question and problematize. It is emphasized that this condition is necessary for the transforming practice in which your right is inserted.

In the work *Discipline and Punish*, in the third part of Chapter I, Foucault (2014) describes the modes of discipline and comments on docile bodies. "A body that can be submitted, that can be used, that can be transformed and improved is docile". (FOUCAULT, 2014, p. 134).

Thus, the concepts of "training", "reforming" and "correcting" behaviors to achieve suitability produce a docile body in Foucault's terms. Prison submits the prisoner to the command of an authoritarian structure and to a rigid routine. They are obliged to walk with their arms crossed and, when they pass by people in the halls of the pavilions, they must stop, face the wall and wait for the person to pass and only then continue on their way. Thus, he suffers a deterioration of their identity, implying new standards of behavior imposed by the institution.

The prisoner is required to strip naked and wear a standard uniform. Gradually, he sheds his usual appearance and enters the "rules of institutions". According to Elenice Maria Onofre (2002), this is one of the points that are present when we think of prison education. For the author, the prison experience, added to the abandonment of society, brings new situations of survival: the subject, when entering the prison, is always at the mercy not only of punishments, but also of living with other companions.

These survival situations refer to the processes of deterritorialization and reterritorialization. The first can be defined as a breaking of bonds, a withdrawal, a loss of personal control; the second is the one in which the prisoner is forced to adapt to new situations in order to survive (ONOFRE; JULIÃO, 2013).

These processes leave marks on all the people who participate in them; that is why the authors Onofre and Julião (2013) theorize that education in these prison spaces, as well as in others, does not consist only of teaching, but, above all, in the "deconstruction and construction" of actions and behaviors. That is, it is through education that overcoming difficulties and the reconstruction of favorable behaviors to rebuild and understand life arise. It is also through this path that we understand education as an important tool for humanization, helping in the formulation of values and self-esteem of prisoners. We believe that this is a process capable of transforming the potential of people, especially prisoners.

In addition, prison education is extremely necessary both to maintain order and to profitably occupy prisoners' free time. Julião (2010, p. 3) states that:

Education in spaces of deprivation of liberty can have mainly three immediate objectives that reflect the different opinions about the purpose of the criminal justice system: (1) keep inmates usefully occupied; (2) improve the quality of life in prison, and (3) achieve a useful result, such as: skills, knowledge, understanding, social attitudes and behaviors, which last beyond prison and allow the convict access to employment or training superior, which above all promotes changes in values, based on ethical and moral principles.

The teacher's educational practice in these spaces is also considered "understanding", the awareness of being supportive. According to Morin (2001, p. 93), "the planet is crisscrossed by networks, faxes, cell phones, modems, internet, however misunderstanding remains general". Thus, it is necessary to know how to have compassion and understand the pain of the other: "understanding means intellectually learning together, embracing together" (MORIN, 2001, p. 94). This understanding involves empathy, identification and

protection of the other, who is also a subject and human.

In this sense, our society is connected by misunderstanding, intolerance and often individualism, with total rejection and elimination of incarcerated people. We understand that embracing the social responsibility of educating these people means knowing that our actions have a profound impact on their lives.

Another relevant fact to which Julião (2010) calls our attention is the prison architecture itself. Usually there is no provision for an appropriate educational space, that is, there is no specific place for the development of classes. If there is no minimum space for classes, neither is there an extension of this education, as well as a court (sports activities), a library with free access to books. Thus, education is lost in the full sense, with the objective of training integrality, as there is no exclusive space for the classroom, after all, the same room can be used for everything: living room, work environment, storage room, etc...

About this, in private visits to three penitentiaries in the state of São Paulo, we could see that classes were held in the same visiting room. There were worn and deteriorated slates, walls with infiltration and lack of ventilation; they were environments with terrible conditions for the construction of knowledge and for study, configuring a true disrespect for education. In view of this, we can verify a lack of care with the classrooms in penitentiaries, which present themselves without working conditions consistent with the human and professional dignity of those directly involved in educational practice.

For Bueno and Penna (2016), the educational space of prison differs from the rest, presenting itself as a space of possibilities, resistance and, ultimately, training. The school space characterizes the probability of being “more” or of associating with “positive things”

(BUENO; PENNA, 2016, p. 404).

An important fact of the transforming power of education in spaces of prisons is the accompaniment of the criminal processes themselves, since all the educational practice in these spaces, according to Onofre (2007), seeks to fight so that incarcerated people have their rights recognized and so that they can assert their right to citizenship, together with learning to read and writing (ONOFRE, 2007, p. 21).

We also pointed out, in this segment, other factors, such as school life and friendships. Still according to Onofre (2007), the prison must always be concerned with “human elevation”. In this sense, she also argues that the school space, although located in a repressive environment, must always be conducted in the production of knowledge and study, always asserting the role of the teacher: persisting with the educational role, which is valuing people.

We believe, as well as the authors cited so far, in the importance of recognizing education in prisons as a specific modality of education, requiring, in the first place, the training and qualification of teachers. In this sense, this training could be based on pedagogy courses, in which questions about prison education would be addressed and through which it would be possible to qualify educators, carrying out a differentiated training on social issues.

The ideal of higher education (undergraduate, postgraduate), according to Freire (1996), is to commit to training for the exercise of citizenship and for aesthetic and ethical conduct: “educational practice has to be in itself a testimony rigorous decency and purity” (FREIRE, 1996, p. 34). In this sense, one of the elements that determine the success of the professional is his way of acting; thus, the teacher has a serious and challenging commitment with an emphasis on social

issues.

Going through the prison school goes beyond equipping students and teachers for a certain operation: one must build a “personal heritage”. In addition to the possibility of reading and writing, such an action opens up a greater opportunity for the world of knowledge (BUENO; PENNA, 2016). Therefore, it is necessary to think of an education with challenging possibilities within the prison system, where prisoners are “fragmented, shredded” students, if we can say so, and it is very important to guide teachers with a commitment to education.

The commitment of being a teacher requires security, professional competence and generosity (FREIRE, 1996, p. 102):

To be a teacher is to like the human being, it is to assume

Assuming oneself as a social and historical being

How to be a thinker, communicator, transformer,

Creator, dream maker, capable of being angry, because capable of loving. Assume yourself as a subject because you are able to recognize yourself as an object. The assumption of ourselves does not mean the extension of others.

Thus, assuming the profession of prison teacher is, definitely, assuming a conduct of responsibility, possibilities and recognition. In this context, it is convenient to share some data: among the 726,354 people arrested in Brazil, 4,125 is the number of prisoners with disabilities¹ (DEPEN, 2019).

Still according to data from Infopen (DEPEN, 2019), architectural barriers are constant in prisons: 84.9% of prisoners with physical disabilities are in units that have not been adapted to their specific conditions of accessibility² to spaces.

People with physical disabilities need help getting around, cleaning and often even eating; thus, they certainly need help from their cellmates. However, would they be included with regard to educational activities in prison? It cannot be denied that education is indeed important for all human beings.

1. “A person with a disability is considered to be one who has a long-term impairment of a physical, mental, intellectual or sensory nature, which, in interaction with one or more barriers, may obstruct their full and effective participation in society on an equal basis with others. other people” (BRAZIL, 2015).

2. “Accessibility: possibility and condition of reach for the safe and autonomous use of spaces, furniture, urban equipment, buildings, transport, information and communication, including their systems and technologies, as well as other services and facilities open to the public, for public use for collective use, by people with disabilities or reduced mobility” (BRAZIL, 2000).

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