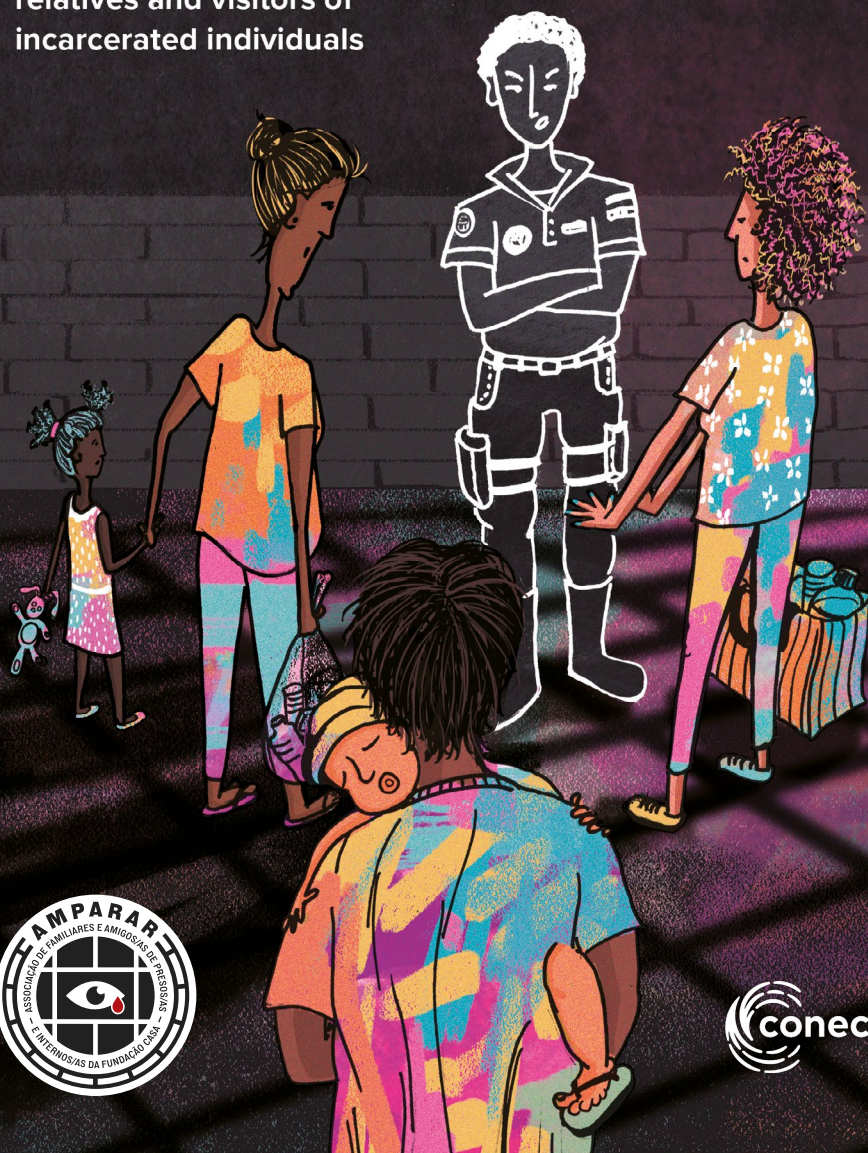


INVISIBLE BARS

State violence against
relatives and visitors of
incarcerated individuals



**WHEN VISITING THE
PRISON SYSTEM, FAMILY
MEMBERS AND VISITORS**
of incarcerated individuals
suffer on a daily basis from
fear, humiliation, prejudice,
stereotypes and rights denial.

They are punished despite bearing no relation to the so-called “social debt” of people deprived of liberty.

DID YOU KNOW THAT THIS PUNISHMENT IS
AN UNCONSTITUTIONAL ACT?

According to the Brazilian Federal Constitution,

***“no punishment
shall extend beyond the
convicted individual.”***

It is worth noting that dignity and fundamental rights also apply to incarcerated individuals. We must ensure that any security measures adopted are balanced, respecting both the integrity of incarcerated individuals and the dignity of their families, in order to promote justice that is truly humanitarian and fair.



HAVE YOU EVER GONE THROUGH A SEARCH BY A PERSON OF THE OPPOSITE GENDER?

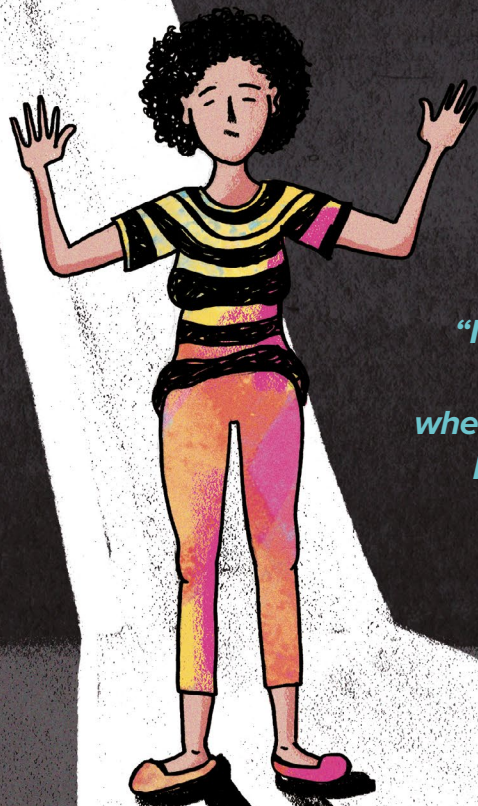
By law, any person approached by police officers or prison guards has the right to be searched by an employee of the same gender. This practice avoids embarrassments and prevents situations of abuse and violence from happening.



However, searches being carried out by prison officers of the opposite gender are a common practice within Brazilian prison facilities. Women and the LGBTQIAP+ population are the main victims of this type of action.

“It was intensely humiliating. The agent caressed me with malice when he searched me and said that I deserved to go through this for having a derelict son in prison.”

WOMAN, WHITE, SÃO PAULO



VIOLATED RIGHTS

Right to physical and psychological integrity

Being searched by people of the opposite gender can be a traumatic experience. This practice can involve invasive physical contact and emotional embarrassment of the person being searched. In other words, it violates the right to physical and psychological integrity, guaranteed both by national legislation and by international Human Rights treaties.



Women’s rights and the fight against gender-based violence

Searches by officers of the opposite sex put women and LGBTQIAP+ people in a vulnerable position, increasing the risk of harassment. International law and Brazilian legislation highlight the importance of protecting women and LGBTQIAP+ people against violence and discrimination. Therefore, the search of women and LGBTQIAP+ people by agents of the opposite gender is opposite to these principles.



HAVE YOU EVER BEEN SUBJECTED TO INTIMATE AND INVASIVE SEARCHES?

Although Brazil does not have a federal law that expressly prohibits intimate and invasive searches, this practice, which systematically occurs in the five regions of the country, violates fundamental rights protected by the Brazilian constitution and international law.

“I was forced to take off all my clothes. The searches were always carried out with two other women in the room, one would see the other naked and their private parts were exposed. If even a drop of urine came out, they wouldn’t allow us to visit who we went there to see. It’s shameful and humiliating.”

WOMAN, BLACK, BAHIA



VIOLATED RIGHTS

Right to privacy and dignity

The Brazilian Constitution enshrines the right to privacy and dignity for all people. Intimate and invasive searches violate these rights, as they expose the privacy of the people being searched without adequate justification, causing embarrassment and affecting their dignity.

Prohibition of torture, cruel, inhuman or degrading punishment

Both Brazilian legislation and international law prohibit torture and cruel, inhuman or degrading punishment. Intimate searches fall into this category, as they violate this fundamental principle of respect for human dignity.



HAVE YOU EVER BEEN SUBJECTED TO UNSANITARY HYGIENE CONDITIONS?

Even with the use of body scanners - a measure adopted in some prison units to prevent visitors from being subjected to degrading treatment -, many family members are still exposed to poor hygiene conditions during searches.



“We can’t go through the scanner with a menstrual pad on. When it’s our turn to go, we go into a little room, take off our pads and go through the scanner without them. They don’t care if your flow is strong or weak, that’s your problem. (...) And even with the scanner, the employees come and touch our bra or our waist”

WOMAN, BLACK, SAO PAULO

VIOLATED RIGHTS

Right to health

Brazilian legislation and international Human Rights treaties guarantee the right to health for all people, including family members of people deprived of their liberty. Exposure to unsanitary hygiene conditions increases the risk of disease and negatively affects the health of the individuals involved.

State Responsibility

The State is responsible for guaranteeing dignified and adequate living conditions for all individuals under its protection, including family members of incarcerated individuals. The lack of adequate hygiene conditions constitutes a violation of the State’s responsibility to protect Human Rights.

HAVE YOU EVER REFRAINED FROM EATING OR DRINKING WATER TO ATTEND A VISIT?

The implementation of body scanners in prison units has been presented as a new form of control over the bodies of family members and visitors of incarcerated individuals, without guaranteeing adequate care and sometimes creating embarrassments.



The absence of preparation and training for prison officers when using this equipment in Brazilian prisons often results in food deprivation for family members and visitors.

“I go through the scanner, but only after fasting for more than 12 hours. I don’t eat anything and I drink very little water because I’ve heard several reports of girls who weren’t allowed inside because they had a full bladder or a full stomach.”

WOMAN, BLACK, SÃO PAULO



VIOLATED RIGHTS

Right to adequate food

The Brazilian Constitution recognizes the right to food as a fundamental right. By depriving the relatives of incarcerated individuals of food to avoid being stopped during the scanner search, this right is violated, harming the nutrition and well-being of visitors.

HAVE YOU EVER BEEN PREVENTED FROM VISITING A FAMILY MEMBER WHO IS IN PRISON?

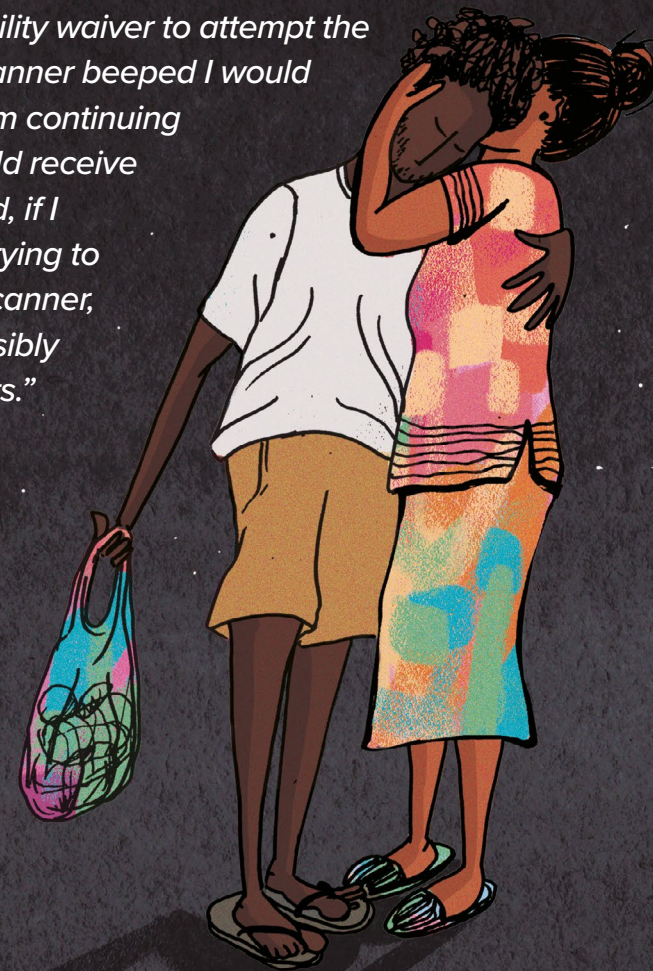
Under normal conditions, the Brazilian prison system allows, at least once a week, family members of people deprived of liberty to meet in person inside prison units, subject to a series of conditions that must be met.

However, prison units do not have a set of rules to be followed and, therefore, each one ends up adopting its own methods.

This scenario means that many family members become hostage to the whims of prison officers in order to see their relatives. Instead of acting as a mediator, the State ends up hindering the maintenance of family ties and sometimes causes the temporary or even permanent rupture of these ties.

“It’s been a year and two months since I’ve been able to hug my son and I’m the only person who ever visits him. I broke my ankle and had to put in 8 screws and 1 plate. Since then, prison officers have prohibited me from visiting him. I was informed by the unit that I had to sign a liability waiver to attempt the visit, but if the scanner beeped I would be prohibited from continuing the visit and would receive a 15-day ban; and, if I would continue trying to go through the scanner, I could be irreversibly banned from visits.”

WOMAN, BLACK,
SÃO PAULO



VIOLATED RIGHTS

Right to family life

Several laws enshrine the right to family life for incarcerated individuals, including the ECA (Child and Adolescent Statute, acronym in Portuguese). The ECA guarantees the right to family and community life for children and adolescents, even when their parents or guardians are deprived of their liberty. The law establishes measures such as the right to visit children and encouragement to maintain family ties, in an attempt to protect the emotional well-being and healthy development of these young people. In addition to the ECA, the LEP (Penal Execution Law, acronym in Portuguese) and the Federal Constitution also guarantee family coexistence, acknowledging the importance of emotional ties in the reintegration of individuals.

Principle of individualization of punishment

The individualization of punishment is a core principle of the Brazilian penal system and of international law. With family visits being prohibited, incarcerated individuals are denied the opportunity to receive support and assistance when the State fails to provide basic conditions of food, hygiene, medical and legal aid.

THE RESPONSIBILITY FOR BRINGING MEDICINE AND MEETING BASIC NEEDS OFTEN LIES WITH FAMILY MEMBERS, in addition to all the emotional cost involved. Denying family contact can worsen an individual's vulnerability, hindering their well-being and dignity.



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TESTIMONIALS

Report "Revista Vexatória: uma prática constante" and Amparar Technical Note on violations suffered by prisoners



THE PRISON SYSTEM AFFECTS THE LIVES OF COUNTLESS PEOPLE WHO ARE NOT ACTUALLY IMPRISONED

In addition to the physical absence of a family member, prison life requires a reorganization in the lives of visitors, a restructuring of relationships that affects emotional, economic and professional matters.

HAVE YOU EVER FOUND YOURSELF IN ANY OF THESE SITUATIONS OR DO YOU KNOW SOMEONE WHO IS GOING THROUGH ONE OF THEM?

Contact institutions that fight to secure the rights of prisoners and their families.

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