PRISON LABOUR: A GENDER PERSPECTIVE AND INTERNATIONAL HUMAN RIGHTS SYSTEMS IN THE PORTUGUESE CONTEXT [1]

TRABALHO DO PRISIONEIRO: UMA PERSPECTIVA DE GÊNERO E SISTEMAS INTERNACIONAIS DE DIREITOS HUMANOS NO CONTEXTO PORTUGUÊS

Marco Ribeiro Henriques[2]

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ABSTRACT:

Prison as a means of punishment available to the State shapes its own power and hierarchical relationships very much entrenched its structure that are reflected in official discourse, but more particularly in institutional practice.

By no means the exclusive preserve of Portuguese prisons, the opportunity to serve a prison sentence is easily swallowed up in an amalgamated imposition of power which does not consider, involuntarily, it is hoped, the personhood of the prisoner.

This study will address prison labour, a pressing and controversial issue in penitentiary thought, from the perspective of the responsivity of a prison to the gender of the person incarcerated there as a mechanism of normalising prisons in the light of existing human rights systems.

The approach to legal issues will focus on analysing the multi-faceted causes of the research question, by means of a combination of bibliographic review and the juridical-empirical denotation of the problem, resulting in a convergence of a methodological proposal of intervention and the application of the principle of normalisation.

KEYWORDS: Prison. Prison Labour. Re-Entry. Gender. Human Rights.

RESUMO:

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[2] PhD candidate in Law at the Faculty of Law of Universidade Nova de Lisboa (FDUNL), Lisbon, Portugal. Research Fellow at the Foundation for Science and Technology (FCT), non-Ph.D researcher at the Research Center on Law and Society (CEDIS) Email: mrh.researcher@gmail.com

A prisão enquanto meio de punição disponível ao Estado molda o seu próprio poder e estabelece as relações hierárquicas de modo bastante entrincheirado à sua estrutura, o que se reflete, nomeadamente, no discurso oficial, mas mais particularmente na prática institucional.
O nosso artigo abordará o trabalho prisional, numa perspectiva de questionamento premente e controverso na senda do pensamento penitenciário hodierno, a partir do paradigma da responsabilidade de uma prisão moldada ao género da pessoa encarcerada enquanto mecanismo de normalização das prisões à luz dos sistemas de direitos humanos.
A abordagem das questões jurídicas concentrar-se-á na análise das causas multifacetadas latentes à questão em pesquisa, através do diálogo contínuo entre a revisão bibliográfica e a denotação jurídica-empírica do problema, resultando na convergência de uma proposta metodológica e de intervenção responsiva ao género e aplicação do princípio da normalização da humanidade em contexto prisional.
PALAVRAS-CHAVE: Prisão. Trabalho Prisional. Reentrada. Género. Direitos Humanos.

1. SITUATION I: PRISON LABOUR: POWER AND HIERARCHICAL RELATIONSHIPS IN THE PORTUGUESE CONTEXT AND INTERNATIONAL SYSTEMS OF HUMAN RIGHTS

The relationship between a community and labour, operating as a fundamental axis around which the entire society is organised, defines and delimits with precision the rules of its dominant model of ethics.

Going back to the etymological origins of the word, and tracing the meanings that it has gained over the course of several epochs, work has denoted an historical notion very close to those of punishment or torture, such that even today, it cannot completely shake off these associations.

Reflecting on labour in the prison environment requires, first and foremost, an appraisal of the legal conceptualisation that governs the labour relationship established within the prison walls. Notwithstanding the more or less prominent theories in the legal sciences on where prison labour takes place, this proposal works on the premise of penitentiary law being public administrative law, the exclusive domain where power relations between the State and its citizens is established[3].

[3] BOAVIDA, J. (2017). *Direito disciplinar penitenciário*. Coimbra: Almedina.

Nevertheless, this domain — labour in prisons — seems to be a key observation topic if one is to understand the transformations in the internal and external normative penitentiary structure in the light of Portugal's recent history as a participant in the human rights system of the European Union.

Before presenting a critical analysis, it is important to define the purpose of this paper. Prison labour is understood here to mean work carried out within the bounds of a prison, provided by the State or by private individuals, or by private individuals who have been contracted by the State, and done by men or women sentenced to prison or awaiting trial. This paper will not address punitive labour, which, in the case of Portugal, is individualised in the form of community service sentencing, either as a form of punishment on its own, or as a substitute for another form of punishment.

But to what extent does this labour relationship which develops within the prison walls effectively compare to an employment relationship in the general sense of the word? To respond to this question, an analysis of the *corpus* and the *animus* of work done in the prison environment from the perspective of power relations is required.

The right to work is a constitutional right provided for under Article 58 of the Constitution of the Republic of Portugal (CRP). The right to work consists in the right to obtain employment or to carry out a professional activity, and this is reflected in the validity of the right that all citizens have to see evidence in their legal sphere of action by or services offered by the State, in the sense of seeing access to this right as a general given, and under a guarantee of minimum compliance as regards a set of its own guarantees against a disproportionate legal relationship established between those who provide work and those who do this work.

Work is an elastic concept that is shaped according to the historical time in which it is analysed or the place where the work is performed. On one hand, if work was once considered of prime importance in the life of the individual and in the structure of his or her identity, this space is transformed and loses its central relevance more and more.

Prison labour takes on special relevance in how men and women sentenced to prison terms are treated in the wake of the individualization of the prison sentence as the maximum penalty the State can impose.

Some doctrines defend the existence of at least three major phases in the construction of the penitentiary ideology justifying labour in prisons during the course of history[4].

One view of prison labour is as an element of profound relevance in the moral reform of a person Another concept of prison labour revolves around work being an integral part of the punishment itself, constituting an aggravating condition of the prison sentence. In a third phase, prison labour is intended to provide prisoners with skills so that, when freed, prisoners value work as a differentiating element linked to their economic sustenance.

In the case of Portugal, prison labour gained prominence and a higher degree of individualization in terms of legal regulations, at least since 1886, following the Regulation of Civilian Prisons on the Continent and Adjacent Islands of the Kingdom of 1901 (*Regulamento das Cadeias Civis do Continente do Reino e Ilhas Adjacentes*) that established the obligation prisoners had to work, something which was justified as a means to combat idleness. Such work was carried out alone, inside one's prison cell[5].

This was followed by Decree 6:627 of 21 May 1920 which approved the Regulations Governing Prisoner Labour and remained the only Portuguese legislation dealing exclusively with labour in prisons until prison reform, conceived by Beleza dos Santos, was effected in 1936 by the promulgation of Decreto-Lei n.º 26 643[6].

This legislation really did usher in a new paradigm on the prison question and issues concerning prison labour, since it recognised its importance for the resocialisation of convicts[7] and highlighted a particular concern on the part of the legislator to regulate prison labour in detail, and even acknowledged that the process of resocialisation does not rely on

[4] RODRIGUES, A. (2002). *Novo olhar sobre a questão penitenciária.* 2º ed. Coimbra: Coimbra.

[5] According to the so-called Philadelphia model, instituted by the Law of 1 July 1867, only complete isolation allowed prisoners proper reflection on the crimes they had committed, and prisoners were prevented from interacting with other people, whether prisoners or not, during their prison term. This model remained in force until the Decree of 29 January 1913, when work in the cells was replaced by labour carried out during the day in groups, albeit in total silence, moving away from the Philadelphia model in favour of the Auburn model which asserted that people should remain isolated in their cells, but only at night.

[6] The 1936 reform restructured the entire prison system, under the aegis of the *Estado Novo*, adopting a "progressive model" for serving prison sentences. According this model, serving a prison sentence should be divided into several phases. Passing from one phase to another, however, was not automatic, but depended on the prisoner's performance of the prison work assigned to him or her.

[7] More precisely, by stating in the Preamble that idleness has deleterious effects on honest living; work has always been a teacher of virtue, and therefore an instrument of regeneration, yet this is not the only reason to establish labour in prisons; there is also a need to furnish the necessary conditions to enable the prisoner to be reabsorbed by society when released and that objective will be difficult to achieve if the prisoner has been idle for a long time."

labour alone but should also make recourse to some form of conversion of morality and spirituality[8].

This legislative reform remained unchanged until Decreto-Lei 265/79 of 1 August came into effect as a result of new democratic Constitution, coming into effect on 25 April 1976, which would transform the legislative domain, and make the obligation to perform prison labour permanent, but in doing so invested that obligation with the dignity of a labour relationship, thus aligning the Portuguese legislative authority on the same path as other European states and international institutions that, at the time, were legislating with a view to linking the power of the State — post-World War II – to the express guarantee that no person would ever again see their fundamental human rights quashed by force and public order.

It was following the Universal Declaration of Human Rights in 1948 that the first United Nations Congress held in Geneva in 1955 adopted the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Portuguese reform in 1979 as a result of Eduardo Correia's work has the intervention of the State committing to the re-entry of male and female prisoners, making reference to the use of prison labour to achieve this objective.

As far as the domain of prison labour is concerned, however, 2009 saw a reversal of the march on the path taken since 1979. With the coming into force of Lei n.º 115/2009 of 12 October, which passed the Code on the Enforcement of Sentences and Measures Involving the Deprivation of Liberty *(Código da Execução das Penas e Medidas Privativas da Liberdade)*, or CEP, which has since been amended five times, the most recent amendment being (Lei n.º 94/2017 of 23 August) the legal relationship of prison labour definitively losing its protective character that tended towards safeguards, giving way to a regime which the legislative authorities called "occupational labour", implying that activity involving labour is merely something that men and women inside prisons do in their free time.

Later, in 2011, the CEP was implemented through Decreto-Lei n.º 51/2011 of 11 April which passed the General Regulations on Prison Establishments (Regulation) *(Regulamento Geral dos Estabelecimentos Prisionais [Regulamento])*, Articles 77, et seq., of which deal with the aspects relevant to the functioning of prison labour.

[8] ROMÃO, M. (2015). *Prisão e Ciência Penitenciária em Portugal*. Coimbra: Almedina.

Semantically, in the context of prison labour, there are at least three main categories, of diverse prevalence. These are the penalty of prison or forced labour (hard labour), prison labour as a right and therefore voluntary, and prison labour as part of the process of penitentiary treatment, thus considered a duty or a part of the prison sentence by nature.

It should be noted that forced labour refers to labour arising through the force of judicial punishment, a prerogative exercised by most States since capital punishment and corporal punishment are beginning to be removed as possible forms of legal sentencing. Today, forced labour in this regard is all but eradicated in the civilised world. Compulsory prison labour as part of a prison sentence is a reality in most States, according to information from the Council of Europe (COE)[9].

In this regard, labour is considered part of the sentence, the enforcement of which in most cases regulated in detail in administrative penitentiary law, in order to ensure that no person once in detention is forced into conditions that run contrary to human dignity or the minimum requirements laid down by the International Labor Organization (ILO) which state that no prison labour can be degrading, take place in unsanitary conditions or endanger the health, physical integrity or life of the person who performs such labour.

Reinforcing this concern, given that once in prison, many men and women prefer to be at work rather than being confined to their respective living spaces, giving rise to potential exploitation of workers, who in some cases shares cells with others they do not know, Article (2)(c) of the ILO Forced Labour Convention N.º 29 states that not all "work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations". It will be seen later that this idea of non-availability of prisoners to private individuals seems to be at risk in the Portuguese model.

As a result, voluntary prison labour has a lower predominance, and is certainly the case in Portugal since the entry into force of the CEP which makes work a right for people in prison. This modality seeks to define work as complementary, not as part not of the prison sentence, but rather as prison treatment, which the legislative authorities have termed the process of reintegration of the criminal, but which is referred to here as re-entry[10].

[9] COE information can be found at https://www.coe.int/

[10] PETERSILIA, J. (2003). *When Prisoners Come Home: Parole and Prisoner Reentry*. USA: Oxford University Press.

Prison labour is organised by the Directorate-General of Resocialisation and Prison Services, or DGRSP, (Direção-Geral da Ressocialização e Serviços Prisionais), and, in the Portuguese context, it can be implemented using one of two primary methods, either the RAVI *(Regime Aberto Voltado para o Interior)* programme, designed for prisoners who will remain in prison, or the RAVE *(Regime Aberto Voltado para o Exterior)* programme designed for those anticipating re-entry upon completion of their prison term.

With RAVI, labour is performed within the prison space, in production lines if not using its own equipment for the purpose provided by the State or provided by the private sector for use by the men and women doing the work, against payment of a meagre amount of money when compared to the same work produced by a worker outside the prison space, often paid as piece-work, and never accompanied by the right to social benefits, as befits a legal labour relationship. Such labour, since 2009, does not result in social benefits, pension, healthcare insurance for the worker or unemployment benefits. There is also very little insurance against accidents at work, in conditions which objectively call into question the dignity of the workers involved in these tasks.

For this particular labour relationship, the 2009 legislation substituted the terms "labour" and "work" by renaming it "occupational labour" and reserved the terms "labour" and "work" for work activity that can be performed outside of the prison walls, something which is only possible under the RAVE programme.

At this point, it is important to consider whether the ILO Forced Labour Convention n.º 29 is not jeopardised when the State is compliant in subjecting prisoners to the requirements of a private-sector employer, yet does not accord them minimum labour guarantees

The fact of the matter is that the 2009 legislation in Portugal substituted "work with rights", that had previously been imposed by Decreto-Lei n.º 265/1979 of 1 August, assuming that work had never been fully established in Portuguese prisons, and even took a recommendation by the Ombudsman in 1999 that the very principle of rights and guarantees expressly provided by the said Decree-Law should apply to such work[11].

The 2009 reform was preceded by an exhaustive work of the Commission on the Reform of the System of Enforcement of Sentences and Measures, authorised by Ministerial Order n.º 183/2003 of 21 February from the Ministry of Justice, which states that

[11] JUSTIÇA. P. (1999). *As Nossas Prisões II: Relatório especial do Provedor de Justiça à Assembleia da República -1998*. Lisboa: Provedoria de Justiça.

prison labour contributes decisively to preventing the desocialisation of the human being since it imbues life in prison with a powerful approximation to life in free society[12]. This, inevitably, is not reflected in the reform carried out in 2009, when it was ascertained that the legislating authority had reduced the possibility of socializing the incarcerated person through work to a single Article, most notably, as regards labour in a productive unit of a commercial nature, as referred to in Article 43 of the CEP.

However, international studies have shown that in countries where prison labour is compulsory, they tend to protect these workers through specific legislation accordingly, unlike in countries where work is optional, as is the case in Portugal, these guarantees protecting the rights of workers tend to be weaker[13].

The explanation for this transition may be more complex than that. It is accepted that if a paradigm change is proposed that places labour carried out in prisons in a more holistic perspective of intramural intervention, as a programme or instrument which needs to analysed as a distinct whole, we should not lose sight of the boundaries of the inalienable right to human dignity.

According to the Portuguese legislative authority of the 2009 reform, as provided for in Article 7(h)(1) of the CEP, prison labour constitutes a prisoner's right. As a right, therefore, it should be up to this individual to decide whether to choose work or not while serving a prison sentence. In this sense, on first reading one could assume that prison labour can never be imposed on a prisoner, but on further analysis of the CEP and the Regulations, it is relatively easy to discover a set of conditions and concessions that the legislative authority stipulates with the intention of making such free choice conditional.

Nevertheless, recent studies show that the decision to engage in prison labour or not is anything but a free choice, since there are numerous variables and constraints, born out by an analysis of institutional practice, which oblige a prisoner to work in the prison environment[14].

We could immediately and rightly assert that the right to work under Article 58 of the CRP, which cannot be restricted by virtue of the legal situation of the person, as far as the allusion made to the country's Constitution as to the retention of fundamental rights that

[12] MJ. (2014). *Relatório Final da Comissão de Estudo e Debate da Reforma do Sistema Prisional*. Lisboa: Ministério da Justiça. Retrieved from: http://www.dgpj.mj.pt/sections/politica-legislativa/anexos/legislacao-avulsa/comissao-de-estudo-e/downloadFile/attachedFile_f0/RelatorioCEDERSP.pdf?nocache=1205856345.98 on 12/05/2018.

[13] WILSON, J. & PETERSILIA, J. (2002). *Crime – Public Policies for Crime Control*. Oakland: ICS, and op. cit. PERSILIA, J. (2003). *When prisoners come home – parole and prisoner reentry*. New York: Oxford.

[14] GOMES, S. & DUARTE, V. (2018). *Female Crime & Delinquency in Portugal*. London: Palgrave.

any person should be able to retain is concerned, even if in a legal situation of imprisonment. These rights only have the limitations inherent in the conviction and the requirements pertinent to the enforcement of the sentence, in terms of Article 30 of the CRP, which stipulates that as a rule incarcerated person should be afforded the same rights legally as persons who are in a legal position of liberty. However, such optimism proves inadequate when read while simultaneously considering the physical dominance and power over free will to which a person in prison is subjected[15], and this, not by force of legislation, but because of institutional practices that in the absence of regulation could potentially give rise to cases of violation, denying basic human rights to the person in confinement.

In the Portuguese context, prison labour, or, should we say "occupational labour", is anchored in Articles 41, et seq., of the CEP, which reflects a preoccupation on the part of the State with the reintegration of incarcerated men and women after the re-entry process, prophesying the words of some thinkers on matters pertaining to prisons, such as Foucault, who states in his work that work should be one of the essential elements in the progressive transformation and socialisation of prisoners[16].

One other problem associated with the absence of social security or other forms of social protection stemming from prison labour is the level of remuneration for the work carried out. Article 41(5) of the CEP sheds light on this issue by stating that work performed is due equitable remuneration - the contention of the topic obliges us to restrict our attention to the problems associated with the amount and timing of the payment of remuneration only, but we could allude to other concerns, such as the asymmetry between the remuneration received by men and by women within the prison environment.

Most Portuguese thinking would point out that receiving remuneration, even if meagre compared with what is earned in the labour market outside of prison, is consistent with being a prisoner-worker, because it allows prisoners to receive enough to cover their basic needs inside a prison, such as buying tobacco, toiletries, drinking coffee, or making telephone calls.

This view, with all due respect, is flawed, and symptomatic of a culture of sub humanity that is conferred upon a person when his or her legal status changes by reason of a judicial process that we as a society must eradicate.

[15] FOUCAULT. (2013). *Vigiar e Punir Nascimento da Prisão*. 10º. ed. Lisboa : Edições 70.
[16] Op. cit. FOUCAULT. (2013). *Vigiar e Punir Nascimento da Prisão*. 10º. ed. Lisboa: Edições 70.

When the question of prison labour is analysed under the aegis of judicial empiricism[17] the observer will see that when we talk about prison labour, we are referring to work, a reflection of a controversial labour relationship between those who employ — the State or a private-sector entity — and the person in confinement, which may be characterised in civil terms, and more specifically, in terms of what constitutes the presumption of an employment contract referred to in Article 12 of the Labour Code. It is not enough to argue, as Paulo Pinto de Albuquerque does, that prison labour cannot be denigrating, especially dangerous or unhealthy[18]; besides the emphasis of ILO Convention No 29 itself, it is necessary to consider the contractual nature of this work performed and thoroughly regulate its performance under the conditions relevant to specific nature of the legal status of the worker.

On the other hand, if we comply with Article 46 of the CEP, it is important to note that people who work in confinement do not receive full remuneration, since the legislation provides for this remuneration to be divided up into as many as four equal parts, one of which is earmarked for payment to the prisoner upon his or her release; a second part is paid to the prisoner for his or her personal use, and a third part goes towards the payment of debts, if any, such as claims for compensation, fines or costs resulting from the judicial decision, as well as the payment of maintenance claims, if applicable.

The fact is that this amount is in no way considered a salary, but rather as remuneration for the work done, exempting the State or private-sector entity that makes the work available from compliance with the relevant regular social and employment contributory obligations.

This narrow view of remuneration referred to in the CEP and Regulations seems to be a contradiction in terms, in the sense that jurisprudence issues judgements and rulings that consider the remuneration of an incarcerated person as a salary, particularly for the purposes of attachment[19].

Strictly speaking, we can identify that the problem of prison labour stems from the fact that although in some cases it may play a socially relevant role in the daily life of men and women in confinement as far as professional reward is concerned, work performed in the

[17] Own work: (2017). *O direito processual penal no tratamento penitenciário à luz de uma metodologia jurídica multidisciplinar*. Porto: UPT. Masters dissertation. Available in: http://repositorio.uportu.pt/jspui/handle/11328/2036

[18] ALBUQUERQUE, P. (2006). *Direito Prisional Português e Europeu*. Coimbra: Coimbra Editora.

[19] SANTOS, M. (1999). *A Sombra e a Luz*. Porto: Afrontamento.

absence of minimum labour guarantees frustrates the idea of re-socialization of the criminal agent as a human being, added to which, as a rule, this is underpaid, unskilled, routine work that benefits the prison system more than it does the workers, especially with regard to the objective keeping prisoners occupied, and in so doing, maintaining order within prisons, rather than fostering the individual aspirations of the workers themselves within the prison environment.

The official data aim to point to the individual acceptance of work habits, but do not confer effective reinsertion into the labour market when read alone, without complementary data demonstrating effective reinsertion outside the prison system.

By looking closely at institutional practice in prison establishments today, and, more to the point, this is something which has only been possible since the entry into force of the CEP, it needs to be stated that for labour inside the prison to be meaningful and able to influence the re-entry of men and women, it has to be carried out under conditions analogous to the work done in free society, particularly as regards occupational safety and hygiene, working hours and salary – which, inevitably, fatally does not occur. What we have seen is that although prisons should reflect the transformations of the community so that conditions of work in free society and in prisons coexist in complementarity, such circumstances are far from developed and continue to generate inequalities between men and women and, consequently, between these, all people who work in free society.

2. SITUATION II – PRISON SYSTEM, GENDER ASYMMETRY POWER AND HIERARCHICAL RELATIONSHIPS

The law must continue developing the community in general and protect the power relations that are established between the State and its citizens. The application of unequal equality – which lawyers call equity – is therefore decisive, both by virtue of the law and at the level of institutional practice, in order to prevent the obstacles that are recognised in the practical application of equality.

In line with several female authors, we will say that the law does not control social life and its values definitively or in isolation, nor does it limit itself to shaping socially dominant concepts into law. It is up to the law to help in deconstructing discursive hierarchies, not only by prohibiting demeaning, discriminatory treatment, but primarily by

obliging the appropriate bodies to take measures to counteract the actual situation of social inferiority of certain groups[20], namely, women.

In both free society and in prison, institutional language, but also in some cases, formal language and even legal discourse, lead to stereotypes and the adoption of misleading terms capable of perpetuating segregation between specific groups.

Take, for example, "female prisons", a designation which is practically inescapable[21]. The truth is that when we refer to prison spaces, they are seldom called "male prisons" when its occupants are men.

Strictly speaking, this classification emerges only in opposition to the nomenclature of "female prisons", which becomes almost essential to use for clarity's sake designation when "the prisoners" in question[22] are women. This sexist imposition is not exclusive to the nomenclature attributed to the prison in question, but rather converges with all practical, non-formal language in the structure, hierarchy and organisation of prisons in general and prison labour in particular.

The training programmes aimed at women reproduce sexist stereotypes of what it is to be a woman. In this regard, and because this paper is confining itself to the problems associated with prison labour only, we can mention that female prisoners recognise the serious limitations to their self-determination, which are as pertinent today as they were at the end of the 19th century and beginning of the 20th century.

Women were imprisoned in the Mónicas Prison, located in the old Mónicas Convent. They were mainly poor and illiterate, and were strategically housed there, next to the Limoeiro Prison, today the Center for Judicial Studies, to serve the resident male prison community, primarily to take care of their laundry. Once they have been imprisoned, they became artisanal workers and so-called domestic workers[23]. As incredible as it may seem, history has changed little from then until now, the early years of the twenty-first century.

Incarcerated women, unlike their male counterparts, always seemed not to live in a real prison, but merely in a female prison, as if, beyond the non-specific architectural

[20] BELEZA, T. (2000). "Género e direito: da igualdade ao "direito das mulheres". *Themis*. year I, n.º2. Coimbra: Almedina.
[21] CUNHA, M. (2007). "A Prisão segundo o género". In *HUMANA GLOBAL – Associação para a Promoção dos Direitos Humanos, da Cultura e do Desenvolvimento* (Ed.). Lisboa: Humana Global.
[22] PERRUCI, M. (1983). *Mulheres Encarceradas*. Pernambuco: Global, and CUNHA, M. (1994). *Malhas que a reclusão tece: Questões de identidade numa prisão feminina*. Lisboa: CEJ.
[23] RIBEIRO-HENRIQUES, M. (2018). "La pena de cárcel, como paradigma de evolución, en un sistema de justicia inacabado. Análisis evolutivo al caso portugués. Trayectos, para un sistema prisionero humanista". In *El cincuentenario de los Pactos Internacionales de Derechos Humanos de la ONU*. PAZ M., BALLESTEROS, P. & RAMÍREZ, A. M. (org). chapter v.3, 1371-1382 pp. Salamanca: Ediciones Universidad de Salamanca.

grouping, a legacy of exclusion had been reserved for women by the individualisation that prisons seek to avoid. This reality, as already mentioned, is perpetuated even today, and the training curricula and work made available by the DGRSP demonstrate this clearly, as little has changed in the way the State views the criminal woman.

It is not insignificant to think of these idiosyncrasies as a paradigm erected under the social and extemporaneous configuration of the type of words used to describe the female gender. Studies on prisons in Portugal, but also in Europe and South America, show that assumptions regarding female delinquency throughout history are relatively insipid, scarce and contradictory[24].

The discussion on transdisciplinarity that is required when researching prison issues as they relate to gender bias is an enormous task but loaded with meaning. Tereza Pizarro Beleza, argues that analysing the legal status of women entails methodological transgressions and its own deconstruction of disciplinary barriers in the law[25].

It is safe to say that legal academia excludes analysing the empirical spectrum of the prison question in general and prison labour by women in particular. These are the circumstances that prevent a more discerning or detailed development on the Portuguese prison problem - they appear as if not willing to. The history of female criminals is scarce and, literally, *badly told*.

In Portugal, as in other countries, there have always been far fewer women in prisons than there have been men. Currently, women account for about 6% of the prison population[26]. Which is the one single factor, one could say, which rendered the social representation of women as secondary in importance, even in Portuguese prison establishments.

The advent of the first wings and prisons exclusively for women cemented an endorsement of normative domination of their existence through a series of institutional readings annihilating the individual, clear manifestations of the patriarchal social culture outside of the prison walls, even today. As already mentioned, there are several indications of this dominance by macho and militaristic culture prevailing, which continues to deny women

[24] ELK, M. & SLOAN, B. (2011). "The Hidden History of ALEC and Prison Labor". *The Nation*. n.º 1, August. Available in https://www.thenation.com/article/hidden-history-alec-and-prison-labor/ VARELLA, D. (2017). *Prisioneiras*. São Paulo: Schawarcz, and/or GOMES, S. & GRANJA, R. (2015). *Mulheres e crime*. Maia: Húmus.

[25] Op. cit. BELEZA, T. (2000). "Género e direito: da igualdade ao "direito das mulheres". *Themis*. year I, n.º2. Coimbra: Almedina.

[26] SERVIÇOS PRISIONAIS, D.G.R. (2017). *Estatísticas Prisionais 3º trimestre 2016*. Lisboa:MJ.

opportunities for re-entry in a gender-equal manner[27], especially with regard to the job opportunities that are made available within prison to women living there.

The production of rugs, purses, and embroidered items continues to be reserved for women. Only men have the right in prisons to do agricultural work, cultivating potatoes and vineyards, or raising livestock mostly. They may also do work involving mechanics and electronics, etc[28].

This type of sexist approach has been widely implemented in several Western contexts and is indicative of control and punishment according to what constitutes femininity, which aside from sanctifying various expressions, were determined by patriarchal, moralising values, typically Western ones, naturally exercising greater control over women, particularly based on criteria of humility and domestic duties[29].

Nevertheless, today we still find evidence of this non-neutral view of the role of women in society that finds expression in prisons designed to accommodate women. This was already the case at Mónicas Prison, so it was implemented in the Central Women's Prison[30], now called EP Tires, and this is the reality at the Odemira EPs[31], especially the prison at Santa Cruz do Bispo, where we had previous had the opportunity to carry out a legal-empirical study[32].

According to early official information that has been published about the Portuguese prisons where women live, we can verify that even today the State reserves exclusively for women the enjoyment of craftwork that relates to the cultural representation of

[27] Op. cit. PERSILIA, J. (2003). *When prisoners come home – parole and prisoner reentry*. New York: Oxford.
[28] Confer more information about this topic confer at www.dgsp.gov.pt .
[29] In this regard, see PRISIONAIS PORTUGUESES. (1953). *Acordo entre o Estado português e a Congregação de Nossa Senhora da Caridade do Bom Pastor de Angeres*. Lisboa: DGSP, and the article by SALDANHA, J. (1933). *Relatório do Diretor das Cadeias Civis Centrais de Lisboa referente ao exercício de 1/8/1933 a 31/12/1933.* Lisboa: DGSP, referring to working conditions in Mónicas Prison: "(...) *there is a rug workshop in Arraiolos (...) and paper bags one, which has given excellent results, not only because it keeps the inmates occupied, but also because of the reasonable income earned. The sewing and laundry service for prisoners' clothes from all three prisons provided by the inmates at Mónicas, and is important occupations labour and presents a considerable saving for the prisons' administration."* And finally, a brief passage from PRISIONAIS PORTUGUESES. (1964). *Relatório da Inspecção à Cadeia Central de Mulheres em Tires, referente ao exercício de 1963*. Lisboa: DGSP. 1964. p. 21: "*Moral assistance to female inmates is provided mainly by the Nuns. There are Catechism lessons two to three times a week, civic and moral education classes, and 45-minute talks on morals daily. There is a projector, with screenings of catechism and other educational films."* Source: Divisão de Documentação e Arquivo Histórico da DGRSP. (Free translation from the Portuguese)
[30] CUNHA, M. (1994). *Malhas que a reclusão tece: questões de identidade numa prisão feminina*. Lisboa : CEJ.
[31] FROIS, C. (2017). *Mulheres condenadas. Histórias de dentro da prisão*. Lisboa : Tinta da China.
[32] Op. cit. RIBEIRO-HENRIQUES, M. (2017). *O direito processual penal no tratamento penitenciário à luz de uma metodologia jurídica multidisciplinar*. Porto: UPT. Masters dissertation. Available in: http://repositorio.uportu.pt/jspui/handle/11328/2036

what it is to be a woman (such as the making of carpets, clothing and accessories). Lessons in home economics, language, and maternal care, etc. are also given.

It should be noted that women never enjoyed any preferential status or conditions particularly responsive to gender until the late nineteenth century or early twentieth century; in Portugal, as was the case elsewhere in Europe, women lived in the same spaces of confinement as men, shared the same buildings in collective prisons, and subjected themselves to a whole set of overlapping violence.

These women lived communally inside the prison, mainly in the *dungeons* or *halls*, because in order to access another penitentiary facilities, they would have to comply with certain requirements, namely, sectarian ones, depending on their economic status, social status or degree of literacy. The types of confinement for women, mostly from the most disadvantaged margins of society, consisted of imprisonment in workhouses or correctional institutions.

These institutions emerged in the sixteenth century and served to house orphaned women, widows and the poor in general. These were the so-called Houses of Mercy. The correctional institutions, at the height of the Utilitarian philosophical trends, confined women accused and convicted of crimes that were considered "sins of the flesh". These women were regarded as morally dangerous, not only because they had lost their honour, but above all because they committed public sins visible to all[33]. The management of these institutions was entrusted to religious orders, under the auspices of a rigid and repressive regime.

Today, this reality is transposed by an apparent individualization of the prison route, only contradicted by the disinvestment in an inclusive prison establishment and gender-responsive work and training opportunities. It is important to mention how these sexist constructions have several repercussions within the prison, namely in the allusion made in several internal documents to aspects such as the alleged looseness of the woman who has several children from different men, to restricting the right for her to remain with a child inside the prison, or the inexplicable reference to the sexual orientation of the woman on internal microfiche records, not to mention the custom still generally observed today that women do not walk past the entrance of a prison.

[33] SILVA, V. (2013). "Controlo e punição: As prisões para mulheres". *Revista Ex-aequo*. vol. 28. pp. 59-72. Lisboa: APEM.

The reality is that the basis of today's women's prisons find their origin in the old prison reforms and attempts at prison reform in Portugal in the liberal period, during the first quarter of the nineteenth century, which endure to this day, with few modifications.

These assumptions absorbed as fact into the fabric of the modern, so-called liberal State, operated through a purely legal reformist logic, and developed a normative institutional model that established the current legal-penitentiary system. This model is mainly based on a vague general idea, reducing the female inmate to an underrepresentation.

The crisis of gender underrepresentation, which was experienced in the prison environment, is verified, for example, in terms the biological and social specificity of women, which, for the legislator at the time, influenced the motivations of women for committing a crime[34]; the incidence of such attitudes today is not completely out of the question, and there continue to be news items involving cases in which case-law still links women to the committing of certain crimes, almost exclusively by referring to the fact of their female gender.

Much of the current Portuguese penitentiary system was implemented during the *Estado Novo*[35]. In this period, more structured control mechanisms were put into operation which would overlap with models of domesticity and femininity for women to follow that were disseminated in Salazarist literature described as the "mother-woman" and "motherland-woman"[36].

The first prison designed to house women only, built in Tires in 1954, employed the ideology of the then-modern regime, and included pavilions, typical of the *Estado Novo* architecture. The functioning of the *Estado Novo* was always imbued with normative principles that concluded that the rehabilitation of women would consist in the teaching and inculcation of the axioms and social roles that society assigned to them in the second half of the twentieth century, especially that of being good mothers and domestic workers[37].

These interpretations were reflected in the architectural design of the prison, its location near male prisons, for whom the women prisoners in Tires were to work; prison management, moreover, was entrusted to a religious order, which remained there until 1980.

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[34] SILVA, V. (2011). *Controlo e punição: as prisões femininas - estudo exploratório de uma antropologia feminista da prisão no contexto português.* Coimbra: FLUC. Masters dissertation.
[35] ROBERTO-PINTO, J., & FERREIRA, A. (1955). *Organização Prisional.* Coimbra: Coimbra Editora.
[36] Op. cit. SILVA, V. (2011). *Controlo e punição: as prisões femininas - estudo exploratório de uma antropologia feminista da prisão no contexto português.* Coimbra: FLUC. Masters dissertation.
[37] CUNHA, M. (1994). *Malhas que a reclusão tece: questões de identidade numa prisão feminina*. Lisboa: CEJ. e ESPINOZA, O. (2004). *A mulher encarcerada em face do poder punitivo*. São Paulo: IBCCRIM.

However, as already mentioned, it is still possible to identify the persistence of a domestic model of penitentiary treatment in Portugal. There are, however, no longer any remnants of authoritarianism in its imposition, but rather an implicit language pervading penitentiary practices that is adept in maintaining and promoting these models of femininity when the inmate is a woman. This statement is based on the analysis made of the relevant activity plans and reports.

By analysing the current female prison population[38], it was concluded that the majority of female prisoners have fewer educational qualifications than male prisoners and are for the most part convicted for drug-related offenses, are serving long prison sentences, and, moreover, are in precarious socio-economic circumstances, indicative of poverty chains, the fruit of the neoliberal political and economic system that competes along socio-economic and gender-based strata which are imposed, in turn, within prisons, and which still constitutes a model of domesticity, concentrated in an underdeveloped system of prison treatment, in that the prison does not permit locking of cell doors.

3. CONCLUSIONS: PATHS TOWARDS STANDARDISED, GENDER-RESPONSIVE PRISONS

Having conducted this study on prison labour from a gender perspective, we will attempt to identify below the intersections necessary to complete our paper, as we move towards the final paragraphs.

This exercise identifies two indelible problems: prison labour and the lack of a gender perspective in the Portuguese prison system. This paper is based on the need for a gender-responsive prison system, as a methodology for intervention with people who are incarcerated.

As to the pertinence of the fundamental issue – prison labour –in reference to work as a punishment, when added to the same equation as a prison sentence, it does not lose relevance simply because of the fact that men and women are now no longer obliged to work.

Borrowing partially from the Gospel according to St. John, 1:1–4, we might say that in the beginning was not the Word, but instead, the creation of a hierarchical yet common set of standards governing fundamental human rights for Human Beings, women and men, as subjects of a single, inalienable rule of law.

[38]SERVIÇOS PRISIONAIS. (2018). *Relatório estatístico anual de 2017*. Lisboa: MJ. Retrieved from http://www.dgsp.mj.pt/ on 23/06/2018.

The eminent dignity and personality of men and women find safe haven in the international human rights system, of which most European countries are signatories, and which includes not only the Universal Declaration of Human Rights and the International Covenants on Human Rights (the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), but also the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) of the United Nations as well as, on a regional scale, other more specific instruments such as the European Convention Human Rights and the European Social Charter.

In this discussion, we point out as one of the early legal instruments establishing the series of regulations to which a constitutional State submits when enforcing prison sentences the Minimum Requirements for the Treatment of Prisoners, thus fulfilling its main objective which is to substantiate the principles and regulations upon which all practices relating to the prison treatment of men and women in prisons in the penitentiary establishment are based.

On the Old Continent, it is the European Convention for the Prevention of Torture or Degrading Treatment or Inhuman Punishment (CPT) which holds sway, given the universal *corpus iuris* among the peoples of Europe, and which all Member States have signed and ratified.

The CPT finds an anchorage and validity in a happy association between the common international law of EU law, in the cross-party compromise, the persecution not only of acts of torture, but also of all forms and practices of inhuman and degrading procedures in prisons throughout the EU.

In addition, the Convention, building on the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, is an important source of information detailing prison policies in Europe. These are policies that have been periodically sent to all EU Member States, the annual reports of the CPT, which reveal that Portugal is returning to the objectives of the CPT[39]. Other reports come from non-governmental human rights organisations[40], drawing attention to grave shortcomings in the field, *inter alia*, of prison labour, which risks succumbing to reinvented forms of torture.

Here, in this conceptual introduction of conclusions drawn, we can affirm, with some degree of propriety, that European prison policy, albeit lacking a common binding body,

[39]COE. (2018). *26th General report of the CPT*. Retrieved from https://rm.coe.int/168070af7a on 23/06/2018.
[40]AMNISTIA. (2018). *Amnesty International Report 2017/18*. Retrieved from https://www.amnistia.pt/wp-content/uploads/2018/02/PORTUGAL_RA201718.pdf on 20/06/2018.

is objectified through the provision of recommendations, resolutions, treaties and rulings on procedures rendered by, or based on, European institutions to the European Union (EU) Member States, consequently establishing fundamental principles, conveying the European perspective on common penitentiary thinking as regards the treatment of European citizens in detention.

From these recommendations, we highlight the European Prison Rules, which perhaps will be the largest and most prominent legal manifesto, bringing together aspects and conditions in greater detail on the issues pertinent the European prison system.

It is in this field that we intend to anchor our methodological proposal in order to individualize the normalisation of prisons towards the use of more gender-responsive discourse.

The principle of normalisation of prison systems is expressed in Rule 5 of Recommendation Rec (2006) 2 of the Committee of Ministers to Member States on European Prison Rules which recommends to the Member States of the Council of Europe that life within a prison should be approached as much as possible from the positive aspects of community life[41]

This rule expresses, according to some interpretations[42], a declaration of principle of foundational unity of the existence of the prison as punishment rather than a prison for punishment.

It may be inferred from this that the general understanding must be that deprivation of liberty is sufficiently burdensome to prevent further criminal activity on the part of the criminal, so that all institutional practices and use of language which hinder the self-determination of the those in custody should be excluded.

We are aware that this interpretation is not without its criticisms and raises a number of questions as to the meaning of the principle of normalisation of prisons, not least because of the constraints inherent in the deprivation of liberty which can be used to deal with criminal prosecution without being detrimental to what is natural in life in society.

Some authors make a clear distinction in terms and in the concept to respond to these issues, calling for a differentiation between individual normalisation and individualisation of society as a whole[43].

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[41]COE. (2006). *Recomendação Rec(2006)2 do Comité de Ministros aos Estados Membros sobre as Regras Penitenciarias Europeias*. Retrieved from https://rm.coe.int/16804c2a6e on 14/06/2018.

[42] *Vide*: op. cit. ALBUQUERQUE, P. (2006). *Direito Prisional Português e Europeu*. Coimbra: Coimbra Editora.

[43] KLEINIG, J. (2014). *Prisoners' Rights*. Routledge: Abingdon-on-Thames.

Thus, the authors want to say that our actions in society derive from the different roles and social groups where we feel integrated and the sense of cultural belonging that emerges from them that we interpret in the different spaces of life in society.

Within a prison, this diversity of roles is ferociously swallowed up by the prison machine, conferring on the men and women in the legal status of incarceration a burdensome and ignored role as citizens in favour of a latent feeling of security, albeit virtual, associated with the placement of someone in custody within prison walls.

The classic example of this theory leads to the possibility of making family and conjugal visits to the people inside the prison. If, on the one hand, the system recognises this social role of the person, and on the other, is always citing grounds of security, it is the system itself that will cut off this social role for men and women, through inspections, strip searches, squats, etc., of prisoners and visitors alike.

The singularly observed normalisation seeks the recognition by the prison systems of these other social domains of the person incarcerated. The principle of normalization, when understood as a developmental community process itself, is based on the availability of opportunities, but also on services within the prison establishment that are identical to those available to the community at large.

Some authors also point out that this form of normalisation requires a number of additional guarantees, taking into account the specific situation of deprivation of liberty, in particular as regards the constructive aspects of life in freedom, such as the freedom to work in circumstances of equality with workers in free society.

Let us not forget the influence that the primacy of human rights wields on European penitentiary thinking, recognising concomitantly implications in the theory as well as in the practice of the application of sentences.

In the current European context, human rights instruments are seen as a key process to achieve just punishment and the preservation of the inviolable threshold of personhood of European citizens.

That is to say, all punishments must be carried out with deep respect for human quality, based on human rights intrinsic to the condition of being a man or a woman, these being the guiding principles of all others; normalization, in any of its variants must be understood in this context where we provide the basis of our proposal for a more gender-responsive prison system, where labour is accompanied by labour guarantees.

BIBLIOGRAPHY

AEBI, M. [et. al.] (2017). *SPACE II – Annual Penal Statistics: Persons Serving NonCustodial Sanctins and Masures in 2015. Survey 2015 – Executive summary*. Estrasburgo: Europe Council. Available at http://wp.unil.ch

ALBUQUERQUE, P. (2006). *Direito Prisional Português e Europeu*. Coimbra: Coimbra Editora.

AMNISTIA. (2018). *Amnesty International Report 2017/18*. available at: https://www.amnistia.pt/wp-content/uploads/2018/02/PORTUGAL_RA201718.pdf

BELEZA, T. (2000). "Género e direito: da igualdade ao "direito das mulheres". *Revista Themis*, year I, n.º2. Coimbra: Almedina.

BOAVIDA, J. (2017). *Direito disciplinar penitenciário*. Coimbra: Almedina.

CARLEN, P. (2002). *Women and punishment. The struggle for justice*. Toronto: Willan

CUNHA, M. (2007). "A Prisão segundo o género". In *HUMANA GLOBAL – Associação para a Promoção dos Direitos Humanos, da Cultura e do Desenvolvimento*. Lisboa: Humana Global.

_____. (1994). *Malhas que a reclusão tece: questões de identidade numa prisão feminina*. Lisboa: CEJ.

COE. (2018). *26th General report of the CPT*. available at: https://rm.coe.int/168070af7a

_____. (2006). *Recomendação Rec(2006)2 do Comité de Ministros aos Estados Membros sobre as Regras Penitenciarias Europeias*. Available at: https://rm.coe.int/16804c2a6e

DÜWELL, M. [et. al.]. (2014). *The Cambrige Handbook of Human Dignity. Interdisciplinary Perspectives*. Cambridge: Cambridge University Press.

ELK, M. & SLOAN, B. (2011). "The Hidden History of ALEC and Prison Labor". *The Nation*. n.º 1, August. Available in https://www.thenation.com/article/hidden-history-alec-and-prison-labor/

ESPINOZA, O. (2004). *A mulher encarcerada em face do poder punitivo*. São Paulo: IBCCRIM. 2004.

FOUCAULT. (2013). *Vigiar e Punir Nascimento da Prisão*. 10.º ed. Lisboa: Edições70.

FRANÇA, M. (2014). "Criminality and prisions for women: na analyssis of gender issues". *Revista Ártemis.* v. 28, n. 1, p. 212-22.

FROIS, C. (2017). *Mulheres condenadas. Histórias de dentro da prisão*. Lisboa : Tinta da China.

GOMES, S. & DUARTE, V. (2018). *Female Crime & Delinquency in Portugal*. London: Palgrave

_____. & GRANJA, R. (2015). *Mulheres e crime*. Maia: Húmus.

JUSTIÇA. P. (1999). *As Nossas Prisões II: Relatório especial do Provedor de Justiça à Assembleia da República -1998*. Lisboa: Provedoria de Justiça.

KLEINIG, J. (2014). *Prisoners' Rights*. Routledge: Abingdon-on-Thames

MJ. (2014). *Relatório Final da Comissão de Estudo e Debate da Reforma do Sistema Prisional*. Lisboa: Ministério da Justiça. http://www.dgpj.mj.pt/sections/politica-legislativa/anexos/legislacao-avulsa/comissao-de-estudo e/downloadFile/attachedFile_f0/RelatorioCEDERSP.pdf?nocache=1205856345.98

PETERSILIA, J. (2003). *When Prisoners Come Home: Parole and Prisoner Reentry*. USA: Oxford University Press.

PERRUCI, M. (1983). *Mulheres Encarceradas*. Pernambuco: Global.

PRISIONAIS PORTUGUESES. (1964). *Relatório da Inspecção à Cadeia Central de Mulheres em Tires, referente ao exercício de 1963*. Lisboa: SPP.

_____. (1953). *Acordo entre o Estado português e a Congregação de Nossa Senhora da Caridade do Bom Pastor de Angeres*. Lisboa: SPP.

RIBEIRO-HENRIQUES, M. (2018). "La pena de cárcel, como paradigma de evolución, en un sistema de justicia inacabado. Análisis evolutivo al caso portugués. Trayectos, para un sistema prisionero humanista". In *El cincuentenario de los Pactos Internacionales de Derechos Humanos de la ONU*. PAZ M., BALLESTEROS, P. & RAMÍREZ, A. M. (org). chapter v.3, 1371-1382 pp. Salamanca: Ediciones Universidad de Salamanca.

_____. (2017). *O direito processual penal no tratamento penitenciário à luz de uma metodologia jurídica multidisciplinar*. Porto: UPT. Masters dissertation. Available in: http://repositorio.uportu.pt/jspui/handle/11328/2036

RODRIGUES, A. (2002). *Novo olhar sobre a questão penitenciária.* 2º ed. Coimbra: Coimbra.

ROBERTO-PINTO, J. & FERREIRA, A. (1955). *Organização Prisional*. Lisboa: Coimbra. Source: DDAH/DGRSP.

_____. (1969). *O Tratamento Penitenciário de Mulheres*. Lisboa: DGSP. Source: DDAH/DGRSP

ROMÃO, M. (2015). *Prisão e Ciência Penitenciária em Portugal*. Coimbra: Almedina.

SALDANHA, J. (1933). *Relatório do diretor das Cadeias Civis Centrais de Lisboa referente ao exercício de 1/8/1933 a 31/12/1933*. Lisboa: DGSP.

SANTOS, M. (2004). "Pensar a história das prisões em Portugal: entre resultados e desafios". *Direito e Justiça*. Vol. Especial. 2004, pp. 35 - 45.

_____. (1999). *A Sombra e a Luz. Porto*: Afrontamento. ISBN: 972-36-0485-X.

SERVIÇOS PRISIONAIS. (2018). *Relatório estatístico anual de 2017*. Lisboa: MJ

_____. (2017). *Estatísticas Prisionais 3º trimestre 2016*. Lisboa: MJ

SILVA, V. (2013). "Controlo e punição: As prisões para mulheres". *Revista Ex-aequo*. vol. 28. pp. 59-72. Lisboa: APEM.

_____. (2011). *Controlo e punição: as prisões femininas - estudo exploratório de uma antropologia feminista da prisão no contexto português*. Coimbra: UC. Master thesis.

SMART, C. (1995). *Feminism and the power of law*. London: Routledge.

VARELLA, D. (2017). *Prisioneiras*. São Paulo: Schawarcz

VOET, R. (1998). *Feminism and citizenship*. London: Sage.

WILSON, J. & PETERSILIA, J. (2002). *Crime – Public Policies for Crime Control*. Oakland: ICS

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