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Birmingham City University's *Centre for Human Rights* established the *UPR Project* in 2018 as part of our consultancy service. We engage with the Human Rights Council's review process in offering support to the UPR Pre-sessions, providing capacity building for UPR stakeholders and NHRIs, and the filing of stakeholder reports in selected sessions. The UPR Project is designed to help meet the challenges facing the safeguarding of human rights around the world, and to help ensure that UPR recommendations are translated into domestic legal change in member state parliaments. We fully support the UPR ethos of encouraging the sharing of best practice globally to protect everyone's human rights. You can read more about the UPR Project here: www.bcu.ac.uk/law/research/centre-for-human-rights/projects-and-consultancy/upr-project-at-bcu.

Our Partners:

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academic research in the different fields of Law and fostering interdisciplinary critical reflection, stimulating the qualified scientific production focused on the area of concentration and its lines of research.

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INTRODUCTION

1. Internationally, the incarceration of women increased by 50% between 2000 and 2017.¹ In Brazil, which has the fourth largest population of women deprived of their liberty, this increase was even sharper, reaching 60%.² The rise in overincarceration has had a profound impact on

courts, while 22% justified the denial on the basis of vague objectives to 'protect the public order' or 'enforce criminal law.'⁶⁰

26. Judicial decisions are often discriminatory and enforce harmful gender stereotypes, suggesting that Brazil has neglected to fully implement the *Islamic Republic of Iran's* (para 136.86)⁶¹ and *Thailand's* (para 136.189)⁶² recommendations to strengthen measures to eliminate discrimination against women and girls and its capacity-building programmes for judges and legal personnel on women's rights. House arrest requests are often denied because women have deviated from societal expectations of motherhood by, e.g., leaving their children under someone else's care⁶³ or leaving during a particular time of the day⁶⁴.

27. Discriminatory refusals suggest that Brazil has not complied with *Denmark's* (para.136.94)⁶⁵ recommendation to incorporate the Bangkok Rules into public policies. Several courts have failed to observe Bangkok Rule 61, by considering women's caretaking responsibilities and backgrounds as a detrimental rather than a mitigating factor while disregarding their lack of criminal history and the relative non-severity and nature of the criminal conduct.⁶⁶ Rulings often deem mothers unfit for having committed an offense,⁶⁷ even for minor infractions such as shoplifting due to hunger.⁶⁸ Others have directly discriminated against poor women by, e.g., denying house arrest based on their reliance on state benefits.⁶⁹

28. Many refusals have been justified by the existence of other female family members, forcing caring responsibilities upon other women based on their gender and often without prior consent.⁷⁰ In addition to violating women's freedom of choice, such decisions fail to appropriately ensure that appropriate provision has been made for the care of children in accordance with Bangkok Rule 64.⁷¹

29. This has also led to discrimination against women from the LGBTQ+ community. A recent ruling denied a request for house arrest on the basis of the petitioner's same-sex marriage and the existence of a second mother – disregarding the petitioner's rights and the fact that the spouse was unable to care for all children.⁷² This suggests that Brazil has failed to take sufficient steps to comply with *Ireland's* (para 136.90)⁷³ recommendation to give particular

attention to LGBTQ+ prisoners and *Mexico's* (para 136.196)⁷⁴ recommendation to ensure the effective implementation of measures to prevent, punish and eradicate all forms of violence and discrimination against women and the LGBTQ+ community .

30. Women who are denied their right are forced to appeal, which is time-consuming and costly. It is also unclear whether higher courts are sufficiently receptive to requests. STJ has denied appeals with reference to conditions not prescribed by law, such as not having previously enjoyed the right to house arrest.⁷⁵

31. These constraints on access to justice further entrench intersectional inequalities on the basis of socioeconomic status and race. A 2019 study of rulings in indicated that 74% of women who appeal to higher federal courts had a private lawyer, while only 26% relied on public defenders.⁷⁶ These inequalities in access to justice disproportionately impact black women. In São Paulo, 57% of mothers in prison assisted by public defenders are women of colour.⁷⁷ In this regard, Brazil has failed to strengthen measures to prevent and punish discrimination against people of African descent and women and girls as recommended by *Rwanda* (para. 136.36).⁷⁸

Prison Conditions and Healthcare for Women

32. In 2017, *Ireland* (para 136.90)⁷⁹ recommended that Brazil ensure conditions at detention centres comply with international and Brazilian law with particular attention to pregnant women and children. Brazil also received recommendations to improve prison conditions from *Angola* (para 136.82)⁸⁰, *Algeria* (para 136.81), *Namibia* (para 136.75), *Japan* (para 136.92), *Australia* (para 136.95), *Cabo Verde* (para 136.84).⁸¹ The *Republic of Korea* (para 136.76),⁸² specifically recommended the improvement of access to water, food, and medical care whilst in detention. Similarly, *South Africa* prompted Brazil to address overcrowding, sanitation, violence, and medical and psychological care in prisons (para 136.77).⁸³

33. Whilst these recommendations were supported, Brazil has not taken sufficient steps to fulfil these commitments. Many prisons lack access to water and proper ventilation⁸⁴ and neglect nutrition. Rio de Janeiro inspectors reported that caterers in the state's only prison

for pregnant women had never considered catering for their specific nutrition needs.⁸⁵

34. Brazil has also neglected the implementation of the National Policy for Women Deprived of Liberty and Former Inmates.⁸⁶ The programme's inter-ministerial committee has failed to meet as often as required; present a working plan with specific goals, timelines, and monitoring indicators; and implement required mechanisms of planning and evaluation.⁸⁷ Auditors also found that the Secretariat for Women's Policies, which co-coordinates the committee, did not allocate any funds to such policies between 2016 and 2018.⁸⁸

35. The lack of investment in policies for women deprived of liberty has also led Brazil to neglect recommendations made in the last UPR cycle. *Sweden* (para 136.93)⁸⁹, for example, encouraged Brazil to take the necessary measures to increase the number of gynaecologists in the prison system, which the government accepted. However, from 2016 to 2021, the number of prisons with gynaecologists only increased from six to seven – an unacceptable number in the fifth largest country in the world.⁹⁰

36. Inspectors and researchers have reported that female prisons have extremely poor STI and prenatal healthcare.⁹¹ Syphilis and HIV transmission rates are almost seven times higher among women deprived of liberty, while the mother-to-child transmission rate is 66.7% in prisons, nearly twice the general 36.6% rate.⁹² There are reports that mother-to-child transmission is aggravated by prison healthcare neglecting to perform essential tests.⁹³

37. Brazil has systematically neglected the healthcare of pregnant women and mothers in prison. 68% of them considered their care inadequate in 2016,⁹⁴ an issue which continues to be reflected in recent reports. In 2019, researchers found that many lacked basic knowledge about childbirth.⁹⁵ Women in Rio have reported unavailability of ambulances⁹⁶ and the severing of outside communications during evenings and weekends, which eliminates all means of contact during health emergencies and has forced a woman into unassisted childbirth in unsafe conditions in her cell.⁹⁷ Another mother reported being harassed to reduce the frequency of use of asthma medication to reduce costs.⁹⁸

38. By neglecting women deprived of liberty, Brazil has neglected recommendations by *Switzerland* (para. 136.158)⁹⁹ and *Uruguay*

(para. 136.159)¹⁰⁰ to ensure access to reproductive healthcare, including high-quality prenatal care without discrimination, as well as *Iceland's* recommendation to promote effective assistance measures during pregnancy and birth (para. 136.162).¹⁰¹ No substantive steps have been taken to ensure continued effectiveness of strategies to combat HIV-AIDS among such specifically affected group in line with *Bahamas'* recommendation (para. 136.157).¹⁰²

Impact of COVID-19 on Pregnant Women and Mothers in Prison

39. The pandemic has had a disproportionate impact on persons deprived of liberty. While official statistics indicate that infection rates in prison were only 3.3% higher than that of the general population, they also suggest that cases were severely underreported. In 2020, infection rates of prison employees were 147.8% higher than the general population.¹⁰³ The number of deaths in prison due to unknown causes rose by 227.7%, while those due to natural causes increased from 88.3 to 99.7 for each 100,000 inhabitants.¹⁰⁴

40. Civil society has expressed concerns that COVID-19 deaths in prisons may have been intentionally concealed. The State of Rio de Janeiro ceased autopsies of prisoners who died due to natural causes, while a São Paulo prison reportedly registered at least two deaths under such general category despite strong suspicions of COVID-19 infection.¹⁰⁵ Organisations have also condemned a national decree¹⁰⁶ which authorised the burial and cremation of people without formal registration of the death, in cases where family members or people known to the deceased are absent. Given the existing constraints on communications with prisoners' next-of-kin, concerns have been raised that this has led to COVID-19 victims in the prison system turning into "disappeared persons."¹⁰⁷

41. Transparency deficiencies strengthen underreporting suspicions. According to a 2020 report, 32% of states lacked publicly available information about COVID-19 in prisons.¹⁰⁸ Available data was severely inconsistent. For example, in April, the Minas Gerais State reported 50 suspected cases of COVID-19, while this number was 32% lower than national statistics.¹⁰⁹ Up to May 2020, only 0.09% of prisoners had been tested.¹¹⁰

42. Inmates and their families have reported that management has hindered their communication to conceal the severity of health conditions and infection rates. Visitations were banned nationally,¹¹¹ and many facilities restricted phone calls.¹¹² Others refused to isolate those infected, shut down calls to help those who were unwell with physical violence, and forbid communication with family members entirely,¹¹³ leading to several riots in 2020.¹¹⁴

43. The complete extent to which female prisons for pregnant women and mothers were particularly affected is unknown. In 2020, 96% of states refused to provide disaggregated data on COVID-19 in prisons by gender and age.¹¹⁵

44. Nevertheless, evidence indicates that pregnant women have been disproportionately impacted by the pandemic. In 2020, the number of deaths of pregnant and postpartum women due to COVID-19 in Brazil was 3.4 times higher than the number of reported deaths for the rest of the world.¹¹⁶ Brazilian rates represented 77.5% of all COVID-related maternal deaths internationally, of which 28% of fatal cases had not been admitted to ICU and 15% received no ventilatory support.¹¹⁷ Intersectional inequalities aggravated these shortcomings, with the mortality rate due to COVID-19-related respiratory conditions for Black pregnant and postpartum women reaching a level almost twice as high as that of white women in the same group.¹¹⁸

45. At least one prison interrupted paediatric care during the pandemic, leading to a child falling ill because of a missed vaccination, while a woman gave birth in her prison cell with improvised health from enforcement staff due to a lack of medical help.¹¹⁹ In Minas Gerais, a prison which recorded twenty COVID-19 cases among women and children had no doctors on site.¹²⁰

46. Brazil has therefore neglected its commitments to combat high maternal mortality rate in compliance with the Convention on the Elimination of All Forms of Discrimination Against Women ('CEDAW'), as recommended by *Estonia* (para 136.185).¹²¹ It has also failed to comply with *Colombia's* (para 136.54)¹²² recommendation to continue reinforcing the policy on effective and qualitative access to health services for women of African descent. Both recommendations were supported but have not been implemented.

Childcare and Breastfeeding Restrictions in Prison

47. Brazil has not taken sufficient steps to implement *Thailand's* (para 136.96)¹²³ recommendation to improve facilities dedicated to pregnancy and maternity in prisons in line with the Bangkok Rules or continue efforts towards the promotion of the rights of the child as recommended by *Armenia* (para. 136.201).¹²⁴ While Law 7210/1984 establishes that all female prisons must have nursery and day-care facilities for children under six months and seven years old respectively,¹²⁵ their capacity was limited to 758 children in 2021,¹²⁶ when at least 1,043 children were living with their mothers in prison.¹²⁷ Between 2016 and 2021, capacity remained nearly unaltered, and the number of prisons with paediatric care dropped from six to two.¹²⁸

48. Brazilian prisons also lack appropriate conditions under which women can enjoy, for a suitable period, their constitutional right to remain with their child while breastfeeding.¹²⁹ While WHO and UNICEF recommend breastfeeding for two years to protect women and children from life-threatening and chronic diseases, statutory protection only covers six months,¹³⁰ after which babies are often separated from their mothers.¹³¹

49. We welcome a recent decree issued by the State of Pará to improve the psychological, medical, and social care of breastfeeding mothers deprived of liberty and enable cohabitation for breastfeeding for up to two years. Nevertheless, policy still compels women to begin the cessation of breastfeeding at the six-month mark, which unduly restricts their bodily autonomy and their freedom to make decisions concerning their health and their children's.¹³² Since prisons have a statutory obligation to provide facilities to welcome children under seven, we see no reasonable justification for restricting mother-child cohabitation or breastfeeding at an earlier age.

Violence and Cruel, Inhuman or Degrading Treatment

50. Pregnant women and mothers are often victims of various forms of violence and cruel, inhuman or degrading treatment in prison, contrary to Article 7 of the International Covenant on Civil and Political Rights. In this

regard, Brazil has failed to take sufficient steps to ensure respect for and protection of human rights for all detainees in compliance with domestic and international laws and standards (*Austria*, para. 136.83; *Bolivarian Republic of Venezuela*, para. 136.80).¹³³

51. Reports of psychological violence are frequent in female prisons. Mothers have described prisons as 'hell' or a 'purgatory'.¹³⁴ Torture prevention inspectors have reported the isolation of a pregnant woman in unhealthy conditions¹³⁵ as a form of punishment in violation of Bangkok Rule 22,¹³⁶ as well as cases of mothers who were threatened with separation from their child to enforce unreasonable childcare rules.¹³⁷

52. Pregnant women deprived of liberty are often victims of obstetric violence. In 2016, nearly 90% of women deprived of liberty stated that their 'intimacy' had been disrespected during birth,¹³⁸ suggesting that they may have experienced sexual violence. 16% and 14% of women specifically reported physical violence perpetrated by healthcare professionals and enforcement officers respectively.¹³⁹ There is no evidence of improvement, since a 2021 study found an identical obstetric violence rate of 14% by both perpetrator groups.¹⁴⁰ Within the prison system, Brazil has therefore neglected to implement supported recommendations from *Iraq* (para 136.187)¹⁴¹ and *Egypt* (para 136.184)¹⁴² to take measures to combat violence against women and children.

53. Obstetric violence is often associated with prisons' lack of compliance with legal obligations. In 2016, only 3% of women deprived of liberty enjoyed their right to a companion during childbirth,¹⁴³ while 89% reported that the prison had neglected its duty¹⁴⁴ to inform their families that they were in labour.¹⁴⁵ The 2021 study found that 73% of families had not been contacted about the birth, suggesting that there has been little improvement.¹⁴⁶ In 2020, Rio de Janeiro inspectors also found that the use of handcuffs including before, during, and after birth remained frequent.¹⁴⁷ While Brazil has not followed *Denmark's* (para 136.94)¹⁴⁸ recommendation to adopt Bill 5654/2016, which reaffirms the right to freedom from violence during childbirth and prohibits the use of handcuffs, such practice was banned by statute in 2017.¹⁴⁹

Lack of Accountability for Human Rights Violations in the Judiciary

54. While statutory guarantees are indispensable for the fulfilment of the rights of women deprived of liberty, judicial enforcement deficiencies often hinder their enjoyment of such protections. In some cases, courts have actively violated women's rights to be free from cruel, inhuman or degrading treatment and their sexual and reproductive health rights. In 2017, a judge granted an urgent injunction requested by the prosecution to compel the State of São Paulo to carry out a forced sterilisation procedure of a woman deprived of liberty during childbirth on the basis of her socioeconomic status and drug addiction. While the prosecution presented a signature as indication of consent, it also stated that the woman was reluctant to proceed.¹⁵⁰

55. The Court did not hear the woman or assign her any legal representation, and no informed consent procedures were followed. When an appeal was granted, the procedure had already been performed. The victim had also been immediately separated from her child at birth, as the same judge had stripped her of parental rights.¹⁵¹ This was not an isolated case. In 2019, another ruling reportedly stripped a child from a mother deprived of liberty at the time of birth and placed them for adoption without parental consent.¹⁵²

56. While the prosecutor and judge who ordered the forced sterilisation procedure were investigated by their respective institutions, neither was held accountable for the human rights violation nor were they removed from office. The first was suspended for 15 days,¹⁵³ while the second's investigation was archived.¹⁵⁴

57. Such case exemplifies Brazil's failure in strengthening mechanisms of prosecution of all perpetrators of sexual and gender-based violence in accordance with *Slovakia's* recommendation (para 136.191),¹⁵⁵ bringing the perpetrators of violence against women to justice, as advised by *Togo* (para 136.192),¹⁵⁶ and taking further efforts in combating violence against women, including by enhancing trust in the judicial system, as recommended by *Spain* (para 136.119).¹⁵⁷ It also suggests that not enough has been done to provide human rights training to officials in the legal and judicial system, as recommended by *Ireland* (para 136.90)¹⁵⁸ or to implement *Thailand's* (para 136.189)¹⁵⁹ recommendation

to strengthen capacity-building programmes for judges and legal personnel on women's rights and violence against women.

58. Illustrating the severe deficiencies in judicial accountability in Brazil, this case also strengthens the case for stronger reliance on additional extrajudicial alternatives for human rights enforcement. Judiciable guarantees, while indispensable, are insufficient for the enjoyment of the rights of women deprived of liberty.

Recommendations

We recommend that the Government of Brazil should:

- i. Create a statutory duty for all detention facilities to gather and publish data disaggregated by gender, age, race, ethnicity, migratory status, disability, geographic location and income, as well as pre- or post-trial detention status, type of offense, number and age of children, according to United Nations guidance on Human Rights-Based Approach to Data (HRBAD).¹⁶⁰
- ii. Collaborate with the court system to gather custody hearing data and compare its incarceration data with numbers provided by prisons' self-reporting system, as well as investigate any discrepancies.
- iii. Consolidate all existing and new prison-related data, including open data, reports, and webpages from all existing sources, into a single system with biannual updates and no interruptions to reporting and website operation.
- iv. Ensure that data is equally available to persons in poverty, and particularly those with low digital literacy and access, by resuming the publication of written statistical reports, including the specialist report on women in prison, in accordance with the Special Rapporteur on extreme poverty and human rights' recommendations for the digital welfare state.¹²⁵
- v. Amend Law 11.343/2006 to include objective criteria according to which law enforcement and courts must identify the threshold between drug possession and drug trafficking to address the root causes of female overincarceration and prevent discriminatory outcomes derived from bias.
- vi. Implement and monitor the execution of "Mulheres Livres" project in all states.

vii. Order the direct and automatic enforcement of the pregnant women's and mothers' rights to pre-trial detention alternatives for those who fulfil statutory criteria. This would place the burden of appeal in highly exceptional cases with the prosecution and ensure that women presumably entitled to house arrest are not unlawfully imprisoned while a judicial decision is pending.

viii. Strengthen equality legislation by introducing new statutory protections against all direct or indirect discrimination, including intersectional discrimination, on the basis of grounds established by international human rights law, including gender, race, sexual orientation, gender identity, and socioeconomic status, with specific reference to discrimination against persons deprived of liberty.

ix. Amend legislation to reiterate that pregnant women and mothers shall not be required to offer proof of indispensability for childcare to enjoy the right to a detention alternative, and that their request must not be denied solely due to the existence of other family members.

x. Amend legislation to extend the right to house arrest to all pregnant women and mothers of children and persons with disabilities regardless of pre- or post-trial detention status to increase compliance with Bangkok Rule 64, according to which custodial sentences must only be considered when the offence is serious or violent or the woman represents a continuing danger.¹⁶¹

xi. Implement mandatory human rights and gender sensitivity training for all members of the Judiciary and prison employees.

xii. Amend the National Policy for Women Deprived of Liberty and Former Inmates to specify procedures for annual planning, monitoring, implementation, and evaluation with reference to measurable goals, timelines, monitoring indicators, and stakeholder engagement.

xiii. Ensure that pregnant women and mothers deprived of liberty with children under their care are placed in suitable detention facilities, preferably separate from other prisons to best tailor the environment to pregnancy and motherhood.

xiv. Ensure that all female prisons have safe conditions and appropriate access to healthcare through permanent medical personnel before

NOTES

1. Brazil/USA: female mass incarceration' (Prison Insider, 1 April 2021) <<https://www.prison-insider.com/en/articles/brazil-usa-female-mass-incarceration>> accessed 21 March 2022
2. *ibid.*
3. 'ITTC analisa: Infopen mulheres 2016 e maternidade' (Instituto Terra, Trabalho e Cidadania, 31 July 2018) <<http://ittc.org.br/ittc-analisa-infopen-mulheres-2016-e-maternidade/>> accessed 21 March 2022
4. UN General Assembly (Resolution A/RES/65/229).
5. UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (18 July 2017) Un Doc A/HRC/36/11, para. 136.82, 136.79.
6. *Ibid.*, para. 136.78
7. *ibid.*, para. 136.107.
8. Thandara Santos, 'Os dados sobre o sistema prisional e as suas dissonâncias' (G1 Globo, 19 February 2020) <<https://g1.globo.com/monitor-da-violencia/noticia/2020/02/19/os-dados-sobre-o-sistema-prisional-e-suas-dissonancias.ghtml>> accessed 21 March 2022
9. *ibid.*
10. 'Goiás é o único estado do país a não divulgar número de presos provisórios e dados por gênero' (G1 Globo, 19 February 2020) <<https://g1.globo.com/monitor-da-violencia/noticia/2020/02/19/goias-e-o-unico-estado-do-pais-a-nao-divulgar-numero-de-presos-provisorios-e-dados-por-genero.ghtml>> accessed 21 March 2022
11. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4) para. 136.81
12. 'Brazil / USA: female mass incarceration' (Prison Insider, 1 April 2021) <<https://www.prison-insider.com/en/articles/brazil-usa-female-mass-incarceration>> accessed 21 March 2022.
13. See <<http://antigo.depen.gov.br/DEPEN/depen/sisdepen/infopen/relatorios-sinteticos/relatorios-sinteticos>>
14. See <<http://antigo.depen.gov.br/DEPEN/depen/sisdepen/infopen-mulheres/infopen-mulheres>>
15. See <<https://web.archive.org/web/20220319170618/https://www.gov.br/depen/pt-br/sisdepen>> (preview no longer available)
16. See <<https://www.gov.br/depen/pt-br/assuntos/noticias/resolveuid/33305a66a019424494f98ea387848eab>> accessed 10 March 2022 (preview no longer available)
17. See <<http://antigo.depen.gov.br/DEPEN/depen/sisdepen/infopen/bases-de-dados/bases-de-dados>>
18. Departamento Penitenciário Nacional, 'Levantamento Nacional de Informações Penitenciárias: período de Janeiro a Junho de 2021 – Presos em Unidades Prisionais no Brasil' (Governo Federal, 19 January 2022) <<https://app.powerbi.com/view?r=eyJrIjoiYWl3YjI3MTktNDZiZi00YjYhLWFfjN2EtMDM2NDdhZDM5NjE2IiwidCI6ImVhLWw0NTAwNDIwLTQ0NGMtNDNmNy05MWYyLURiOGRhNmJmZThlMSJ9>> accessed 21 March 2022
19. Sistema de Informações do Departamento Penitenciário Nacional (SISDEPEN) '10º Ciclo, Janeiro - Junho 2021' (Ministério da Justiça, 12 January 2022) <<https://www.gov.br/depen/pt-br/servicos/sisdepen/mais-informacoes/relatorios-infopen/relatorios-analiticos/br/brasil-jun-2021.pdf>> (no longer available at the official SISDEPEN website).
20. Núcleo Especializado de Promoção e Defesa dos Direitos das Mulheres e Núcleo Especializado de Situação Carcerária, 'Recomendação Acompanhante mulheres encarceradas' (Defensoria Pública do Estado de São Paulo, 9 February 2021), 4 <<https://www.conjur.com.br/dl/defensoria-recomenda-gravidas-tenham.pdf>> accessed 21 March 2022
21. Alicia Ramos e Karina Rabelo, 'Mulheres na cadeia: crescimento populacional e questões de gênero' (Observatório das Desigualdades, 1 September 2021) <<http://observatoriodesigualdades.fjp.mg.gov.br/?p=1994>> accessed 21 March 2022
22. Thiago Domenici and Iuri Barcelos, 'Negros são mais condenados por tráfico e com menos drogas em São Paulo' (Agência Pública, 6 May 2019) <<https://apublica.org/2019/05/negros-sao-mais-condenados-por-trafico-e-com-menos-drogas-em-sao-paulo/>> accessed 21 March 2022.

23. Brazil/USA: female mass incarceration' (Prison Insider, 1 April 2021) <<https://www.prison-insider.com/en/articles/brazil-usa-female-mass-incarceration>> accessed 21 March 2022
24. Mariana Paganote Dornellas, 'Gestantes e puérperas presas após a Lei da Primeira Infância: uma análise de casos' (2021) Revista Eletrônica Direito e Sociedade, Canoas, v. 9, n. 1, pp.251-268, 258 <<http://dx.doi.org/10.18316/redes.v9i1.5561>> accessed 21 March 2022
25. Alicia Ramos e Karina Rabelo, 'Mulheres na cadeia: crescimento populacional e questões de gênero' (Observatório das Desigualdades, 1 September 2021) <<http://observatoriodesigualdades.fjp.mg.gov.br/?p=1994>> accessed 21 March 2022
26. Sistema de Informações do Departamento Penitenciário Nacional (SISDEPEN) '10º Ciclo, Janeiro - Junho 2021' (Ministério da Justiça, 12 January 2022), 15 <<https://www.gov.br/depn/pt-br/servicos/sisdepen/mais-informacoes/relatorios-infopen/relatorios-analiticos/br/brasil-jun-2021.pdf>> (no longer available at the official SISDEPEN website).
27. Fausto Salvadori, 'Opinion: Brazil's racist wave of mass incarceration' (The Washington Post, 14 June 2021) <<https://www.washingtonpost.com/opinions/2021/06/14/brazil-war-on-drugs-racism-mass-incarceration/>> accessed 21 March 2022.
28. Departamento Penitenciário Nacional, 'Levantamento Nacional de Informações Penitenciárias: período de Janeiro a Junho de 2021 – Aprisionamento Feminino' (Governo Federal, 9 December 2021) <<https://app.powerbi.com/view?r=eyJrIjoizTBjMTUwYjYtNjFmNS00MjFkLTljN2QtZDlmZmZjMmRkYjFiIiwidCI6ImViMDkwNDIwLTQ0NGMtNDNmNy05MWYyLTRiOGRhNmJmZThlMSJ9>> accessed 21 March 2022.
29. Thiago Domenici and Iuri Barcelos, 'Negros são mais condenados por tráfico e com menos drogas em São Paulo' (Agência Pública, 6 May 2019) <<https://apublica.org/2019/05/negros-sao-mais-condenados-por-trafico-e-com-menos-drogas-em-sao-paulo/>> accessed 21 March 2022.
30. Departamento Penitenciário Nacional, 'Levantamento Nacional de Informações Penitenciárias: período de Janeiro a Junho de 2021 – Aprisionamento Feminino' (Governo Federal, 9 December 2021) <<https://app.powerbi.com/view?r=eyJrIjoizTBjMTUwYjYtNjFmNS00MjFkLTljN2QtZDlmZmZjMmRkYjFiIiwidCI6ImViMDkwNDIwLTQ0NGMtNDNmNy05MWYyLTRiOGRhNmJmZThlMSJ9>> accessed 21 March 2022.
31. 'ITTC analisa: Infopen mulheres 2016 e maternidade' (Instituto Terra, Trabalho e Cidadania, 31 July 2018) <<http://ittc.org.br/ittc-analisa-infopen-mulheres-2016-e-maternidade/>> accessed 21 March 2022
32. Departamento Penitenciário Nacional, 'Levantamento Nacional de Informações Penitenciárias: período de Janeiro a Junho de 2021 – Aprisionamento Feminino' (Governo Federal, 9 December 2021) <<https://app.powerbi.com/view?r=eyJrIjoizTBjMTUwYjYtNjFmNS00MjFkLTljN2QtZDlmZmZjMmRkYjFiIiwidCI6ImViMDkwNDIwLTQ0NGMtNDNmNy05MWYyLTRiOGRhNmJmZThlMSJ9>> accessed 21 March 2022
33. Departamento Penitenciário Nacional, 'Levantamento Nacional de Informações Penitenciárias: período de Janeiro a Junho de 2021 – Aprisionamento Feminino' (Governo Federal, 9 December 2021) <<https://app.powerbi.com/view?r=eyJrIjoizTBjMTUwYjYtNjFmNS00MjFkLTljN2QtZDlmZmZjMmRkYjFiIiwidCI6ImViMDkwNDIwLTQ0NGMtNDNmNy05MWYyLTRiOGRhNmJmZThlMSJ9>> accessed 21 March 2022
34. Sistema de Informações do Departamento Penitenciário Nacional (SISDEPEN) '10º Ciclo, Janeiro - Junho 2021' (Ministério da Justiça, 12 January 2022) <<https://www.gov.br/depn/pt-br/servicos/sisdepen/mais-informacoes/relatorios-infopen/relatorios-analiticos/br/brasil-jun-2021.pdf>> (no longer available at the official SISDEPEN website).
35. *ibid.*
36. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.107, 136.108.
37. *ibid.*, para. 136.94.
38. UNGA, 'United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)' (16 March 2011) Un Doc A/RES/65/229, p.46-47
39. Departamento Penitenciário Nacional, 'Relatório de Avaliação: 2020' (Ministério da

- Justiça e Segurança Pública - Controladoria-Geral da União, 2020), 59 <<https://www.covidnasprisoas.com/blog/relatorio-de-avaliacao-departamento-penitenciario-nacional-2020>>
40. Law 13257/2016, 8 March 2016 <https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/lei/13257.htm>
41. Tribunal de Justiça do Paraná (TJPR) - 5ª C. Criminal - HCC -1628231-6 [2017] "Brazil's second-highest court has clarified that house arrest should be the norm, not an exception, and that such proof is unnecessary." <<https://tj-pr.jusbrasil.com.br/jurisprudencia/437332403/habeas-corpus-hc-16282316-pr-1628231-6-acordao/inteiro-teor-437332413>>; 'STJ: afastamento da prisão domiciliar para mulher gestante exige fundamentação idônea e casuística' (Canal Ciências Criminais, 8 September 2020) <<https://canalcienciascriminais.com.br/stj-afastamento-da-prisao-domiciliar-para-mulher-gestante-exige/>> accessed 21 March 2022; Supremo Tribunal de Justiça (STJ) – T6 Sexta Turma - HC: 587817 PR 2020/0136893-5 [2020] <<https://stj.jusbrasil.com.br/jurisprudencia/1101091346/habeas-corpus-hc-587817-pr-2020-0136893-5/inteiro-teor-1101091356>>; Supremo Tribunal de Justiça (STJ) – T6 Sexta Turma – HC: 362922 PR 2016/0185346-9 [2017] <> ; See Centro de Apoio Operacional das Promotorias Criminais, do Júri e Execuções Penais, 'Maternidade no CárcereLein. 13.769/2018' (Ministério Público do Estado do Paraná, 2019) <https://criminal.mppr.mp.br/arquivos/File/Maternidade_no_Carcere_e_Prisao_domiciliar_-_versao_2019_-_versao_atualizada_em_26-2-2019.pdf> <<https://stj.jusbrasil.com.br/jurisprudencia/860515936/habeas-corpus-hc-362922-pr-2016-0185346-9/inteiro-teor-860515996?ref=juris-tabs>> ; Centro de Apoio Operacional das Promotorias Criminais, do Júri e Execuções Penais, 'Maternidade no Cárcere e Lei n. 13.769/2018' (Ministério Público do Estado do Paraná, 2019) <https://criminal.mppr.mp.br/arquivos/File/Maternidade_no_Carcere_e_Prisao_domiciliar_-_versao_2019_-_versao_atualizada_em_26-2-2019.pdf>
42. Supremo Tribunal Federal (STF) - Segunda Turma - HC: 143641/ SP [2018] <> <https://jurisprudencia.stf.jus.br/pages/search?classeNumeroIncidente=%22HC%20143641%22&base=acordaos&sinonimo=true&plural=true&pageSize=10&sort=_score&sortBy=desc&isAdvanced=true>
43. Camila Dias and Vanessa Meneguetti, 'A (não) aplicação da prisão domiciliar a mulheres presas mães ou gestantes: reflexões sobre as relações entre punição e gênero' (ANPOCS 44th edn, 2020) 7, <<http://www.anpocs.com/index.php/encontros/papers/44-encontro-anual-da-anpocs/gt-32/gt47>> accessed 21 March 2022.
44. Law 13769/2018, 19 December 2018 <http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/L13769.htm>
45. Law 13769/2018, 19 December 2018, art 2 <http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/L13769.htm> amending article 318-A of Decreto-Lei nº 3689/1941, 3 October 1941 (Criminal Code) <http://www.planalto.gov.br/ccivil_03/Decreto-Lei/Del3689.htm#art318a>
46. Law 13769/2018, 19 December 2018, art 1 <http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/L13769.htm> amending Article 112, § 3º of Law 7210/1984, 11 July 1984 <http://www.planalto.gov.br/ccivil_03/LEIS/L7210.htm#art112%C2%A73>
47. Supremo Tribunal de Justiça (STJ) - T5 Quinta Turma - AgRg HC: 426526 RJ 2017/0307335-4 [2019] <<https://stj.jusbrasil.com.br/jurisprudencia/678477891/agravo-regimental-no-habeas-corpus-agrg-no-hc-426526-rj-2017-0307335-4>>
48. Léio Arcoverde, Milena Teixeira e Paula Paiva Paulo, 'Justiça de SP nega 60% dos pedidos de prisão domiciliar para mulheres grávidas ou com filhos de até 12 anos' (G1 Globo, 6 February 2020) <<https://g1.globo.com/sp/sao-paulo/noticia/2020/02/06/justica-de-sp-nega-60percent-dos-pedidos-de-prisao-domiciliar-para-mulheres-gravidas-ou-com-filhos-de-ate-12-anos.ghtml>> accessed 21 March 2022
49. Clara Velasco, Gabriela Caesar, Milena Teixeira e Thiago Reis, 'Em dois anos, 3,5 mil mulheres grávidas ou com filhos pequenos deixam prisão após decisão do STF' (G1 Globo, 19 February 2020) <<https://g1.globo.com/monitor-da-violencia/noticia/2020/02/19/em-dois-anos-35-mil-mulheres-gravidas-ou-com-filhos-pequenos-deixam-prisao-apos-decisao-do-stf.ghtml>> accessed 21 March 2022

50. Jennifer Mendonça, '40% das mulheres com direito a prisão domiciliar seguiram em regime fechado' (Ponte, 14 December 2021) <<https://ponte.org/mais-de-40-das-mulheres-condenadas-com-direito-a-prisao-domiciliar-continuaram-presas/>> accessed 21 March 2022
51. Clara Velasco, Gabriela Caesar, Milena Teixeira e Thiago Reis, 'Em dois anos, 3,5 mil mulheres grávidas ou com filhos pequenos deixam prisão após decisão do STF' (G1 Globo, 19 February 2020) <<https://g1.globo.com/monitor-da-violencia/noticia/2020/02/19/em-dois-anos-35-mil-mulheres-gravidas-ou-com-filhos-pequenos-deixam-prisao-apos-decisao-do-stf.ghtml>> accessed 21 March 2022
52. Jennifer Mendonça, '40% das mulheres com direito a prisão domiciliar seguiram em regime fechado' (Ponte, 14 December 2021) <<https://ponte.org/mais-de-40-das-mulheres-condenadas-com-direito-a-prisao-domiciliar-continuaram-presas/>> accessed 21 March 2022.
53. Law 13257/2016, 8 March 2016, art.41 <https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/lei/l13257.htm>.
54. Sistema de Informações do Departamento Penitenciário Nacional - SIDESPEN, July - December 2019 (Ministério da Justiça, 2019) <https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fantigo.depen.gov.br%2FDEPEN%2Fdepen%2Fsisdepen%2Ffinfopen%2Frelatorios-analiticos%2Fbr%2Frelatorioconsolidado-nacional-2_2019.xls&wdOrigin=BROWSELINK> accessed 21 March 2022; Sistema de Informações do Departamento Penitenciário Nacional - SIDESPEN, December 2016 (Ministério da Justiça, 2016) <<https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fantigo.depen.gov.br%2FDEPEN%2Fdepen%2Fsisdepen%2Ffinfopen%2Frelatorios-analiticos%2Fbr%2Frelatorioconsolidado-dez-2016-nacional.xls&wdOrigin=BROWSELINK>> accessed 21 March 2022
55. 14,486 - Sistema de Informações do Departamento Penitenciário Nacional - SIDESPEN, December 2016 (Ministério da Justiça, 2016) <<https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fantigo.depen.gov.br%2FDEPEN%2Fdepen%2Fsisdepen%2Ffinfopen%2Frelatorios-analiticos%2Fbr%2Frelatorioconsolidado-dez-2016-nacional.xls&wdOrigin=BROWSELINK>> accessed 21 March 2022
56. 14,467 - Sistema de Informações do Departamento Penitenciário Nacional (SIDEPEN) '10º Ciclo, Janeiro - Junho 2021' (Ministério da Justiça, 12 January 2022) <<https://www.gov.br/depen/pt-br/servicos/sisdepen/mais-informacoes/relatorios-infopen/relatorios-analiticos/br/brasil-jun-2021.pdf>> (no longer available at the official SIDEPEN website).
57. National Council of Justice Recommendation 62/2020: "review of provisional detention rulings for, among other groups, pregnant and breastfeeding women, mothers and guardians or children under 12 or person with a disability, as well as persons in overcrowded prisons or prisons without healthcare personnel. 'Maximum exceptionality' of new provisional detention rulings." See <[tps://www.cnj.jus.br/wp-content/uploads/2020/03/62-Recomenda%C3%A7%C3%A3o.pdf](https://www.cnj.jus.br/wp-content/uploads/2020/03/62-Recomenda%C3%A7%C3%A3o.pdf)>
58. Manuela Moser e Marília de Nardin Budó, 'Que pandemia? Superior Tribunal de Justiça mantém padrão de decisões sobre prisões preventivas para gestantes, mães de crianças e responsáveis por pessoas com deficiência' (Covid nas Prisões, 21 September 2020) <<https://www.covidnasprisoas.com/blog/stj-mantem-padro-de-decisoes-sobre-prisoas-preventivas-para-mulheres>> accessed 21 March 2022.
59. Departamento Penitenciário Nacional, 'Levantamento Nacional de Informações Penitenciárias: período de Janeiro a Junho de 2021 - Aprisionamento Feminino' (Governo Federal, 9 December 2021) <<https://app.powerbi.com/view?r=eyJrIjoizTBjMTUwYjYtNjFmNS00MjFkLTljN2QtZDIwZmZjMmRkYjFiIiwidCI6ImViMDkwNDIwLTQ0NGMtNDNmNy05MUYyLTRiOGRhNmJmZThlMSJ9>> accessed 21 March 2022
60. Christopher Ravagnani, Josielly Ito and Bruno Neves, 'Maternidade e Prisão: pesquisa empírica no TJSP após o HC coletivo 143.641 do STF' (2019), Revista Eletrônica de Direito Penal e Política Criminal, Vol. 7, Nº 2, 139 <https://www.academia.edu/41612531/Maternidade_e_Pr%C3%A3o_pesquisa_emp%C3%ADrica_no_TJSP_ap%C3%B3s_o_HC_coletivo_143_641_do_STF> accessed 21 March 2022
61. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.86

62. *ibid.*, para. 136.189.
63. Camila Dias and Vanessa Meneguetti, 'A (não) aplicação da prisão domiciliar a mulheres presas mães ou gestantes: reflexões sobre as relações entre punição e gênero' (ANPOCS 44th edn, 2020) 7, 11 <<http://www.anpocs.com/index.php/encontros/papers/44-encontro-anual-da-anpocs/gt-32/gt47>> accessed 21 March 2022.
64. Gil Alessi, 'Meus bebês tinham esquecido de mim': as mães impedidas de deixar a prisão no Brasil' (EL PAÍS, 12 December 2018) <https://brasil.elpais.com/brasil/2018/12/06/politica/1544101278_421724.html> accessed 21 March 2022
65. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.94.
66. UNGA, 'United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)' (16 March 2011) Un Doc A/RES/65/229, p. 45.
67. Camila Dias and Vanessa Meneguetti, 'A (não) aplicação da prisão domiciliar a mulheres presas mães ou gestantes: reflexões sobre as relações entre punição e gênero' (ANPOCS 44th edn, 2020) 7, 11 <<http://www.anpocs.com/index.php/encontros/papers/44-encontro-anual-da-anpocs/gt-32/gt47>> accessed 21 March 2022.
68. Instituto Terra Trabalho e Cidadania, 'MaternidadeSemPrisão: diagnóstico da aplicação do Marco Legal da Primeira Infância para o desencarceramento de mulheres' (Instituto Terra, Trabalho e Cidadania. – São Paulo: ITTC, 2019), 13 <<https://itcc.org.br/wp-content/uploads/2019/10/maternidadesemprisao-aplicacao-marco-legal.pdf>> accessed 21 March 2022.
69. Gil Alessi, 'Meus bebês tinham esquecido de mim': as mães impedidas de deixar a prisão no Brasil' (EL PAÍS, 12 December 2018) <https://brasil.elpais.com/brasil/2018/12/06/politica/1544101278_421724.html> accessed 21 March 2022.
70. Instituto Terra Trabalho e Cidadania, 'MaternidadeSemPrisão: diagnóstico da aplicação do Marco Legal da Primeira Infância para o desencarceramento de mulheres' (Instituto Terra, Trabalho e Cidadania. – São Paulo: ITTC, 2019), 18 <<https://itcc.org.br/wp-content/uploads/2019/10/maternidadesemprisao-aplicacao-marco-legal.pdf>> accessed 21 March 2022.
71. UNGA, 'United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)' (16 March 2011) Un Doc A/RES/65/229, p.46-47
72. Amanda Audi and others, 'Juízes ignoram a lei e mantêm mais de 3 mil mães na cadeia longe dos filhos durante a pandemia' (The Intercept Brasil, 9 May 2020) <<https://theintercept.com/2020/05/09/juizes-ignoram-lei-maes-presas-pandemia/>> accessed 21 March 2022
73. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.90
74. *ibid.*, para. 136.196.
75. Amanda Audi and others, 'Juízes ignoram a lei e mantêm mais de 3 mil mães na cadeia longe dos filhos durante a pandemia' (The Intercept Brasil, 9 May 2020) <<https://theintercept.com/2020/05/09/juizes-ignoram-lei-maes-presas-pandemia/>> accessed 21 March 2022
76. Instituto Terra Trabalho e Cidadania, 'MaternidadeSemPrisão: diagnóstico da aplicação do Marco Legal da Primeira Infância para o desencarceramento de mulheres' (Instituto Terra, Trabalho e Cidadania. – São Paulo: ITTC, 2019), 14 <<https://itcc.org.br/wp-content/uploads/2019/10/maternidadesemprisao-aplicacao-marco-legal.pdf>>.
77. Camila Boehm, 'Mulheres presas enfrentam obstáculos para exercer maternidade em SP' (Agência Brasil, 6 February 2020) <<https://agenciabrasil.ebc.com.br/geral/noticia/2020-02/mulheres-presas-enfrentam-obstaculos-para-exercer-maternidade-em-sp>> accessed 21 March 2022.
78. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.36.
79. *ibid.*, para. 136.90.
80. *ibid.*, para. 136.82.
81. *ibid.*, paras. 136.82, 136.81, 136.75, 136.92, 136.95 and 136.84, respectively..
82. *ibid.*, para. 136.76.
83. *ibid.*, para. 136.77.
84. Mariana Paganote Dornellas, 'Gestantes e puérperas presas após a Lei da Primeira Infância: uma análise de casos' (2021) Revista Eletrônica Direito e Sociedade, Canoas, v. 9, n. 1, pp.251-268, 254 <<http://dx.doi.org/10.18316/redes.v9i1.5561>> accessed 21 March 2022.

85. Mecanismo Estadual de Prevenção e Combate à Tortura do Rio de Janeiro, 'Mulheres, Meninas e Privação de Liberdade no Rio de Janeiro' (ALERJ, 2016), 40 <<https://www.cressrj.org.br/wp-content/uploads/2016/03/Mulheres.pdf>> accessed 21 March 2022.
86. Portaria Interministerial nº 210, 16 January 2014 (Ministry of Justice, 2014), see <https://dspace.mj.gov.br/bitstream/1/361/1/PRI_GM_2014_210.pdf> and Decreto nº 9871/2019, 27 June 2019 <http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D9871.htm>.
87. Departamento Penitenciário Nacional, 'Relatório de Avaliação: 2020' (Ministério da Justiça e Segurança Pública - Controladoria-Geral da União, 2020), 52-56 <<https://www.covidnaspriso.es.com/blog/relatorio-de-avaliacao-departamento-penitenciario-nacional-2020>>.
88. Departamento Penitenciário Nacional, 'Relatório de Avaliação: 2020' (Ministério da Justiça e Segurança Pública - Controladoria-Geral da União, 2020), 56 <<https://www.covidnaspriso.es.com/blog/relatorio-de-avaliacao-departamento-penitenciario-nacional-2020>>.
89. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.93.
90. Sistema de Informações do Departamento Penitenciário Nacional - SIDESPEN, December 2016 (Ministério da Justiça, 2016) <<https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fantigo.depen.gov.br%2FDEPEN%2Fdepen%2Fsisdepen%2Ffinfopen%2Frelatorios-analiticos%2Fbr%2Frelatorioconsolidado-dez-2016-nacional.xls&wdOrigin=BROWSELINK>> accessed 21 March 2022; Sistema de Informações do Departamento Penitenciário Nacional - SIDESPEN, July - December 2019 (Ministério da Justiça, 2019) <https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fantigo.depen.gov.br%2FDEPEN%2Fdepen%2Fsisdepen%2Ffinfopen%2Frelatorios-analiticos%2Fbr%2Frelatorioconsolidado-nacional-2_2019.xls&wdOrigin=BROWSELINK> accessed 21 March 2022.
91. Mecanismo Estadual de Prevenção e Combate à Tortura do Rio de Janeiro, 'Mulheres, Meninas e Privação de Liberdade no Rio de Janeiro' (ALERJ, 2016), 69 <<https://www.cressrj.org.br/wp-content/uploads/2016/03/Mulheres.pdf>> accessed 21 March 2022.
92. Mariana Paganote Dornellas, 'Gestantes e puérperas presas após a Lei da Primeira Infância: uma análise de casos' (2021) Revista Eletrônica Direito e Sociedade, Canoas, v. 9, n. 1, pp.251-268, 255-256 <<http://dx.doi.org/10.18316/redes.v9i1.5561>> accessed 21 March 2022.
93. *ibid*, 254.
94. Maria do Carmo Leal and others, 'Nascer na prisão: gestação e parto atrás das grades no Brasil' (2016) Ciência & Saúde Coletiva, 21(7):2061-2070, 2064 <<https://www.scielo.br/j/csc/a/PpqmzBJWf5KMTfzT37nt5Bk/?format=pdf&lang=pt>>
95. Khesia Matos, Susanne Silva and Emanuela Nascimento, 'Filhos do cárcere: representações sociais de mulheres sobre parir na prisão' (2019) Interface - Comunicação, Saúde, Educação, 23(7), e180028, 8 <https://www.researchgate.net/publication/334280181_Filhos_do_carcere_representacoes_sociais_de_mulheres_sobre_parir_na_prisao>.
96. Mecanismo Estadual de Prevenção e Combate à Tortura do Rio de Janeiro, 'Mulheres, Meninas e Privação de Liberdade no Rio de Janeiro' (ALERJ, 2016), 69 <<https://www.cressrj.org.br/wp-content/uploads/2016/03/Mulheres.pdf>> accessed 21 March 2022.
97. Luiza Souto, 'Presas dão à luz algemadas; relatório cita laqueadura sem permissão' (Portal Geledés, 28 October 2021) <<https://www.geledes.org.br/presas-dao-a-luz-algemadas-relatorio-cita-laqueadura-sem-permissao/>> accessed 21 March 2022.
98. Mariana Paganote Dornellas, 'Gestantes e puérperas presas após a Lei da Primeira Infância: uma análise de casos' (2021) Revista Eletrônica Direito e Sociedade, Canoas, v. 9, n. 1, pp.251-268, 259 <<http://dx.doi.org/10.18316/redes.v9i1.5561>> accessed 21 March 2022.
99. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.158.
100. *ibid.*, para. 136.159.
101. *ibid.*, para. 136.162.
102. *ibid.*, para. 136.157.
103. Betina Warmling Barros, 'O sistema prisional em 2020-2021: entre a Covid-19, o atraso na vacinação e a continuidade dos problemas estruturais' (Anuário Brasileiro de Segurança

- Pública, 2021), 207 <<https://forumseguranca.org.br/wp-content/uploads/2021/07/11-o-sistema-prisional-em-2020-2021-entre-a-covid-19-o-atraso-na-vacinacao-e-a-continuidade-dos-problemas-estruturais.pdf>>
104. *ibid.*, 209.
105. Flávio Costa, 'Coronavírus: MP investiga se morte de preso no Rio foi subnotificada' (UOL, 26 March 2020) <<https://noticias.uol.com.br/cotidiano/ultimas-noticias/2020/03/26/coronavirus-mp-pede-esclarecimentos-sobre-morte-de-preso-no-rio.htm>> accessed 21 March 2022
106. Portaria Conjunta, nº 1, 30 March 2020 (Conselho Nacional de Justiça, 31 March 2020), see <<https://www.cnj.jus.br/wp-content/uploads/2020/03/SEI-CNJ-0857532-Portaria.pdf-2.pdf>>
107. Fabio Mallart and others, 'Brazil's prisons: Covid-19 massacre imminent' (Latin American Bureau, April 6 2020) <<https://lab.org.uk/brazils-prisons-covid-19-massacre-imminent/>> accessed 21 March 2022
108. Clara Assunção, 'Com quase 887 mil presos, Brasil desconhece extensão da covid-19 nas prisões' (Brasil de Fato, 14 October 2020) <<https://www.brasildefato.com.br/2020/10/14/com-quase-887-mil-presos-brasil-desconhece-extensao-da-covid-19-nas-prisoos>> accessed 21 March 2022
109. Arthur Stabile and Josmar Jozino, 'Preso morre de coronavírus antes de Justiça julgar seu pedido de liberdade' (Ponte, 22 April 2020) <<https://ponte.org/preso-morre-de-coronavirus-antes-de-justica-julgar-seu-pedido-de-liberdade/>> accessed 21 March 2022
110. Josmar Jozino, 'Apenas 0,09% dos presos no Brasil fizeram teste da Covid-19' (Ponte, 1 May 2020) <<https://ponte.org/apenas-009-dos-presos-no-brasil-fizeram-teste-da-covid-19/>> accessed 21 March 2022
111. *ibid.*
112. Andrea DiP, 'Gestantes e mães com bebês enfrentam pandemia dentro das prisões' (A Pública, 10 May 2020) <<https://apublica.org/2020/05/gestantes-e-maes-com-bebes-enfrentam-pandemia-dentro-das-prisoos-paulistas/>> accessed 21 March 2022
113. Pastoral Carcerária divulga relatos e denúncias sobre o sistema carcerário em tempos de pandemia' (Pastoral Carcerária, 22 April 2020) <<https://carceraria.org.br/combate-e-prevencao-a-tortura/pastoral-carceraria-divulga-relatos-e-denuncias-sobre-o-sistema-carcerario-em-tempos-de-pandemia>> accessed 21 March 2022.
114. 'Inmates in Brazil Prison Protest Suspension of Visits' (VOA News, 3 May 2020) <https://www.voanews.com/a/covid-19-pandemic_inmates-brazil-prison-protest-suspension-visits/6188623.html> accessed 21 March 2022.
115. Clara Assunção, 'Com quase 887 mil presos, Brasil desconhece extensão da covid-19 nas prisões' (Brasil de Fato, 14 October 2020) <<https://www.brasildefato.com.br/2020/10/14/com-quase-887-mil-presos-brasil-desconhece-extensao-da-covid-19-nas-prisoos>> accessed 21 March 2022
116. Maria Takemoto and others, 'The tragedy of COVID-19 in Brazil: 124 maternal deaths and counting' (2020) *Int J Gynecol Obstet*, Vol. 151, Issue 1: 154-156 <<https://obgyn.onlinelibrary.wiley.com/doi/10.1002/ijgo.13300>>
117. Marcus Nakamura-Pereira and others, 'Worldwide maternal deaths due to COVID-19: A brief review' (2020) *Int J Gynecol Obstet*, Vol. 151, Issue 1: 148-150 <<https://obgyn.onlinelibrary.wiley.com/doi/10.1002/ijgo.13328>>
118. Carlos A. Scheler and others, 'Mortality in pregnancy and the postpartum period in women with severe acute respiratory distress syndrome related to COVID-19 in Brazil' (2020) *Int J Gynecol Obstet*. 2021; Vol. 155, Issue 3: 475- 482 <<https://obgyn.onlinelibrary.wiley.com/doi/10.1002/ijgo.13804>>.
119. Judite Cypreste, 'Justiça mantém 19 grávidas e 13 lactantes presas no estado de SP apesar de recomendação do CNJ' (G1 Globo, 26 October 2020) <<https://g1.globo.com/sp/sao-paulo/noticia/2020/10/26/justica-mantem-19-gravidas-e-13-lactantes-presas-no-estado-de-sp-apesar-de-recomendacao-do-cnj.ghtml>> accessed 21 March 2022.
120. Lara Alves, 'Surto de coronavírus: 15 mulheres e 5 bebês estão infectados em prisão de MG' (O Tempo, 23 March 2021) <<https://www.otempo.com.br/cidades/surto-de-coronavirus-15-mulheres-e-5-bebes-estao-infectados-em-prisao-de-mg-1.2463411>> accessed 21 March 2022.

121. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.185.
122. *ibid.*, para. 136.54.
123. *ibid.*, para. 136.96.
124. *ibid.*, para. 136.201.
125. Law 7210/1984, 11 July 1984, art.89 <https://www.planalto.gov.br/ccivil_03/Leis/L7210.htm>
126. Sistema de Informações do Departamento Penitenciário Nacional (SISDEPEN) '10º Ciclo, Janeiro - Junho 2021' (Ministério da Justiça, 12 January 2022) <<https://www.gov.br/depen/pt-br/servicos/sisdepen/mais-informacoes/relatorios-infopen/relatorios-analiticos/br/brasil-jun-2021.pdf>> (no longer available at the official SISDEPEN website).
127. Departamento Penitenciário Nacional, 'Levantamento Nacional de Informações Penitenciárias: período de Janeiro a Junho de 2021 – Aprisionamento Feminino' (Governo Federal, 9 December 2021) <<https://app.powerbi.com/view?r=eyJrIjoiZTBjMTUwYjYtNjFmNS00MjFkLTljN2QtZDlmZmZjMmRkYjFiIiwidCI6ImViMDkwNDIwLTQ0NGMtNDNmNy05MUYyLTRiOGRhNmJmZThlMSJ9>> accessed 21 March 2022
128. Sistema de Informações do Departamento Penitenciário Nacional (SISDEPEN) '10º Ciclo, Janeiro - Junho 2021' (Ministério da Justiça, 12 January 2022) <<https://www.gov.br/depen/pt-br/servicos/sisdepen/mais-informacoes/relatorios-infopen/relatorios-analiticos/br/brasil-jun-2021.pdf>> (no longer available at the official SISDEPEN website); Sistema de Informações do Departamento Penitenciário Nacional - SISESPEN, December 2016 (Ministério da Justiça, 2016) <<https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.depen.gov.br%2FDEPEN%2Fdepen%2Fsisdepen%2Ffinfopen%2Frelatorios-analiticos%2Fbr%2Frelatorioconsolidado-dez-2016-nacional.xls&wdOrigin=BROWSELINK>> accessed 21 March 2022
129. Constitution of the Federative Republic of Brazil 1988, Article 5th, L <<https://www.jusbrasil.com.br/topicos/10641516/artigo-5-da-constituicao-federal-de-1988>>
130. Law 7210/1984, 11 July 1984, art.83 § 2º <https://www.planalto.gov.br/ccivil_03/Leis/L7210.htm>
131. Carolina Fioratti and Franciele Rodrigues, 'Como prisões limitam a amamentação dos filhos das detentas' (Nexo, 16 January 2022) <<https://www.nexojournal.com.br/expresso/2022/01/16/Como-pris%C3%B5es-limitam-a-amamenta%C3%A7%C3%A3o-dos-filhos-das-detentas>> accessed 21 March 2022
132. 'Portaria sobre grávidas e puérperas da Seap/PA é apresentada em evento nacional' (Agência Pará, 15 June 2021) <<https://agenciapara.com.br/noticia/29080/>> accessed 21 March 2022
133. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.83; para. 136.80.
134. Bruna Santos and Vânia Rezende, 'Sistema carcerário feminino: uma análise das políticas públicas de segurança com base em um estudo local' (2020) Cad. EBAPE.BR, v. 18, n° 3, Rio de Janeiro, pp.583-59, 589 <<https://www.scielo.br/j/cebape/a/nb3pxjFQ7hDkWFxj9D8MzFc/?format=pdf&lang=pt>> .
135. Mecanismo Estadual de Prevenção e Combate à Tortura do Rio de Janeiro, 'Mulheres, Meninas e Privação de Liberdade no Rio de Janeiro' (ALERJ, 2016), 44 <<https://www.cressrj.org.br/wp-content/uploads/2016/03/Mulheres.pdf>> accessed 21 March 2022.
136. UNGA, 'United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)' (16 March 2011) Un Doc A/RES/65/229, p.34.
137. Mariana Paganote Dornellas, 'Gestantes e puérperas presas após a Lei da Primeira Infância: uma análise de casos' (2021) Revista Eletrônica Direito e Sociedade, Canoas, v. 9, n. 1, pp.251-268, 256 <<http://dx.doi.org/10.18316/redes.v9i1.5561>> accessed 21 March 2022
138. Maria do Carmo Leal and others, 'Nascer na prisão: gestação e parto atrás das grades no Brasil' (2016) Ciência & Saúde Coletiva, 21(7):2061-2070, 2066 <<https://www.scielo.br/j/csc/a/PPqmzBJWf5KMTfzT37nt5Bk/?format=pdf&lang=pt>> .
139. *ibid.*, 2064.
140. Gessica Leal, Celina Magalhães, Daisy Pereira, 'Grávidas e puérperas em situação de privação de liberdade: avaliação do atendimento pré e pós-parto' (2021) Revista Brasileira de Execução Penal, Brasília, v. 2, n. 2, p. 161-180,

- 173 <<http://rbepdependen.gov.br/index.php/RBEP/article/view/279/213>>
141. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.187.
142. *ibid.*, para. 136.184.
143. Mariana Paganote Dornellas, 'Gestantes e puérperas presas após a Lei da Primeira Infância: uma análise de casos' (2021) *Revista Eletrônica Direito e Sociedade*, Canoas, v. 9, n. 1, pp.251-268, 255 <<http://dx.doi.org/10.18316/redes.v9i1.5561>> accessed 21 March 2022; Law 8069/1990, 13 July 1990, art.8 § 6º <https://www.planalto.gov.br/ccivil_03/LEIS/L8069.htm>.
144. Maria do Carmo Leal and others, 'Nascer na prisão: gestação e parto atrás das grades no Brasil' (2016) *Ciência & Saúde Coletiva*, 21(7):2061-2070, 2067 <<https://www.scielo.br/j/csc/a/PpqmzBJWf5KMTfzT37nt5Bk/?format=pdf&lang=pt>>; Núcleo Especializado de Promoção e Defesa dos Direitos das Mulheres e Núcleo Especializado de Situação Carcerária, 'Recomendação Acompanhante mulheres encarceradas' (Defensoria Pública do Estado de São Paulo, 9 February 2021), 8 <<https://www.conjur.com.br/dl/defensoria-recomenda-gravidas-tenham.pdf>> accessed 21 March 2022
145. *ibid.*, 2067.
146. Gessica Leal, Celina Magalhães, Daisy Pereira, 'Grávidas e puérperas em situação de privação de liberdade: avaliação do atendimento pré e pós-parto' (2021) *Revista Brasileira de Execução Penal*, Brasília, v. 2, n. 2, p. 161-180, 173 <<http://rbepdependen.gov.br/index.php/RBEP/article/view/279/213>>.
147. See Decreto Nº. 8.858, 26 September 2016 <<https://www2.camara.leg.br/legin/fed/decret/2016/decreto-8858-26-setembro-2016-783658-publicacaooriginal-151130-pe.html>>; Law 13434/2017, 12 April 2017 <http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13434.htm>.
148. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.94.
149. Law 13434/2017, 12 April 2017 <https://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2017/Lei/L13434.htm>
150. Ana Beatriz Anjos, 'Não quero que isso aconteça com mais nenhuma mulher' (exame, 12 August 2018) <<https://exame.com/brasil/nao-quer-que-isso-aconteca-com-mais-nenhuma-mulher/>> accessed 21 March 2022; 'Onde está a bebê de Janaína, a mulher que sofreu laqueadura compulsória?' (Portal Geledés, 23 June 2018) <<https://www.geledes.org.br/onde-esta-bebe-de-janaina-mulher-que-sofreu-laqueadura-compulsoria/>> accessed 21 March 2022.
151. *ibid.*
152. Camila Boehm, 'Mulheres presas enfrentam obstáculos para exercer maternidade em SP' (Agência Brasil, 6 February 2020) <<https://agenciabrasil.ebc.com.br/geral/noticia/2020-02/mulheres-presas-enfrentam-obstaculos-para-exercer-maternidade-em-sp>> accessed 21 March 2022.
153. Plínio Aguiar, 'Promotor que pediu laqueadura em mulheres de Mococa é suspenso' (R7, 15 August 2019) <<https://noticias.r7.com/sao-paulo/promotor-que-pediu-laqueadura-em-mulheres-de-mococa-e-suspenso-15082019>> accessed 21 March 2022.
154. 'Ação sobre juiz que ordenou laqueadura em presa é arquivada' (Estado de Minas, 1 October 2018) <<https://www.em.com.br/app/noticia/nacional/2018/10/01/internacional,993384/acao-sobre-juiz-que-ordenou-laqueadura-em-presa-e-arquivada.shtml>> accessed 21 March 2022.
155. See UNHRC, 'Report of the Working Group on the Universal Periodic Review – Brazil' (n 4), para. 136.191.
156. *ibid.*, para. 136.192.
157. *ibid.*, para. 136.119.
158. *ibid.*, para. 136.90.
159. *ibid.*, para. 136.189.
160. Office of the United Nations High Commissioner for Human Rights (OHCHR), 'A Human Rights-Based Approach to Date: leaving no one behind in the 2030 Agenda for Sustainable Development' (United Nations, 2018 <<https://www.ohchr.org/sites/default/files/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>>.
161. UNGA, 'United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)' (16 March 2011) Un Doc A/RES/65/229 6-47.

