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Conselho Nacional de Justiça

RESOLUTION No. 307, OF DECEMBER 17TH, 2019.

Establishes the Care Policy for Released People from the Prison System within the scope of the Judiciary, providing for the procedures, guidelines, institutional model, and work methodology for its implementation.

THE PRESIDENT OF THE NATIONAL COUNCIL OF JUSTICE (CNJ, acronym in Portuguese), in the use of his legal and regimental attributions;

CONSIDERING the fundamental goals of the Federative Republic of Brazil, provided for in the Federal Constitution of 1988, and its adherence to International Human Rights Treaties and Agreements (arts. 1 and 5, § 3);

CONSIDERING it is incumbent upon the National Council of Justice to oversee and regulate the acts performed by the Judiciary Branch (art. 103-B, § 4, I, II and III, of the Federal Constitution);

CONSIDERING the United Nations Minimum Rules for the Treatment of Prisoners (the Mandela Rules), which provide for the reintegration of ex-convicts and state that the competent authorities must offer assistance, education, documentation, professional training, work, including the existence of institutions capable of providing post-release follow-up (Rules 04, 88, 90, 106, 107 and 108);

CONSIDERING the United Nations Rules that establish parameters and measures for the humanitarian treatment of women deprived of liberty and released from prison (the Bangkok Rules);

CONSIDERING the Inter-American Convention on Human Rights, especially its provisions that guarantee the right to life and personal integrity, as well as the individualization of the sentence, with a focus on social rehabilitation, prohibiting cruel, inhuman or degrading treatment (arts. 4 and 5 of the Pact of San José, Costa Rica);

CONSIDERING the International Convention on All Forms of Racial Discrimination, especially with regard to the importance of positive discrimination actions whose sole purpose is to ensure the adequate progress of certain racial or ethnic groups or individuals in need of the protection that may



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be necessary to provide to such groups or individuals the equal enjoyment or exercise of human rights and fundamental freedoms;

CONSIDERING it is incumbent upon the criminal enforcement agencies, including the Enforcement Court, to implement measures that promote the social reintegration of the person deprived of liberty (art. 1 of Law No. 7,210, of July 11th, 1984 – Criminal Execution Law);

CONSIDERING the provisions of the Criminal Execution Law regarding social assistance and obtaining work for the purpose of social reinsertion of released people (arts. 26, 27, 70, 78, 79, 93, and 94);

CONSIDERING the recognition, by the Supreme Court, of the Unconstitutional State of Affairs of the Brazilian Prison System, in the judgment of a Claim of Non-compliance with a Fundamental Precept Law Suit (ADPF, acronym in Portuguese) No. 347/DF, as well as the decision in ADPF No.186/DF, which recognized the possibility of the State to make use either of universalist policies, which cover an indeterminate number of individuals, through actions of a structural nature, or affirmative actions, which reach specific social groups, such as actions that privilege the principle of material equality, provided for in the *caput* of art. 5 of the Charter of the Republic;

CONSIDERING the guidelines of this Council for actions of social reintegration of people deprived of liberty, released from the prison system and in compliance with alternative measures and sentences (National Council of Justice Resolution No. 96/2009);

CONSIDERING the need to systematize actions aimed at the social reintegration of people deprived of liberty, released from the prison system and in compliance with alternative measures and sentences;

CONSIDERING the national picture of insufficiency of services and initiatives to care for people who have been released from the prison system, which contributes to the high rates of incarceration repeatedly identified in the Prison Information Survey Reports – Infopen (acronym in Portuguese), of the National Penitentiary Department;

CONSIDERING the recognition of the need to qualify social assistance care to families of people deprived of liberty and released from the prison system in the Unified Social Assistance System – SUAS (acronym in Portuguese), provided for in Joint Resolution CNASCNPCP No. 1, of November 7th, 2018;



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CONSIDERING the established guidelines for assisting women in a situation of deprivation of liberty and released from the prison system, provided for in the National Policy for the Care of Women in Situation of Deprivation of Liberty and Released from the Prison System, established by Interministerial Ordinance No. 210, of January 16th, 2014;

CONSIDERING the deliberation of the National Council of Justice Plenary in the Normative Act Procedure No. 0009618-32.2019.2.00.0000, at the 302nd Ordinary Session, held on December 17th, 2019;

RESOLVES:

Art. 1 To institute the Care Policy for Released People from the Prison System within the scope of the Judiciary, providing for the procedures, guidelines, institutional model, and work methodology for its implementation.

Art. 2 The care actions of released people from the prison system will be centralized, within the scope of the Judiciary Branch, in *Escritórios Sociais*, in articulation with the Executive Branch.

§ 1 *Escritórios Sociais* may establish partnerships and other forms of cooperation with already existing initiatives to care for released people, within the scope of the Executive Branch or organized civil society.

§ 2 The ongoing actions within the scope of the “Starting Again” Project (*Projeto “Começar de Novo”*), provided for in the National Council of Justice Resolution No. 96, of October 27th, 2009, will be primarily conducted through *Escritórios Sociais*, updating their guidelines in accordance with the provisions of this Resolution.

Art. 3 For the purposes of this Resolution, it is considered:

I – *Escritório Social*: public equipment for shared management between the Judiciary and Executive Branches, responsible for providing reception and referrals of released people from the prison system and their families to existing public policies, articulating an intersectoral and interinstitutional social inclusion policy that correlates and demands initiatives of different state and municipal public policies, systems and civil society agents, according to the Implementation Handbook attached to this Resolution;

II – Released: the person who, after any period of stay in the prison system, even on a temporary basis, needs some assistance in the context of public policies as a result of his/her institutionalization; and

III – Pre-released: a person who is still serving a deprivation of liberty sentence, in the pe-



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riod of six months prior to his/her release from the planned prison unit, even if due to progression of the regime or conditional release.

Art. 4 The principles of the Care Policy for Released People from the Prison System within the scope of the Judiciary Branch are:

I – the singularization of the service, aiming at guaranteeing fundamental rights and following-up on released and pre-released people to facilitate access to public services of assistance, health, education, income, work, housing, leisure, and culture;

II – shared coordination between the Judiciary and Executive Branches, including the responsible State and Municipal Secretariats;

III – voluntary membership of released people;

IV – privacy and secrecy in attendance;

V – the promotion of racial and gender equality; and

VI – the welcoming and follow-up of released people by multidisciplinary teams, responsible for the articulation of social policy networks, being integrated into broad networks of assistance, social assistance, and health.

Art. 5 The guidelines of the Care Policy for Released People from the Prison System within the scope of the Judiciary Branch are:

I – the articulation between the Judiciary Branch and the Executive Branch, through public policies in the social area, especially within the scope of the Unified Social Assistance System (SUAS, acronym in Portuguese) and the Unified Health System (SUS, acronym in Portuguese), focused primarily on identifying demands and proposing responses for the audience served;

II – integration, through *Escritórios Sociais*, between public policies, criminal enforcement agents and civil society organizations networks, with a view to welcoming and meeting the demands and needs of released people and their families;

III – interlocution and joint action between the Judiciary, psychosocial or multidisciplinary teams from prisons, and teams from *Escritórios Sociais*;

IV – the articulation of actions to prepare for liberty of pre-released people;

V – sensitization and articulation with public – from the direct and indirect administration – and private employers, for the purpose of offering jobs to released people;



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VI – the production and publication of data from surveys, reports, statistics, newsletters, among other documents, safeguarding personal data of the people served; and

VII – the development of affirmative actions to promote racial equality within the scope of the social office's initiatives, especially in the promotion of racial quotas in employment and income generation policies.

Art. 6 The National Council of Justice will foster the implementation of *Escritórios Sociais* based on Cooperation Agreements involving the Judiciary Branch, State Executive Branches, Municipal Governments and Civil Society Organizations.

Art. 7 Courts of Justice may enter into partnerships to implement the released people policy within their jurisdiction, with a copy of the instrument being sent to the National Council of Justice.

§ 1 The *Escritório Social* will be implemented with the participation of the Social Policy Networks, constituted by all agencies of the Judiciary, by the managing agency of the State Penitentiary Administration, State or Municipal Secretariats responsible for policies of Social Assistance, Health, Labor, Housing, Education, Culture, Human Rights, Racial Equality, Policies for Women, and by public and private entities, including Patronages, Community Councils, Penitentiary Council, Business Federations, Universities, and Elementary, Secondary and Technical-Professional Education Institutions, as well as Organizations of Civil Society.

§ 2 It must be incumbent upon the Judiciary, through the Prison System Monitoring and Inspection Group – GMF, to foster and support the sustainability of the *Escritório Social*, assisting the Executive Branch in the management, referral of the public, service and articulation, with the purpose of:

I – ensuring that the first assistance to the released person takes place in an adequate space on the Forum's premises, ensuring the referral of voluntary membership to the *Escritório Social*;

II – guaranteeing the completeness of services for all released people, based on programs for the singularization of care that allow from reception, institutional, non-mandatory referrals to social policy networks and follow-up until the end of the testing period;

III – carrying out communication campaigns aimed at informing the population as to the character, goal, effectiveness and need of the *Escritório Social*, aiming at social inclusion of released people and reduction of prison overcrowding;

IV – facilitating interdisciplinary projects and interventions with civil society organizations, aiming to promote racial and gender equity policies, as well as eradicate violence, processes of marginalization and criminalization of released people, spreading democratic practices of prevention and management of conflicts;



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V – enabling the implementation of information systems that establish a continuous flow of data between the Executive and Judiciary Branches, rationalizing criminal enforcement and ensuring confidentiality and data protection of people deprived of liberty and released from the prison system;

VI – informing prison managers, via the alert tool in the Unified Electronic Enforcement System – SEEU (acronym in Portuguese), the list of people deprived of liberty who monthly reach the lapse of pre-released stage;

VII – encouraging the inclusion of the Care Policy for Released People in the Multi-Annual Plans, Budget Guidelines Law and Annual Budget Law, in addition to providing for its institutionalization in the structure of the managing agency of the penitentiary administration; and

VIII – supporting, articulating, implementing, and supervising compliance with Decree No. 9,450, of July 24th, 2018, which instituted the National Labor Policy within the scope of the Prison System – PNAT (acronym in Portuguese).

Art. 8 The Care Policy for Released People from the Prison System, centered on *Escritórios Sociais*, is intended to include released people in public policies available, with emphasis on the following areas, among others:

I – emergency demands such as health, food, clothing, temporary shelter or transport;

II – social assistance service and monitoring, including inclusion in Income Transfer Programs and other benefits, programs and projects;

III – housing;

IV – work, income and professional qualification;

V – legal assistance and issuance of documents;

VI – formal and non-formal schooling and non-school education activities;

VII – cultural development, production, training and dissemination, especially for young people; and

VIII – identification, welcoming and meeting of specific demands, through the formation of networks of partner institutions specialized in themes related to released women, LGBTI population, situations of racial, gender or sexual orientation discrimination, foreigners and indigenous people, people with disabilities or with mental health disorders, and people with drug use disorders;.

Sole paragraph. In order to comply with the provisions of this article, partnerships may be established with public agencies, educational institutions, civil society organizations, international organi-



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zations, and other institutions that work in the areas of items I to VIII.

Art. 9 The following inputs are considered necessary at the time of release of the person deprived of liberty:

I – civil documentation;

II – transport vouchers or equivalent, guaranteeing the return to the place of his/her previous residence, even if in another municipality in the same or different Federation Unit;

III – clothing that does not expose the status of a released person;

IV – emergency supplies (sufficient food and drinking water for the period of travel between the release/disengagement location and the informed destination); and

V – informative material with guidance on available public services, including the *Escritório Social*.

§ 1 Once the release or disengagement takes place in the headquarters of the Judiciary, based on decisions made in a hearing or other judicial act, it will be up to the Court to ensure the supply of the aforementioned inputs.

§ 2 Once the release or disengagement takes place in a prison, it will be up to the Court of Enforcement to oversee the supply of the aforementioned inputs.

Art. 10. *Escritórios Sociais* must have access to medical records, physical or digital, of the pre-released people, in order to allow a continuous flow of data production and information about the guarantee of rights, safeguarding the confidentiality and protection of personal data.

§ 1 *Escritórios Sociais* may forward to the Judiciary periodic statistical information on assistance and referrals carried out, and the provision of individualized information on people served is prohibited, due to the nature of the services and the confidentiality of the assistance provided.

§ 2 The access of the person being assisted, and his/her legal representative, to his/her respective medical records is guaranteed.

§ 3 *Escritórios Sociais* may request from prison establishments the information on the people attended, necessary for referral to the health network.

Art. 11. When contracting services, agencies of the Judiciary must observe the employment of labor formed by released people from the prison system by the hired company, in the following proportion:



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I – four percent of vacancies, when the contract performance requires fifty or fewer employees;

II – five percent of the vacancies, when the contract performance requires fifty-one to eighty employees; or

III – six percent of the vacancies, when the contract performance requires more than eighty employees.

§ 1 The effective contracting of the percentage indicated in items I to III of the *caput* will be required of the winning bidder when signing the contract.

§ 2 The percentage described must be respected throughout the contract performance, and the Judiciary is responsible for inspecting its fulfillment.

§ 3 The *Escritório Social* will be responsible for registering released people for job opportunities and professional qualification, managing the database of resumes, guiding candidates, raising awareness and communicating with the companies tendered, forwarding them to vacancies and monitoring the performance of the respective contracts.

§ 4 In the absence of the *Escritório Social*, multidisciplinary teams of the Criminal Enforcement Courts will be responsible for the activities described in the previous paragraph.

§ 5 For the purposes of this article, a released person is considered to be:

I – the definitively released person, regardless of the time he/she is in liberty;

II – the person serving a sentence in an open environment, in any regime;

III – the person on parole; and

IV – the person who remained in custody, even if acquitted or sentenced to a non-custodial sentence.

Art. 12. The National Council of Justice can recognize the good care practices of the released person through certification to be defined by an act of the National Council of Justice Presidency.

Art. 13. The Department for Monitoring and Inspection of Prison and Socio-educational Systems of the National Council of Justice will prepare and make available to the public, within ninety days after the approval of this Resolution, a Handbook containing the possible models, implementation strategies of *Escritórios Sociais* in line with local realities, guidelines for community mobilization, composition of the staff and their functions, as well as working flows and methodologies.



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Art. 14. Article 28 of Resolution No. 251, of September 4th, 2018, becomes effective with the following wording:

“Art. 28.

§ 1 The Public Consultation Portal will provide statistical and aggregated information, safeguarding personal, restricted or confidential data;

Art. 15. This Resolution comes into force ninety days after its publication.

Justice **DIAS TOFFOLI**



Electronically signed by: **JOSE ANTONIO DIAS TOFFOLI**

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