



## FROM FOREIGNERS TO MIGRANTS

The 15 years of struggle of the Foreign Women Project





Tatuapé

1997, São Paulo

It was at the former Tatuapé Women's Penitentiary, now closed, that the visits began. A report of torture in 1997 led a team coordinated by attorneys Michael Mary Nolan and Sonia Drigo and then the federal deputy Luiz Eduardo Greenhalgh to the prison facilities. During the inspection, a surprise: Portuguese was not the only language spoken in the unit.

Isolated from the legal world and its territory, about 40 foreigners shared cells with more than 500 Brazilian women deprived of their liberty.

Initially designed to host a former Febem screening center, an institution to house youth offenders, the penitentiary did not have an adequate structure to receive women - like most female prisons in the country. For the transition, in 1989, the building had to be adapted: the renovation only provided for unclogging pipes and a coat of paint on the walls. "There were no adaptations. The structure of the cells was for animals," says psychologist Marcia Setúbal, director of the penitentiary from 2001 to 2002 and director of rehabilitation during the 1990s. There was no shortage of reports of torture, beatings at night and abuse

of authority. It was not by chance that a rebellion, with a tragic outcome, was unleashed on the unit in the 2000s.

Overcrowded, with seven women in a space provided for two, the few cells that had a toilet did not have a sink. "If you were on your period, you had to find a way to take care of yourself and you still depended on the prison officer's willingness to open the door," says Marcia.

In the unit, visual contact between agents and women was expressly forbidden and, when circulating through the penitentiary, they needed to walk with their hands behind their back. "These were those prison rules that you never knew where they came from," she says. "But with ITTC and the Prison Pastoral, it was different. It was an eye-to-eye conversation," she explains.

What should have been a visit ended up becoming the embryo of a project. The Foreign Women Project, which celebrates its fifteenth anniversary in 2016, was created in 1997, along with the foundation of the Land, Labor and Citizenship Institute (ITTC). Composed, initially, by lawyers for the most part, the Institute never formally provided legal assistance to women deprived of their liberty. Its

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practice went beyond it. "From the very beginning, even legal personnel had the ability to keep up with women's daily lives. This has always been a concern," says social worker Denise Neri Blanes, ITTC director and current ITTC treasurer.

Contact was gradual. The then chaplain of the penitentiary complex, Father Júlio Lancellotti, made a bridge between foreign women and the ITTC team. Conversations took place through the bars and lasted a few minutes, enough to understand, in different languages, what had happened to those women. "ITTC was well received by Brazilian and foreign prisoners, but because the work they performed," says Marcia Setúbal.

Indeed. Frequent jail visits were turning the faces of Michael, Sonia, Denise and, later, Heidi Cerneka, familiar to those women. Listening - an almost natural strategy for the team - made ITTC a support for women, Brazilian

or not. "Sometimes we went there to play the role of relatives, a family for these foreigners," says Sonia about the period of creation of the Project. Heidi Cerneka, Honorary Coordinator for the Women in Prison Issue in the National Prison Pastoral and vice-director of ITTC, explains that the work with foreign women was also intuitive. During the often informal conversations, the staff would get to know the stories and understand the complexity of those women's trajectories. "When we started, nobody knew who we were. And neither did we know what the problems were," says Sister Michael Mary Nolan, one of the founders of ITTC. "In the first few months we would sit and listen. When the foreigners began to have confidence in us, they made the requests and we solved them," she says.

The language helped bring women closer to the team. The lack of penitentiary agents with mastery of a second language made the Institute's activities essential in the monitoring of foreigners in Tatuapé. Assistance - all in Portuguese - made it impossible for foreign women to clearly understand their own destiny, expressed in the lines of the agreements, terms



A publicação do *Manual dos Direitos das Presas* e do *Manual dos Direitos dos Presos* tem contribuído para a formação e informação da população em geral, graças à sua linguagem simples e às ilustrações cuidadosas sobre o cotidiano de quem vive encarcerado.

#### MANUAL DOS DIREITOS DOS PRESOS



#### MANUAL DOS DIREITOS DAS PRESAS



A elaboração e distribuição de material formativo têm sido uma experiência instigante com duplo resultado: tem contribuído para a formação e informação da população em geral e tem fortalecido grupos de jovens artistas que além de divulgar a sua arte e talento, debatem e se aproximam dos temas e das questões sociais vividas por grandes parcelas da população em nossa sociedade.

"O ITTC nasceu para ser um instrumento de defesa dos direitos da população brasileira. E tem sido. Tem cumprido seu papel junto a grupos vulneráveis como o de mulheres presas. E cumprirá. Sempre."

Luiz Eduardo Greenhalgh é um dos fundadores do ITTC, advogado criminalista e deputado federal por São Paulo.

"Conhecia as atividades do Instituto Terra, Trabalho e Cidadania e de vários de seus membros, razão pela qual foi uma alegria iniciar uma parceria com esta entidade em 2001, certa da histórica ligação de seus membros com a luta pelos direitos humanos."

Junto com o ITTC, o Colibri e Comissão da Mulher Advogada e de Direitos Humanos da OAB/SP e a Associação Juites para a Democracia formamos o Grupo de Estudos e Trabalho "Mulheres Encarceradas".

Este projeto contínuo encontra respaldo nos objetivos do ITTC: atividade concreta voltada para os excluídos, para que possam exercer os direitos de cidadãos.

Não há maior exclusão do que sofrem as presidiárias e o ITTC tem sido um grande agente para a ascensão da cidadania das mulheres presas."

Kenark Boujikian Felipe, juíza de direito em São Paulo; fundadora, ex-presidente e membro do conselho executivo da Associação Juites para a Democracia e membro do conselho editorial do Jornal Brasil de Fato.

"A parceria do ITTC no apoio às presas estrangeiras no estado de São Paulo tem possibilitado identificar e encaminhar as situações difíceis do cotidiano da detenção."

Pietro Armando Egidio de Carvalho, ovidor da Secretaria de Administração Penitenciária do Governo do Estado de São Paulo.

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## Instituto Terra, Trabalho e Cidadania



"Carregamos a história da luta e de engajamento político e social de nossos fundadores, nas mais diversas áreas de defesa dos direitos do cidadão."

O Instituto Terra, Trabalho e Cidadania - ITTC é uma organização não-governamental, com sede em São Paulo, Capital, constituída em outubro de 1997 por profissionais que atuam em defesa dos direitos dos cidadãos.

#### Nossos Objetivos:

- Promover a formação e a educação que leva ao pleno acesso à cidadania.
- Favorecer a instalação e continuidade de diálogos públicos acerca de temas relacionados com a terra, trabalho e cidadania, especialmente para ajudar aqueles que sofrem a exclusão a conhecer e reivindicar seus direitos.
- Apoiar entidades públicas e da sociedade civil que desenvolvam ações compatíveis com os objetivos do ITTC.

#### Nosso trabalho:

De 1997 a 1998, realizamos pesquisa e atendimento às mulheres presas da Penitenciária Feminina do Tatuapé/SP, principalmente quanto à divulgação dos seus direitos, com a publicação do *Manual dos Direitos das Presas*.

De 1999 a 2001, desenvolvemos projeto de apoio à ressocialização dos internos da Penitenciária Mário de Moura Albuquerque (P1, em Franco da Rocha/SP), após pesquisa realizada junto à população carcerária daquela unidade. Além de incentivarmos as relações familiares e com a sociedade local, contribuímos com as oficinas de artesanato e de informática, assim como para a melhoria da qualidade da alimentação de todos naquela penitenciária, com a produção de verduras e hortaliças pelos próprios presos.



De 2001 a 2003, voltamos a nos dedicar exclusivamente às mulheres presas do nosso Estado, em especial, às estrangeiras, por convênio firmado com a Secretaria de Administração Penitenciária - SAP, para assistência e aprimoramento da comunicação entre elas, as autoridades consulares e os funcionários do sistema, respeitando suas tradições e dificuldades com o nosso idioma. Ao mesmo tempo, desenvolvemos rotina de atendimento às presas brasileiras na Penitenciária Feminina do Tatuapé/SP, principalmente, levando informações processuais e incentivando e promovendo o contato com seus familiares, além de contribuir com material de artesanato e de higiene nas ações conjuntas com a Pastoral Carcerária.



Os projetos do ITTC são sempre desenvolvidos em parceria com jovens universitários que, além de ampliarem e fortalecerem o nosso trabalho, acumulam conhecimento e se aproximam da realidade social vivida por diversos segmentos populacionais. Temos contado com alunos de Direito, Serviço Social e Psicologia da UniABC, PUC-SP, FMU, Unip-Santos e Mackenzie.



O ITTC participa ativamente de debates sobre políticas públicas em parceria com a Pastoral Carcerária e Comissões de Direitos Humanos Municipais, Estaduais e Federal, além de integrar nos últimos dois anos, o grupo de estudos sobre *Mulheres Encarceradas* e de ter assento no Conselho da Cidadania da SAP.

A sede do ITTC é um espaço utilizado por vários grupos que compartilham nossos objetivos, otimizando nossos recursos e ampliando nossa ação.



and declarations they signed. "The Criminal Procedure Code only indicated translators during judicial interrogation; so many women did not even know what was going on," explains Michael.

The language was far from the only hindrance. Far from home, the lack of contact with families was even more distressing than the lack of knowledge of the judicial process. By 2012, women could only get phone calls every six months in

closed system penitentiaries. Today they aren't even entitled to this. The jumbo, a kit with products for male and female prisoners, normally supplied by the family, was not sent to these women for an almost obvious reason: there was no one in Brazil to send it to them. Visits - already so rare in women's penitentiaries - were even less common in the case of foreigners. "Prison is the abandonment and the complete disregard of their

## JUMBO

FOOD	HYGIENE	CLEANING	CLOTHING
Refined sugar	Shampoo	Dish Sponge	Sweater Blouse
Sweet cookie	Conditioner	Stone soap	White T-shirt
Salty cookie	Soap	Detergent	Bath towel
Loaf bread	Dental Gel	Disinfectant	Cotton Socks
Sourdough bread	Toothbrush	Washing Brush	Panty
Industrialized Cake	Oral antiseptic	Fabric softener	Bra
Bisnaguinha	Deodorant	STATIONARY	Single Sheet
Chocolate bar	Shaving unit		Pillowcase
Chocolate powder	Toilet paper		Single Blanket
Candy	Swab	Letter Block	Flip flops
Powdered milk	Floss	Letter envelope	CIGARETTES
Powder Juice	Moisturizing	Pen	
Mayonnaise	Hair Gel	Black pencil	
Farofa	Absorbent	Pencil sharpener	Cigarette
Salgadinho	Comb	Eraser	Lighter
Paçoca	Nail cutter	Notebook Brochure	
Sweet in Bar		Magazine	



existence,” says Judge Kenarik Boujikian, one of the pioneers in the discussion of gender in the prison system in Brazil. “And I think that for the foreign woman this is multiplied to the nth degree,” she says.

The arrival of ITTC has altered this scenario. With the growing proximity and reception by the team, ITTC began to act as a mediator. Through letters and phone calls, they had news of the life they were forced to leave behind. The improvement of long distance communication, made possible by the arrival of the Internet, made contact even easier. “At that time there was no Internet, so all processes and follow-ups were on paper and it took a long time to find the women to let them know what was going on,” says Michael. Formed mostly by lawyers and law students, the team still provided procedural information and explained to women the situation they were in.

The reaction of Brazilian women to the Project was, at first, “jealousy”, says attorney Sonia Drigo, one of the founders of ITTC. “It was as if they were asking, ‘if a Brazilian women does not have it, why will they give it to a foreigner?’, she says. Living under the same conditions

as prisoners from outside the country, Brazilian women did not understand the reasons why foreign women received special care in the penitentiary. But ITTC knew that it had found a hitherto invisible space to act on. “I do not want a foreigner to take what is by right a Brazilian women’s. But I also cannot make her pay for a thing, or pay it in double, just because she’s a foreigner.”, says Sonia. For Denise Blanes, the Prison Pastoral - a historical partner of ITTC - was responsible for attending to Brazilian women, while the Institute was dedicated to women from outside Brazil. As the Project progressed with the foreign women, the benefits to Brazilian women were also extended. “Before, children were born in the penitentiary with a military police officer on each side and the next day they had to be delivered to a shelter. Today there is the right to breastfeeding and the right to prenatal care. And these are things that ITTC has granted to women prisoners - Brazilian and foreign,” says Sonia.

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Initially unnamed, the project was defined in the contract with the Department of Penitentiary Administration (SAP) as a program of “improvement to the assistance to foreign women prisoners”. The name Foreign Women came about after the project took shape, more precisely in 2006, when the team began to count on social workers, educators, missionaries, and psychologists, performing a multidisciplinary work with foreign women. “You do not attend to the person - legal part, social part. You attend to the whole person, in all her needs,” says psychologist Carolina Yabase, a member of the current project team.

The new name brought some questions with it, which reveals the multiple worldviews shared by the ITTC team. In Portuguese, the term “*estrangeira*” (foreigner) refers to the word “strange”, a historical view endorsed by the Brazilian government and present until today in the Statute of the Foreigner and in popular imagination. It is not by chance that foreign women in the Women’s Penitentiary of the Capital refer to themselves and others as strangers, not as foreigners. “The name Foreign Women is actually a provocation,” says internationalist Lucia Sestokas, who worked on the Project between 2013 and 2014. “By the Statute of the Foreigner, today they cannot be considered migrants and the State sees them as ‘foreigners’, without access to the full rights that must be guaranteed to migrants,” she says. Although this situation is changing, without the right to migratory status due to their passage through the prison system, women remain illegally awaiting the expulsion process. “In this sense, the name ‘*Estrangeiras*’ (Foreign Women) comes from strange, because before, to the State, they are nobody, they do not have certified citizenship,” says Isabela Cunha, lawyer and member of Foreign Women.



2001: the

institunalization

of the Foreign Women

Project

Contact with the families of the foreigners deprived of their freedom was essential for the beginning of the institutionalization of the Project. Based on a Memorandum of Understanding, an agreement was signed in 2001 with SAP, which authorized the IITC staff to enter any state penal establishment where migrant women

are detained. At that time, in São Paulo, women from abroad were scattered in the Women's Penitentiaries of the Capital (PFC), in Tatuapé and in the prisons of Butantã and Dacar 4, the latter of which has also been deactivated. One year after signing the agreement with SAP, 266 individual visits were done by the Project. Today, they are more than 1400.

One of the main demands of the Project was the transfer of all foreign prisoners to the Women's Penitentiary of the Capital (PFC), located in the Carandiru neighborhood in São Paulo. Although the agreement with SAP allowed the team to enter all prisons of the State, the Institute believed that the separation of the women in different units weakened their performance and isolated these small groups of foreigners in the other prisons. "Every time you isolate a specific group, the chance that you will not guarantee them the same rights you guarantee to the entire population is greater," says the lawyer and former member of the team Luísa Luz. "Inside the prison there is exchange and solidarity. Sociability among women is fundamental, otherwise restrictions on their social interactions are even greater" she says. PFC is still the most structured state prison, especially in relation to work. In the unit, there is a greater offer of jobs, including for foreign women. The so-called "firms" set up their production lines in the penitentiaries and they pay workers up to a minimum wage. The money is stored in a savings account, which can be used to buy listed products or after leaving prison. The work, which is also responsible for remission of penalty time, often prevents them from going to the IITC service, since payment is made according to the income of the "employee". In this sense, too many absences at work, for example, can mean the "dismissal" of the woman. Despite offering more job opportunities, PFC remains without an adequate structure to house the more than 500 women in the unit. They often report material difficulties in staying inside the jail, since without the jumbo kit and without visitors they cannot get access to suitable clothing for cold weather, for example, neither to hygiene and cleaning materials. Another concern of the team is with regard to women's health in the PFC. Psychiatric drugs are commonly prescribed to the women, who may develop addiction to the remedies prescribed during the sentence.

Deprived of their freedom in a completely hostile territory, foreigners did not even have access to the right of sentence progression on the grounds that they were irregular in the country and that they had no fixed address here. Mostly condemned for drug trafficking, foreigners also have a complication that increases their sentence in up to 2/3 the fact of such traffic being international.

The adoption of the Drug Act of 2006 led to a significant increase in the number of incarcerated women. Today, about 70% of the country's female prison population responds

to trafficking-related crimes. The text, at the time celebrated by social organizations, foresaw the decriminalization of the drug users, who, from then on, could no longer be sentenced to prison terms. On the other hand, punishment for drug dealers became more rigid and the minimum sentence length passed from 3 to 5 years. In practice, however, there was no reduction in the number of people prosecuted and arrested for drug-related offenses, but rather an exponential increase in the incarceration of black people, poor people, women and foreigners.







In 2001, when the Project was institutionalized, the female prison population in Brazil was of 5,687 women. By 2014, nearly 38,000 were behind bars. The increase was also felt among foreign women: if at the beginning there were about 40 of them imprisoned in São Paulo, in 2013 that number rose to more than 500. Currently, 90% of 350 women from out of the country responding to drug trafficking-related charges. "When we started, Denarc (State Department for the Prevention and Repression of Drug Trafficking) was still in Cumbica. Some women were kept handcuffed on a pipe in the wall for days at the airport jail," says Heidi.

Arrested after being caught red-handed at Guarulhos International Airport, the vast majority of these women share similar trajectories. Coming from poor regions, especially from Latin American countries, and more recently from Africa and Asia, they are the only providers of the family, usually consisting of them and their families. In most cases, the vulnerable conditions of these women is accompanied by a difficulty in entering the formal labor market. The drug trade or transportation emerges as an informal and irregular opportunity that allows the generation of income to support the family or to solve more specific economic problems. "The first mule I talked to in the border region was a teenager who was doing socio-educational correctional measures for international drug trafficking. Because of she was also the victim of sexual exploitation - an issue simply ignored by the judge," says lawyer Dalila Figueiredo, founder of Asbrad, the Brazilian Association for the Defense of Women, Childhood and Youth, located in Guarulhos. "These women are immersed in a context of multiple vulnerabilities, it's not just



one issue that drives them,” she says.

Gender division, very present in the formal labor market, is also part of drug traffic organizations. A considerable number of women are employed in the drug market carrying - with themselves and even in their bodies - illicit substances from one frontier to another, a function that is considered of minor importance in the structure of drug trafficking. The so-called “mules” are part of this logistics and are often framed by the police, and by Justice, as drug dealers. Not infrequently, their arrests are planned by the heads of organizations: used as scapegoats, these women pay a high price so that a larger shipment, on a similar route, may go unnoticed. “In cases where they knew what they were taking - because they did not all know - it was common to hear that they had entered the airport straight to be arrested. There was an organized structure on the part of the drug dealers and the police to arrest them there,” says Heidi Cerneka.

During the execution of the sentence, all the documents of the foreign woman are held in the Federal Police or within the criminal process itself. While awaiting the outcome of the process, the women

depend on the mobilization of consulates and embassies for the issuance of their documents, such as a passport or a consular certificate. In 2015, the National Immigration Council (Cnig), through Resolution 110, established a measure that allows for the regularization of the migration of foreigners that are serving sentences in the country. In this way, they can have access to the Brazilian documentation, such as work card and CPF (Individual Taxpayer Identification Number). For the Project team, the measure can help to de-stigmatize the foreign men or women in conflict with the law in Brazil. By authorizing the stay and access to employment in the country, the agency indicates that it is in line with ITTC’s vision. “We see these people as migrants,

and therefore, as people who are entitled to rights. We have to consider them within the migratory flow, which is influenced by economic, territorial and social crises,” says Isabela Cunha.

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In the 15 years of the Foreign Women Project, ITTC managed to strengthen ties with consulates and embassies in Brazil. The work of these bodies provides assistance in the transfer of money between foreigners and their families and also in the issuance of documents, such as a passport, for example. In addition to facilitating contact between inmates and relatives abroad, these agencies can also purchase and ship the products on the SAP list. ITTC currently has a cooperation agreement with the Embassy of Thailand, located in Brasilia. The document, signed in 2014, only formalizes the work already done by the Project team from the beginning, which is the assistance to foreign women. "I am very grateful to ITTC for the work it does with Thai female prisoners. If they did not act with them, I'm sure our work would be even more difficult," says Phitchanan Panadamrong, second secretary of the Royal Thai Embassy in Brazil.

#### **VOLUNTEER AGREEMENT**

The Royal Thai Embassy in Brasilia (hereinafter referred to as "the Embassy") is pleased that Land, Labour, and Citizenship Institute (hereinafter referred to as "ITTC") agrees to volunteer its services to the Embassy.

ITTC's address is R. Marques de Itu, 298, Vila Buarque, São Paulo, SP, Brazil and the Embassy's address is SEN, Av. das Nacoes, Lote 10, Brasilia, DF, Brazil.

The Embassy hereby engages ITTC to provide services described herein under "Scope and Manner of Services." ITTC hereby agrees to provide the Embassy with such services in exchange for consideration described herein under "Payment for Services".



Expulsion: a legal

limbo

In addition to contacting relatives via telephone and e-mail, ITTC also monitors cases from beginning to expulsion. It is a road without return to foreign men and women who commit certain crimes in Brazil - with the exception of mothers of Brazilian sons and daughters.

According to article 338 of the Criminal Code, once expelled, a person is not able to return to the country - a provision that is rejected by organizations linked to immigration movements. "This is a way of criminalizing the person who has already become involved in the migration network, which is a process of displacement related to economic or political issues," says lawyer Luísa Luz.

For many foreigners, however, this is not a problem. "All I want is to go home, to stay with my family and take care of my son," says N.T., a 22-year-old Venezuelan. The young woman, who was pregnant when she was arrested, says that ITTC assisted her during her stay in PFC. "Every week I received news from my family. There was no lack of communication", she says. "Even when they could not go, they would send me the delayed letters," she says.

Thanks to the Institute, N.T. was able to resume contact with her family, and her mother, Professor Yandira Rengel, came to Brazil to accompany her process. "It was such a blessing. I was in a country far from my daughter and the closest I could get to her was through ITTC," says Yandira.

The expulsion process usually takes time to be completed. Not infrequently, response takes much longer than prison time, and women wait alone in São Paulo for their definitive return home. "In ten years of institution [Casa de Acolhida - "Host House"], only four women that came out of prison were able to obtain a faster expulsion process," says Marisa Andrade, director of Casa de Acolhida of the Pallottine Association, an entity that maintains a reception centre for migrant women in the city of Sao Paulo.

Casa de Acolhida, a long-time ITTC partner, can host women that get out of prison and their children for up to six months. In this period, the Association's team inserts these

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women that finished their sentences in professional training and they help them enter the job market. According to Marisa, the receptivity of the market oscillates according to the economic context. In times of crisis, like the current one, getting a job becomes even more difficult. "In addition to the language issue, there is also the documentation problem. Currently we are dealing with the Federal Police because of the delay in issuing the the women's documents," says Marisa.

After the opening of the Inquiry of Expulsion from Brazilian Territory, submitted to the Ministry of Justice, a delegation of the Presidency of the Republic decides on the permanence of foreign women in the country. If the organ decides that a person should leave the territory, an expulsion decree is

issued, which must be certified by the Brazilian government.

This saga, however, can take years and, not infrequently, the outcome is only defined after the sentence has been finished. In these

cases, the woman - now in the condition of former-convict - has no right to regular stay in Brazil and experiences the most literal meaning of the word "foreign". The difficulty of finding formal jobs, especially in times of economic crisis and political instability, has led many women back into hiding, once again running the risk of being selected by criminal justice mechanisms to return to prison. Today, ITTC says that one of the Project's greatest challenges is the lack of public policies aimed at women leaving prison.

"This crossing was like a soap opera, something that I had only seen in movies," says Yandira Rengel, NT's mother about the conviction of her daughter in Brazil. "Then I had to see myself, in fact, in the same situation," she says. The young woman, who had arrived pregnant in PFC, gave birth, had given birth while still in prison. The boy, now six months old, had left the unit just a few days earlier. On her grandmother's lap, he intently stared into every corner of the room. "When we left, he did not know what was a car, toy, anything," says NT. "He pointed to things in the street and looked at me, waiting for an answer", she says.

Despite having a pavilion for mothers,

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*N.T., venezuelan*



PFC - like any prison - is not a welcoming space for either women or babies. Alone in an individual cell with a shower, a bed and a crib, mother and child spend 24 hours a day together for up to six months. There are no daycare centers in prison or an adequate space to leave the child. "You cannot do anything, you cannot work. The child literally becomes an annex of the mother's existence, which is a quite

violent vision of motherhood," says Luísa Luz. The right to breastfeeding - a victory credited to the pressure applied by civil society - allowed women to stay with their children for up to one semester. After that, however, the baby is delivered to family members or to a shelter. "If mass incarceration is already perverse, female incarceration is the worst of all, because it has no practical effect," says federal public defender João Freitas de Castro Chaves.



The right to

maternity in prison

Since the beginning of the Project in 2001, all sons and daughters of the foreign women accompanied by ITTC have returned to the country of origin of the mother or have lived temporarily in host institutions in Brazil during the sentence of the woman. In these cases, the Project has worked to support women, making articulations between organs of the Judiciary, shelter



If motherhood is a transformative experience in a woman's life, becoming a mother within the prison system is even more sensitive. "When women are pregnant in prison, they are stigmatized, labeled as irresponsible. When she be-

comes a mother, she is no longer a drug dealer. She is 'the mother,'" says journalist Ana Luiza Uwai, ITTC Communications coordinator. "It's like the woman gets a new status when the baby is born," she says.



In 2010, Brazil committed to guarantee dignified treatment to the female prison population. The so-called Bangkok Rules were stipulated by the United Nations and provide for a series of measures that, if implemented, could lead to the reduction of incarceration of women in Brazil. One of the measures is the application of alternatives to preventive detention, taking into account the history of vulnerability of women in conflict with the law and the impact of a conviction on their family. For foreigners, specifically, the document recommends access to legal assistance and consulates, contact with relatives and information about the legal system and the prison system - measures advocated by ITTC since Foreign Women took shape, 15 years ago.

More recently, in March 2016, another measure foreseen in the document was institutionalized in Brazil: the Early Childhood Legal Framework extended the possibility of applying non-custodial sentences, such as house arrest, in cases of pregnant women, in any period of gestation, and of mothers of children up to 12 years of age.

Although they were signed in 2010 by Brazil, the Bangkok Rules were only published in Portuguese this year, thanks to the pressure and mobilization of civil society, especially ITTC and the Prison Pastoral, which together translated the document.



Sentence progression:

a further

step towards

guaranteeing rights

Only in 2009 did foreign women gain access to the right to sentence progression, when the Federal Supreme Court declared that it was unconstitutional to prohibit sentence progression in cases of heinous and similar crimes, such as drug trafficking. "By law, they had always had the right to sentence progression. The question was the practice of the courts, especially in regard to the understanding of the Criminal Execution Court," says Viviane Balbuglio, a member of the Foreign Women Project. Even so, Judge Kenarik Boujikian explains, the Judiciary resisted enforcing this decision. "Adopting measures that reduce incarceration goes through a very strong resistance. And I say that in statistical terms," says the judge.

Indeed. It took at least three years for the number of foreigners at the Butantã Women's Penitentiary Progression Center, which is a facility meant to comply with the semi-open sentence conditions, to increase. "When I started train here in 2011, there were about 10 foreigners in Butantã. Today there are over 80," says Carolina Yabase. ITTC currently visits services the unit once a month.

Today, the attention of the Project

has increasingly focused on women that finished their sentences in the prison system. The lack of public policies aimed at them, regardless of nationality, has brought new challenges to the Foreign Women team. "They often do not have family here and many of them do not speak Portuguese very well. When they leave, they still do not find a network of support that can accommodate them. And I think our challenge is to build or facilitate the construction of this network," says Isabela Cunha. In 2014, ITTC sought support from institutional bodies, such as the Municipal Department of Social Welfare (SMADS), to raise awareness and prepare specific projects for people who get out of prison. In the same year, ITTC also contacted institutions linked to the migration agenda in an attempt to insert foreign women in policies for migrants "We are used to dealing with foreign women deprived of liberty. But now that they are out of prison, they have a little more autonomy to go after their demands and try to solve them on their own, always with our support, until they they are able to take better control of the situation in which they are living," says Isabela.

Also in 2009 a new agent took shape. The redefinition of the Federal Public





Foreign Women Project team and migrant women who are former prisoners

Defender Office (DPU) as the institution responsible for legal assistance of people prosecuted for federal crimes brought ITTC and the entity closer. For years in the service of prisoners convicted of international trafficking, the Institute has passed on the expertise it has accumulated with foreign women. "From the beginning, our essential partner

was ITTC, especially because of Michael's performance," says defender João Freitas de Castro Chaves. "She conducted us in the DPU, showing us the ways and explaining how to render services," he

says.

In 2011, DPU created the Foreign Prisoners Working Group, coordinated by João, who periodically accompanied ITTC team in working with the women in PFC. "I noticed that from 2011 onwards, our interaction with the Institute only grew: they would send cases to us and we made the requests," says João.

This partnership was successful and, in 2014, DPU and ITTC signed an agreement to expand their activities with foreign women. "We were naturally forming this agreement, it was not artificial," says the defender. "We were, through practice and affection, putting together an articulation with the Project", he says. Under the contract, the Public Defender Office offers trainees to

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Viviane Balbuglio

ITTC and, in return, the team articulates and informs the Work Group and the defenders responsible for the cases about the situation of the cases and the foreign women in penitentiaries and in the semi-open facilities. "For DPU, it is important to have ITTC because they do the work that we cannot do, which is offering assistance and a most affective dialogue with female prisoners," he says. "ITTC has much more support from prisoners than the Defender's Office. So this [proximity with ITTC] gives the inmates more confidence to trust us, which makes our work easier," he says.

ITTC's partnership with DPU also encouraged the training of students of Law and other areas such as Social Sciences and International Relations in the field of human rights and criminal justice. For the former trainee in the Project, Viviane Balbuglio, who was already working at DPU before the partnership, the work between DPU and the Foreign Women Project had a fundamental impact on her trajectory. "The Project made me understand the importance of listening and understanding the individual narratives of women in relation to the work of the Defender's Office," she says. "When I

worked only in the office before I started working at ITTC, court cases were just papers that nullified the subjectivities of the people who directly depended on them. This movement of looking at the processes and getting to know migrant women has been essential to my training, and it makes me demand that criminal justice agents take a more critical stance and look at peoples' lives as more than the bureaucracies of the courts and public agencies," says Viviane.

ITTC's most recent achievement was to put, along with other partners, an important decision in the agenda of the Federal Supreme Court, which resulted in the removal of the heinousness of privileged traffic in June 2016. According to the Drug Law, trafficking is considered privileged when it is committed by primary defendants, without criminal records and that do not belong to criminal organizations. This is the profile of the majority of women prisoners in Brazil - and of foreign women deprived of their liberty in the State of São Paulo. With the decision of the Supreme Court, the right to pardon and sentence progression - allowed only after the fulfillment of 2/5 of the sentence in heinous crimes - may now be granted after the execution of 1/6 of the imprisonment time.

15 years of Project,

15 years of struggle

The unfolding of the Foreign Women Project exceeded the limits of the prison. In its 15 years of operation, dozens of people have passed through ITTC and today carry with them names, stories and, above all, the responsibility to help build an effective justice system. "I was very disillusioned with law school and soon afterwards a proposal for an internship at ITTC appeared," says state public defender Verônica dos Santos Sionti, ITTC's executive secretary. "And what I learned in Foreign Women is something I take with me my whole life, because the beginning of my professional education and the way I see Law come from ITTC," she says.

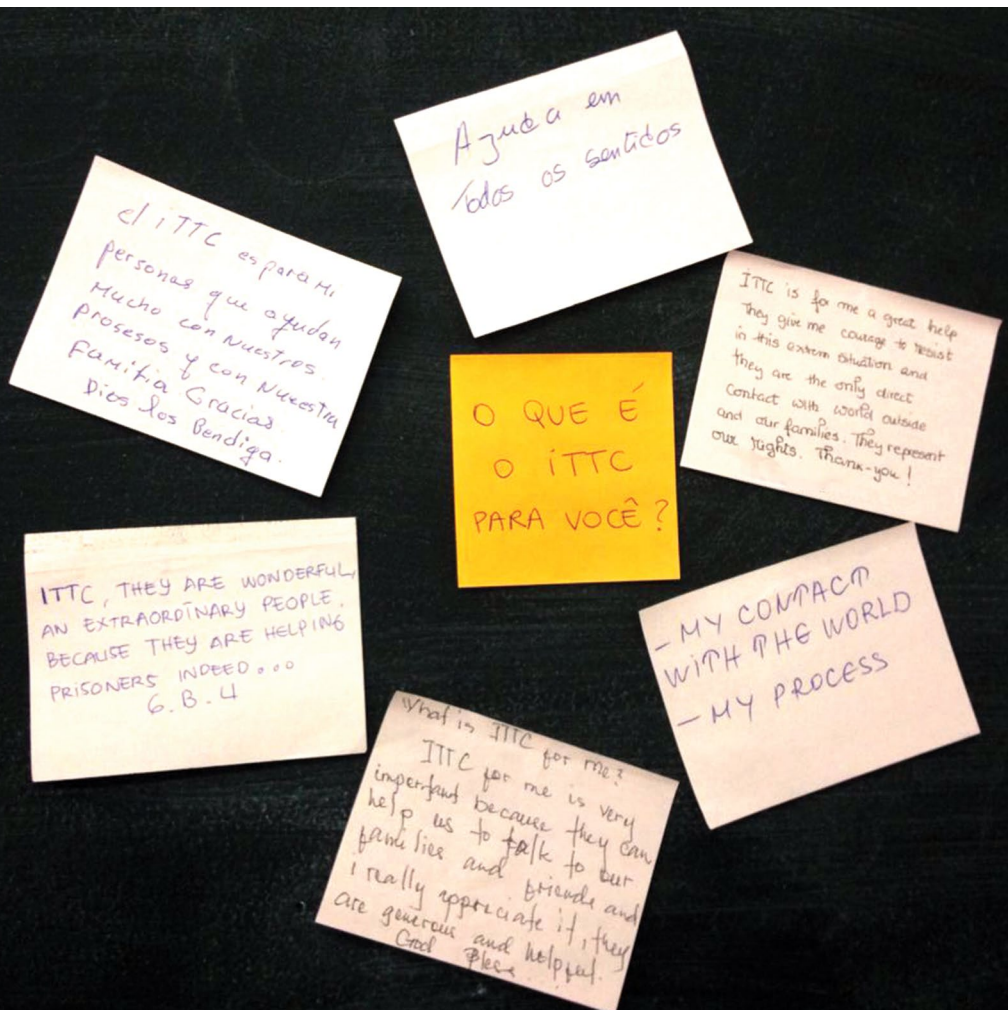
The contact with foreign women also affected historical militants of the prison agenda. Heidi Cerneka, who returned to the United States after 17 years in charge of the Prison Pastoral in Brazil, said that what struck her most was the determination of the women visited by the Project. "I came back with a lot of faces, stories and people that I will never forget. Of women desperate to make life work and who took risks because they did not know where else to get money, most often for themselves and their children,"

she says.

ITTC carried the agenda of gender in the prison system beyond the prison walls and the Institute itself. Today, 15 years later, the subject is widely debated in the most diverse fields of the academy, also reaching political and legal offices throughout the country. "We take the issue of foreigners, mules, prisoner women's rights to Psychology, Social Service, Law courses. This caused many theses to be written, it made a lot of Public Health people to worry and it also made the Judiciary to pay much more attention to what it was deciding," says Sonia Drigo.

From the beginning, the Foreign Women Project was coordinated and executed by women. The female protagonism in the team, highlighted by several members, was crucial for the maturing of the project over these 15 years. The identification with the history of those women, with their wishes, fears and anguish - so similar to the personal experiences of the lawyers, psychologists

*"AND WHAT I  
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Verônica Sionti



and university students that make up the Project - brought the team even closer to the foreign women. "We create an identity with the human being who is on the other side and who is, momentarily, serving a sentence," says Sonia Drigo. "But a lot of our society still thinks that there are citizens of different qualities", she says. For the Law student ITTC and DPU intern, Nayara Chioma, contact with the foreign women that were deprived of freedom brought her a new vision on the gender issue. "Although they are in a situation of extreme vulnerability, they are political subjects to policies," she says. Luisa Luz agrees: for her, feminism must learn to see and welcome these women, who, in the name of their sons and daughters, their families, and especially in the name of themselves, risk their own freedom in search of better life conditions.

Even from a distance, ITTC comforted and supported hundreds of distressed families looking for information about their daughters, sisters, mothers,

and women. Today, the Project is consecrated as one of the only ones in the country to carry out direct work with foreigners in conflict with the law. Its greatest legacy, however, was to remove from invisibility and silence the lives of women of countless nationalities and cultures, who lived forgotten in cells in a country that was not their own. Alongside young students and professionals, the first women to work on the subject - Michael, Sonia, Heidi and Denise - today pass on their experience to ITTC's new generations. In these 15 years of the Foreign Women Project and in these almost two decades of history, the Institute transmitted to the teams, the women assisted, the volunteers, and especially to those who work with the justice system, the capacity to not be indifferent to other people.

*"BUT A LOT OF OUR SOCIETY STILL THINKS THAT THERE ARE CITIZENS OF DIFFERENT QUALITIES"*

Sonia Drigo

**And this is an achievement that has no turning back.**

Foreign Women,

15 years later

Today, 15 after the start of the Project, the team faces new challenges, fruits of the maturation and consolidation of Foreign Women throughout this decade and a half. In addition to the relationship with prison inmates, the nine women at the front of the Project intend to launch a database with the information collected during the visits made by the team since 2001 - information that may contribute to the formulation of transversal policies that guarantee the rights of foreigners in and out of prisons. There is also a greater challenge: to raise awareness among civil society and public authorities so that they see this population not as "foreigners" but as a migrant. "The prospect of a new Migration Law, based on human rights, appears as a good opportunity to include this group as a migrant population that should have its particularities covered and their rights guaranteed," says Isabela Cunha. "The

recognition of these people as entitled to rights is an important step so that they are increasingly able to develop their autonomy and live with dignity in Brazil," she says.

The fragile political context has imposed to ITTC new and necessary strategies of action. Setbacks that are taking shape and uncertainties brought by the current institutional scenario, however, motivate the Foreign Women team even more in the search for the guarantee of rights - the mission of the Institute since its foundation. "ITTC has always struggled regardless of crises. We have already fought in many other crises. That's not the problem. The problem is when more than half of the population believes that a good criminal is a dead criminal. Society is not yet willing to see people in prisons differently. And those are the people we need to convert," says attorney Michael Mary Nolan, founder of the Institute.



*“It is very difficult to have to live with the slowness, the negligence and the lack of commitment of the Judiciary. There are people who identify with a cause and who fulfill their obligation. But the vast majority does not do it. We still keep having cases we had then. But we at ITTC have a clear conscience that we have made a difference in all that. Not only in their treatment, but in respecting their religion and their language, in providing a translator in their procedural follow-up, in the freedom of receiving and writing letters, and to really understand that Brazilian and foreign people are all the same, with the same rights. This has always been a starting point for ensuring those things to these women.”*

**– Sonia Drigo, attorney and founder of ITTC**

*“Women in the Brazilian prison system are already invisible. And female foreign prisoners are even more invisible. It is necessary to work with the most vulnerable group among the vulnerable.”*

**– Michael Mary Nolan, attorney, founder and president of ITTC**

*“It was fascinating to enter into their lives, to know that without ITTC, they would have been totally abandoned and that even a small entity like we were can do so much and make so much noise and change the way we treat people in prison”*

**- Heidi Cerneka, Vice-President of ITTC and Honorary Coordinator for the Issue of Female Prisoners in the National Prison Pastoral**

*“I have a great admiration for the Foreign Women Project, mainly because it is not a project that is based on a professional vision. It is, above all, a very humane engagement of the people involved”*

**– João Freitas de Castro Chaves, federal public defender and coordinator of the DPU's Foreign Prisoners Working Group**

*“It is very good that there are such institutions and it is very good that ITTC carries out this essential work with these women. But at the same time, it's a pity we still have to exist to work with it. This shows that social issues are getting worse every day and our work requires a lot more from us.”*

**– Marisa Andrade, Casa de Acolhida of Palotinas Association**

*“ITTC brings to institutions what they see inside prison walls. They show us the reality, the anguish of these women’s lives. They used to be disregarded within the invisible female imprisonment. Foreign women are the invisible of the invisible. And the Project started because of a human issue: foreign women prisoners see that there is someone who looks at them, in a totalitarian space, in a country where they do not know how to talk and whose culture is unknown to them”.*

**– Kenarik Boujikian, judge and member of GET Mulheres**

*“From the very beginning, we have chosen to have young people working at ITTC, so we always have trainees, and we learn a lot from young people and recognize that they renew our energies, our will to change, and our courage. And I think that, more than the penitentiary, it is ITTC and all those who have passed through who teach me to do something for this world.”*

**– Denise Neri Blanes, social worker, founder and treasurer of ITTC**

*“Michael, Heidi, Sonia: they are my teachers. The specificities of women prisoners, international legislation, minimum rules, how to report, all this I learned from them. I have felt and still feel accomplished as an activist in this group.*

**– Dalila Figueiredo, founder of ASBRAD**

*“There was a time when I wondered if Journalism was what I really wanted. What could I change with Journalism? But then I think that each one of those women has their story and when you tell that story, you change something in their lives.*

**– Ana Luiza Voltolini Uwai, journalist and communications coordinator of ITTC**

*“The work we do here in Foreign Women is more than a job because you need to have a real connection with people. You take with you these experiences of having a conversation, of listening. The professional part and the personal part are difficult to separate because you create a vision in relation to the work that is much more personally involved.*

**– Carolina Yuubi Yabase, psychologist and member of the Foreign Women Project**

*“ITTC has a fully formative role. It taught me what it is to work with people, what it means to have empathy and taught me to identify with these absolutely incredible women that you discover in this process. The battle is infinite, it is not just the penitentiary system, it is life. And these foreign women are very representative of that.*

**– Luísa Luz, lawyer and former member of the Foreign Women Project**

*“ITTC and Foreign Women Project symbolize the paradox between Law in theory and Law in real life. There are a number of guarantees provided for in the Criminal Execution Law which are, in fact, not guaranteed. And we play that role. ITTC shows that justice is not the same for everyone. Why are there people that are stopped at the airport and people who are not? Why are women in prison very similar?*

**– Gabriela Magalhães, member of the Foreign Women Project**

*“The work reinforced my view of what jail is and how it should be abolished. Not only in theory, but mostly in practice we see how logic is much more perverse in the lives of these women. But on the other hand, we see that, even though they are in a situation of extreme vulnerability, they are political subjects and bring many contributions to our reflections on gender.*

**– Nayara Chioma, member of the Foreign Women Project**

*“When I came in here, I agreed with the things that I found in ITTC, but I did not have such a deep opinion on the subject. And after I got in, I began to think critically about the issues. Working here has greatly changed the way I think”*

**– Luiza Magalhães, member of the communication team of ITTC**

*“I am grateful for the opportunity to serve these women and their families. These women are mothers, daughters, sisters, and wives, and deserve to be treated with respect, dignity, love, and compassion. ITTC touches directly on the lives of these women and generates changes in the unjust social and legal structure.”*

**- Sirikit Noronha, missionária leiga e integrante do Projeto Estrangeiras**

*“I have been in ITTC for some time now and I am surprised at how I continue to learn daily in this work with women. The experience in the Foreign Women Project allows me to see beyond the discourses about invisibility and the vulnerability of women in deprivation of liberty. The conditions faced by them are in fact very difficult but, beyond this look that sometimes victimizes them, for me it has been very remarkable to realize how even in these situations they are able to create resistance strategies to overcome the hardships that are imposed on them.”*

**- Isabela Cunha, lawyer and member of the Foreign Women Project**

*“Being close to them is an experience that makes me understand even more how fragile this system is, causing me to question the whole time about its effectiveness, besides the urgent need for attention and involvement of all sectors of society in matters related to the prison institution. Every week, while going to our visits and coming back from them, I meet women who fight for their lives and the lives of their families, even if they are distant. Depending on the perspective, there are much more similarities between us than differences. They teach me a lot.”*

**- Amanda Signori, Social Sciences student and member of the Foreign Women Project**

*“The experience of participating in the Foreign Women Project is one of the most humane jobs I've been involved with because I have contact with women, like myself, inside and outside my team. Working with the proposal of release from prison, inside a patriarchal and racist logic, made me understand that the growing number of women prisoners does not send a message to nothing, it is important for capitalism to arrest us and curtail our freedom, in this sense, penitentiaries come as almost perfect instrument to keep us, women, imprisoned from fighting our struggles.”*

**- Ágatha de Miranda, member of the Foreign Women Project**

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