



## FOOD AND PRISONS: THE HUNGER PENALTY IN THE BRAZILIAN PRISON SYSTEM

January 2026, update and complementation of information (Doc. Sent to the UN in 2023)<sup>1</sup>

Food and nutrition insecurity in the Brazilian prison system remains in a critical situation, marked by continued and widespread violations. We maintain the position of the **third largest prison population in the world**, currently with more than **942,000 people deprived of liberty**; about **706,427 are imprisoned in physical cells**<sup>2</sup>. Of this total, **approximately 66.0% are black people**; **38.5% are young people between 18 and 29 years old**; and **more than 59.4% have completed elementary school**, mostly belonging to communities living in poverty, evidencing the selective and racialized nature of incarceration. Among other vulnerable social groups present in Brazilian prisons, it is also noteworthy that **2.58% are elderly people**, over 60 years old; about **1.31% are people with disabilities**; and **0.25% are indigenous**<sup>3</sup>.

The inspection reports of the National Mechanism to Prevent and Combat Torture (MNPCT), published between 2023 and 2025, incontrovertible document that the 'hunger penalty' persists as a widespread and systematic state practice, operating as an instrument of dehumanization and aggravation of the suffering of people in state custody. Inspections carried out in the states of Pernambuco, Mato Grosso do Sul, Bahia and the Federal District recorded that food insecurity and precarious access to drinking water continue to operate as vectors of cruel, inhuman and degrading treatment, marked by the scarcity in the supply of these fundamental inputs, which have often been used as instruments of punishment, control and collective corporal punishment. **In all the prison units inspected, several violations of food rights were found**, with a record of an emaciated prison population, showing signs of malnutrition, subjected to **daily fasting of up to 18 consecutive hours**, in addition to water rationing, identified in several units<sup>4</sup>.

This situation is aggravated by the expansion of the food **service outsourcing model**, in which large private companies take over the supply of meals. Recent national data show that, of the 1,380 prison establishments, **approximately 60% (818 units) have already adopted this model**, consolidating a structural dependence on outsourcing in prison food<sup>5</sup>.

The MNPCT inspections have also pointed out the precariousness in the supply of outsourced food in prisons, generally with the nutritional and sanitary quality of the most precarious meals. **Outsourcing**

<sup>1</sup> Organizations send an urgent appeal to the UN denouncing hunger in Brazilian prisons. Available at: <https://iddd.org.br/2023/11/17/organizacoes-enviam-apelo-urgente-a-onu-com-denuncia-de-fome-nas-prisoas-brasileiras/>. Accessed in January 2026. Check out the full urgent appeal document [here](#).

<sup>2</sup> 706,427 people imprisoned in physical cells, corresponds to the sum of the total between state prisons (701,637), federal penitentiaries (555) and other prisons (706,427). SENAPPEN data at the link below.

<sup>3</sup> Available at: National Secretariat of Penal Policies. Survey of Penitentiary Information. Available at: <https://app.powerbi.com/view?r=eyJrIjoiYjcwNTRhMjUtNjBkZS00YmFmLWlxZTAtOTU3OTJINGQyOTg0liwidCI6ImViMDkwNDIwLTQ0NGMtNDNmNy05MmWYyLTRiOGRhNmJmZThlMSJ9>. Accessed in January 2026.

<sup>4</sup> National Mechanism to Prevent and Combat Torture (MNPCT). Inspection Report at the Serrinha Bahia Penal Complex. Report of Regular Inspections carried out in the state of Pernambuco. Available at: <https://mnpctbrasil.wordpress.com/relatorios/>. Accessed in January 2026.

<sup>5</sup> National Secretariat of Penal Policies (SENAPPEN). Ministry of Justice and Public Security. Database of the Penitentiary Information Survey report. 18th Cycle. Available at: <https://www.gov.br/senappen/pt-br/servicos/sisdepen/relatorios/>. Accessed in January 2026.

**transforms a basic human right into a high-cost service whose logic is determined by financial goals and not by criteria of dignity, health and food safety.** The contracts signed between states and private companies contrast with the daily reality of prisoners, who continue to receive insufficient food, poor in nutrients and often inadequate to meet the minimum recommendations. The economic rationality of these contracts leads to the reduction of inputs, the purchase of low-quality products, inadequate storage and insufficient inspection. At the same time, this structure limits the existence of internal kitchens, negatively impacts on possible job opportunities and remission of sentences for prisoners, in addition to reducing the autonomy of the State in the management of care.

In the same sense, the National Panorama of Food and Access to Water in the Prison System (SENAPPEN/2024)<sup>6</sup> documents systemic violations of the human right to adequate food. **The average of 3.8 meals a day, below the five required by law, with intervals of more than 15 hours, configuring periods of hunger.** The diet is monotonous and poor in nutrients, marked by physical and biological contamination, in addition to structural precariousness, marked on average by **56% of the units that do not have a kitchen**, depending on outsourced lunchboxes, which are delivered cold. Inspection is flawed, with a quarter of the units not checking the weight of the meals. The report concludes that institutionalized food insecurity in Brazil perpetuates the violation of rights and the subordination of prisoners<sup>7</sup>. The conjunction of these factors is an affront to the Brazilian Penal Execution Law, Law 11.346/2006 and the Mandela Rules, which determine adequate food at regular times and continuous access to drinking water.

Another critical point refers to food inadequacy in the face of restrictions and specific religious practices. The Institute for Land, Work and Citizenship - ITTC collected complaints, reported during a visit to the women's prison in São Paulo (2025), that incarcerated women who follow certain religious traditions, including periods of fasting and dietary restrictions, are receiving food incompatible with their precepts. A particularly serious example involves Muslim migrant women deprived of their liberty during the Ramadan period, who are being subjected to the constant offer of pork as a source of protein — a food expressly forbidden by their religion. Such a practice constitutes a violation of fundamental rights, since food should respect the nutritional, cultural and religious needs of all people deprived of liberty<sup>8</sup>. In addition to the facts mentioned, the right to religious assistance, freedom of worship and restrictive diets are also violated.

Added to this picture of food insecurity in prisons in Brazil, **the tightening of administrative rules after the COVID-19 pandemic.** Under the justification of greater rigor in security, several state ordinances (state regulations) have been increasingly limiting the criteria for the delivery of "jumbos/bags"<sup>9</sup>. Several prison units started to require the sending of these items via CORREIOS (SEDEX), this being the most expensive postal

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<sup>6</sup> National Secretariat of Penal Policies. Ministry of Justice and Public Security. National Overview of Food and Access to Water in the Prison System (SENAPPEN/2024). Available at: <https://www.gov.br/senappen/pt-br/assuntos/noticias/senappen-publica-primeiro-panorama-nacional-de-alimentacao-e-acesso-a-agua-no-sistema-prisional>. Accessed in January 2026.

<sup>7</sup> National Secretariat of Penal Policies. Ministry of Justice and Public Security. National Overview of Food and Access to Water in the Prison System (SENAPPEN/2024). Available at: <https://www.gov.br/senappen/pt-br/assuntos/noticias/senappen-publica-primeiro-panorama-nacional-de-alimentacao-e-acesso-a-agua-no-sistema-prisional>. Accessed in January 2026.

<sup>8</sup> NATIONAL COUNCIL OF JUSTICE (Brazil). Resolution No. 405, of July 6, 2021. It establishes conducts for the treatment of migrants in custody, accused, defendants, convicted or deprived of liberty. Brasília, DF: CNJ, 2021. Available at: <https://atos.cnj.jus.br/atos/detalhar/4030>. Accessed on: 16 jan. 2026.

<sup>9</sup> Basic supplies provided by families to prisoners (food, hygiene kits, etc.).

modality in the country, placing an even more financial burden on families that are already financially vulnerable and that are mostly provided by women.

The Brazilian State deliberately ignores that family support constitutes the last barrier against hunger in the midst of state omission. The restrictions even affect children, such as in Paraná, where only tiny items such as two bottles, 200 grams of unfilled cookies and a pacifier are allowed during visits<sup>10</sup>. Measures such as these violate the UN Minimum Rules and the Organic Law on Food Security, exposing the use of hunger as a mechanism of control and collective punishment.

While in the normative sphere, Brazil has robust determinations and recommendations around the right of prisoners to healthy food, violations of its provisions are observed. Law 11.346 of 2006 establishes food as a fundamental human right. Resolution 3/2017 of the National Council for Criminal and Penitentiary Policy requires the minimum offer of five meals a day with a total energy value of 2 thousand calories. The UN Mandela Rules require constant access to clean water and nutritionally adequate food.

## Conclusion

The situation of food insecurity in Brazilian prisons is not new, as documented in the original 2023 appeal. However, it has worsened with the tightening of post-pandemic restrictions and the persistence of the corporate outsourcing model. The Brazilian State continues to fail to comply with fundamental legal obligations. Hunger in Brazil's prisons is not administrative negligence, it is a deliberate policy of dehumanization that perpetuates racism, poverty and exclusion.

The response presented to the UN in 2024, while acknowledging the problem through the "Just Sentence" Plan, such measures have not yet translated into concrete improvements in cells, demonstrating a deep gap in diplomatic responses and prison practice. **The recognition of the Unconstitutional State of Things by the Federal Supreme Court imposes the duty to act, but the three-year implementation schedule provided for in the national/state plans ignores the urgency of those who today face the consequences of forced fasting in the context of overcrowded cells in the country.**

We therefore reaffirm the critical importance of the United Nations Special Rapporteurs on the Right to Food, the Right to Water and Sanitation, and the Right to Health prioritizing the issue of food security in the Brazilian prison system, producing information, recommendations, and questions that pressure the State to implement, urgently and adequately, measures that ensure the fundamental right to adequate food for the population deprived of liberty.

Finally, considering the persistence of serious human rights violations in Brazilian prison units, particularly the **systematic continuity of hunger and thirst**, we maintain the scope of the 13 original recommendations of the 2023 document with the addition of other essential ones:

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<sup>10</sup> ORDINANCE 114/2023. Regulates the entry of food and items allowed for social visits to persons deprived of liberty in prison establishments within the scope of the Criminal Police Department of the State of Paraná. Available at: [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.deppen.pr.gov.br/sites/default/arquivos\\_restritos/files/documento/2023-12/portaria\\_114\\_alimento\\_dia\\_visita\\_2024.pdf](https://www.deppen.pr.gov.br/sites/default/arquivos_restritos/files/documento/2023-12/portaria_114_alimento_dia_visita_2024.pdf). Accessed in January 2022.



1. Offer a minimum of five meals a day, including breakfast, lunch, afternoon snack, dinner and supper, especially for sick people and pregnant and breastfeeding women;
2. Prohibition of intervals between the last and the first meal of more than ten hours;
3. Minimum offer of five servings of fresh fruits or vegetables per day (four hundred grams per day);
4. Constant supply of clean, potable water at a pleasant temperature, as well as the provision of basic health services;
5. Creation of State Committees and Mechanisms to Prevent and Combat Torture in all federative units where they do not yet exist, especially in São Paulo and Minas Gerais, guaranteeing them independence and adequate structure;
6. Prohibition of kitchens outside prison units and establishment of internal kitchens with the possibility of paid work and remission of sentence;
7. Implementation of a permanent commission for the inspection of contracts with outsourced companies, composed of Public Defenders' Offices, MNPCT, family members and civil society, with referral to the Court of Auditors;
8. Inspection of health surveillance in prison units, food transport vehicles and external kitchens;
9. Adequate transportation of food;
10. Allow the entry of food by family members of prisoners;
11. Considerably increase the amount of food allowed to be taken by visiting family members;
12. Implementation of decarceration measures, considering overcrowding and its impacts on the guarantee of the right to health;
13. Communication to the Brazilian Federal Government of the situation and recommendations presented;
14. Immediate repeal of state ordinances (2020-2025) that restrict access to family food, eliminating SEDEX requirements and establishing a minimum access of 5 kilograms per visitor;
15. Total prohibition of water rationing, including as a disciplinary measure, with immediate auditing and criminal accountability of managers;
16. Binding 36-month schedule for the implementation of internal kitchens with remuneration for prisoners (minimum 75% of the minimum wage) and remission of sentence (1 day for every 3 worked);
17. Mandatory minimum standards for outsourcing: verification of weight in 100% of deliveries, prohibition of expired food, quarterly disclosure of reports;
18. Semiannual nutritional assessment with adjustments for special needs (pregnant women, the elderly, people with disabilities, indigenous people);



19. Independent reporting mechanism (with anonymity) for food rights violations with mandatory investigation;
20. Express prohibition of hunger or water as punishment, recognizing as a crime of torture with criminalization of managers;
21. Ensure the exercise of religious practice, regardless of religion, so that the particularities related to each one are respected in their entirety, whether in relation to the time/number of daily prayers, or in relation to dietary restrictions, among other practices;
22. Permanent national quarterly monitoring system with public disclosure of data on meals, nutritional quality, malnutrition and access to water;
23. Independent technical mission of the CAT and UN Special Rapporteurs for *on-site verification* and production of a report with binding recommendations.

In the annex, we send a summary table, containing the average number of people imprisoned in physical cells per Federation Unit. It contains the total number of prison establishments, capacity and deficit of vacancies, allowing us to visualize the national distribution of the population deprived of liberty in Brazil.

In view of all the above, the undersigned entities reinforce the importance that the Office of the Special Rapporteur on the Right to Food, the Office of the Special Rapporteur on the Right to Water and Sanitation, and the Office of the Special Rapporteur on the Right to Health of the United Nations give priority to the issue of food in the prison system in order to produce information, recommendations and to question the Brazilian State about the measures that have been implemented to ensure the fundamental right to adequate food for the population deprived of liberty.

- National Mechanism to Prevent and Combat Torture (MNPCT)
- Institute for the Defense of the Right to Defense (IDDD)
- Land, Labor and Citizenship Institute (ITTC)
- Network for Protection and Resistance Against Genocide
- Global Justice.