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The Brazilian prison system in the modern era: challenges, crisis, and prospects for reform.
The Brazilian prison system in the modern era: challenges, crisis, and prospects for reform

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Summary

This article analyzes the reality of the Brazilian prison system in the modern era, considering structural, social, legal, and human rights dimensions. Based on official data, specialized literature, and inspection reports, it discusses the phenomenon of overcrowding, its consequences for human dignity, the impact of organized violence within prison units, and the limitations of current public policies. Alternative approaches to imprisonment and proposals for reforming the national penitentiary system are also explored. It concludes that, although a robust legal framework exists to support fundamental guarantees, the persistence of degrading conditions and the insufficiency of effective policies reveal a prolonged crisis that demands integrated and multilateral solutions.

Keywords: prison system, overcrowding, human rights, public policies, rehabilitation.

Abstract

This article analyzes the reality of the Brazilian prison system in the modern era, considering structural, social, legal, and human rights dimensions. Based on official data, specialized literature, and inspection reports, it discusses the phenomenon of overcrowding, the consequences for human dignity, the impact of organized violence within prison units, and the limitations of current public policies. Alternative approaches to imprisonment and proposals for reforming the national penitentiary system are also explored. It concludes that, although a robust legal framework exists to support fundamental guarantees, the persistence of degrading conditions and the insufficiency of effective policies reveal a prolonged crisis that requires integrated and multilateral solutions.

Keywords: prison system, overcrowding, human rights, public policies, resocialization.

1. Introduction

The Brazilian prison system faces a prolonged crisis that combines overcrowding, precarious infrastructural conditions, high rates of intramural violence, and repeated violations of human rights. These characteristics have been documented by governmental organizations, research institutes and human rights organizations, pointing to a reality that contrasts with the constitutional principles of human dignity and penal rehabilitation. (CF/88). From this perspective, the aim is to understand the causes and consequences of this situation. In contemporary times, evaluating its historical roots and proposing ways to overcome it. crisis.



2. Methodology

This study is characterized as bibliographic and documentary research, involving analysis. Critique of official reports, recent statistical data, and academic literature related to the system. Brazilian penitentiary. The approach integrates systematic reviews and contextualized interpretation. of the observed phenomena, based on recent secondary sources made available by agencies. national public bodies (MDHC, CNJ, Depen) and relevant scientific studies.

3. Historical and Structural Context of the Brazilian Prison System

The expansion of the Brazilian prison system follows the prevailing punitive model. since the 1980s, marked by the progressive adoption of "law and order" policies and by The increase in prison sentences. This intensification culminated in the phenomenon of Mass incarceration, which transformed Brazil into the **third most populous country**.

The world's largest prison population is second only to the United States and China. Official data indicates that... The prison population exceeds **850,000 individuals**, demonstrating an increase. The shortage of jobs has grown exponentially since the 2000s, with a deficit of over 200,000.

4. Overcrowding and its Implications

Overcrowding is the main structural problem of the Brazilian prison system. Inspections Data from the National Council of Justice (CNJ) shows that prison units operate with a rate of average occupancy of **150%**, often with facilities designed for fewer people than They effectively provide shelter, while many pre-trial detentions extend for periods exceeding one year, making this situation more serious.

This condition directly impacts the health, hygiene, safety, and even dignity of... Prisoners. Overcrowded environments favor the spread of diseases and hinder care. adequate for health and reduce opportunities for work or educational activities — factors that They compromise rehabilitation.

5. Human Rights and Violence in the Prison System

Brazilian prisons have an alarming history of human rights violations. including mistreatment, torture, and violence among prisoners. Official reports record thousands of Reports of torture and physical violence, with hundreds of violent deaths within the units. prisons, in many cases at rates higher than the average for the general population.

Criminal organizations such as **Primeiro Comando da Capital (PCC)** and **Comando Vermelho (CV)** wields strong influence within prisons, often assuming roles of Parallel governance, coordinating illicit activities and fomenting violent conflicts. These groups

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They have become historically consolidated and are an integral part of the internal control dynamics of various units.

6. Rehabilitation and Public Policies

The Brazilian legal framework, as established in the **Penal Execution Law (LEP)** and in its constitutional principles, it advocates for resocialization and human dignity as essential elements central to the prison system. However, the effectiveness of these principles faces obstacles significant in practice, due to the scarcity of educational programs, job opportunities and psychosocial support.

Despite this, innovative initiatives, such as those developed by civil society organizations, are still possible. The APAC model (e.g., APAC model) demonstrates promising results in terms of reducing recidivism, offering alternative models of penal execution based on dignity, education and community support.

7. Challenges and Perspectives of Reform

Overcrowding, coupled with deficient infrastructure, insufficient staff training and weaknesses in prison management require profound structural reforms. Among the strategies key points to highlight include:

1. **Reducing unnecessary incarceration:** expanding the use of alternatives to imprisonment, especially for crimes of lesser offensive potential and for progressive sentencing regimes.
2. **Review of prolonged provisional sentences:** procedural acceleration and stricter criteria for pretrial detention.
3. **Strengthening resocialization:** public policies focused on formal education and professionalization, mental health, and social reintegration after sentence completion.
4. **Modernization of prison management:** increased staffing, specialized training, and oversight of continuous detention conditions.
5. **Full adherence to international human rights standards,** such as the **Mandela Rules**, which guide humane treatment and minimum dignified conditions.

8. Sociodemographic Profile of the Brazilian Prison Population

An analysis of the Brazilian prison system requires an understanding of its sociodemographic profile of people deprived of liberty. Studies show that incarceration in Brazil, the impact is felt primarily by young, black individuals with low levels of education and origins from contexts of social vulnerability. This finding shows that the penal system operates in a way



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selective, reproducing historical and structural inequalities that exist in Brazilian society.

According to data from the National Penitentiary Department (DEPEN), more than 65% of the prison population is composed of Black or mixed-race people, while the majority have not completed their studies. The prison population is composed of Black or mixed-race people, while the majority have not completed their studies. The predominance of young people between 18 and 29 years old reveals that incarceration affects an economically active segment of the population, compromising individual trajectories and deepening cycles of social exclusion. This scenario reinforces the argument that the prison system operates as a mechanism of social control over marginalized groups, instead of promoting social justice. It affects an economically active segment of the population, compromising individual trajectories and deepening cycles of social exclusion. This scenario reinforces the argument that the prison system operates as a mechanism of social control over marginalized groups, instead of promoting social justice. effective.

Furthermore, it is observed that crimes related to drug trafficking and property offenses represent a significant portion of convictions, especially among first-time offenders. This fact raises questions about the criminal policy adopted, especially regarding its effectiveness. This raises questions about the criminal policy adopted, especially regarding its effectiveness. mass criminalization and the excessive use of imprisonment as the primary penal response.

9. Pretrial Detention and the Slowness of the Justice System

Another central element of the Brazilian prison crisis is the high number of pretrial detainees. A significant portion of the prison population is deprived of their liberty without having been convicted. Pretrial detention, which should be an exceptional measure, has become a recurring practice in the justice system. definitive, which constitutes a serious affront to the constitutional principle of presumption of innocence. A Pretrial detention, which should be an exceptional measure, has become a recurring practice in the justice system. criminal.

The slow pace of the legal process, coupled with an insufficient number of public defenders and an overload of resources... The judiciary contributes to the prolonged stay of individuals in prison units. Overcrowded. In many cases, pretrial detainees serve longer than they should. The penalty that would eventually be applied to them if they were convicted. This distortion highlights the need to review procedural practices and expand judicial oversight mechanisms. Regarding the legality and duration of pretrial detentions.

Initiatives such as custody hearings represent important institutional advances. because they allow for an immediate analysis of the legality of the arrest and the need to maintain it. However, its application still faces resistance and structural limitations, which compromises its effectiveness. effectiveness nationwide.

10. Mental Health, Drug Addiction, and Sanitary Conditions in Prison

The issue of health in the Brazilian prison system constitutes one of the most critical aspects of contemporary reality. Poor sanitary conditions, coupled with overcrowding, favor the spread of infectious diseases, such as tuberculosis, HIV, and viral hepatitis.



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Insufficient medical teams and effective public policies exacerbate this situation, compromising the fundamental right to health of people deprived of their liberty.

Regarding mental health, the scenario is even more alarming. Studies indicate high... incidence of psychiatric disorders, depression, anxiety, and suicidal ideation among the population in the prison environment. The absence of adequate psychological support and living in confined spaces. Marked by violence, these experiences intensify psychological suffering, turning prison into a space of... worsening, not treatment.

Furthermore, drug addiction is a significant factor within prison units, both as a cause and a consequence of incarceration. The presence of illicit substances inside is both a cause and a consequence of incarceration. Prison surveillance highlights flaws in institutional control and reinforces the influence of organizations of criminals, while also exposing the absence of effective treatment and reduction policies of damages.

11. Gender, Female Incarceration, and Vulnerable Groups

Although they represent a numerical minority, women deprived of their liberty face specific and often overlooked conditions within the Brazilian prison system. The growth in female incarceration in recent decades is strongly associated with crimes related to drug trafficking, often committed in contexts of economic dependence, coercion or emotional ties with criminal organizations.

Women's prison units, in general, do not have adequate facilities to meet the needs of women. Demands related to motherhood, reproductive health, and childcare. Women who are pregnant or breastfeeding face conditions incompatible with human dignity, despite the existing legal guarantees. Children who live with their mothers in prison are directly affected and impacted by the structural deficiencies of the system.

In addition to women, other vulnerable groups—such as LGBTQIA+ people, indigenous people, and people with disabilities face additional risks of violence, discrimination, and neglect. The absence of specific policies for these groups highlights the need for an intersectional perspective in the formulation of prison policies.

12. Impacts of the Prison System on Society and Public Safety

The crisis in the prison system is not confined to the walls of penitentiaries; its effects extend beyond them. They have repercussions on the whole of society. The high rate of recidivism demonstrates the ineffectiveness of the model. Currently, the prison system's role is to promote social reintegration. Instead of reducing crime, however, it often... It functions as a space for strengthening criminal ties and reproducing violence.



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The strengthening of criminal factions within prisons has a direct impact on security public, since these organizations use the prison system as a strategic base for coordination of external illicit activities. Thus, the precariousness of the prison system contributes to The expansion of organized crime, instead of combating it.

Furthermore, the high financial cost of mass incarceration imposes a significant burden to the State, diverting resources that could be invested in preventive policies, education, and health and social inclusion. This reality reinforces the need to rethink the current penal model, seeking more effective and humane alternatives.

13. Conclusions

The Brazilian prison system faces a multifaceted crisis that reflects historical failures of the punitive model and shortcomings in public policies for security and criminal justice. The high overcrowding, coupled with degrading conditions and the presence of criminal organizations in the area. The prison environment reveals a reality that contrasts sharply with the objectives social reintegration programs as outlined in Brazilian legislation. Structural reforms, based on Evidence and principles of human rights are urgent and fundamental to transforming the system. prisons as an instrument that promotes security, justice and dignity.

A thorough analysis of the reality of the Brazilian prison system in the modern era reveals that The prison crisis is the result of a combination of structural, historical, and political factors. selective prosecution, overcrowding, systematic violation of human rights, and inefficiency. Rehabilitation programs create a scenario incompatible with constitutional principles and with the international commitments undertaken by Brazil.

Overcoming this crisis requires structural changes that go beyond palliative solutions. It is It is essential to adopt evidence-based criminal policies and increase penalties alternatives, strengthening restorative justice and the effective implementation of programs of Education, work, and health in the prison environment. Only through an integrated approach, By articulating justice, human rights, and social policies, it will be possible to transform the prison system. as a legitimate instrument for promoting public safety and human dignity.

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