

The dramatic rise in female prisoner numbers in Brazil

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22/12/2025

Country is ranked third in the world for total female prisoners—their number has quintupled in 24 years

It was inside a cell that Ilda Nascimento discovered her pregnancy with her third child. In 2010, the then single mother of two girls had just been arrested for the second time for drug trafficking. Under police escort, she carried João Victor, gave birth to him and took care of him in Carandiru for eight months. Then, she watched her baby cross the gates of São Paulo.

The separation of families is at the center of the dramatic rise of the female prison population, which has increased fivefold in the last 24 years in Brazil, according to the latest edition of the World Female Imprisonment List, by the Institute for Crime and Justice Policy Research (ICPR), associated with the University of London.

"The greatest suffering inside is that of the woman who is left without her children, because many prisoners are mothers," says Ilda, 46, after ten years in the prison system. "She's missing them all the time."

With about 50,000 women in the detention of the state – including closed regimes, other regimes or pre-trial regimes – the country has the third highest number of women in prison, behind only the United States (almost 175,000) and China (at least 145,000).

According to the National Secretariat for Penal Policies (Senappen), Brazil has almost 32 thousand women in physical custody, including 195 pregnant women and 91 breastfeeding women. In 2023, there were 27 thousand.

Children in prison

Currently, there are 90 children incarcerated along with their mothers in Brazil, all of whom are no more than one year old, before being removed from maternal contact. As happened with João Victor.

Under the guardianship of his grandmother, he spent his early childhood thinking that he was visiting his mother at her place of work. "Then one day he told me: 'I know this is jail, because they lock you up when I leave,'" says Ilda. Today, away from drugs, she travels around São Paulo on a motorcycle making deliveries. "He was part of this history."

It wasn't until the boy turned seven that it was Ilda's time to leave prison in 2017. The older daughters of the São Paulo native, who saw her arrested for the first time at the ages of 3 and 7, were by then of age.

The following year, the Federal Supreme Court (STF) would grant collective habeas corpus to all pregnant women or mothers of children up to 12 years old or people with disabilities in preventive detention. The decision would benefit at least 3.5 thousand women in the two consecutive years, according to a survey by the g1 portal, in 16 states and the Federal District.

War on drugs

Associated with poverty, inequality and difficulty in accessing justice, the war on drugs has catapulted Brazil into mass incarceration of women as it has in the rest of the world.

"Since the 2000s, we have seen the number of women in prison globally grow at a rate three times faster than that of male prisoners," explains Catherine Heard, director of ICPR's World Prison Research Programme. The initiative maintains the World Prison Brief database, which tracks statistics on the world's prison population.

According to experts, Brazil's 2006 Drug Law led to the massive criminalization of black, poor and marginalised women, by eliminating the prison sentence for drug use while toughening the punishment for trafficking. With blurred dividing lines to distinguish users from traffickers, the result was the large-scale framing of the crime of trafficking. The law did not define by quantities of drugs possession for personal use or commercial purposes.

"The penal system is not reaching large criminal organizations, but women who occupy low positions in the sales chain," says Helen Baum, a specialist in the Justice Without Walls Program, of the Land, Labor and Citizenship Institute (ITTC). She is also a survivor of prison. "Female imprisonment in Brazil only exists because of drug policy," she adds.

ICPR's Heard argues that the skyrocketing female prison population in Brazil is also a consequence of the "general failure to develop any alternative to prison time."

Among those listed by the ICPR, the countries with the largest increases in female prison populations since 2000 also include Guatemala (six times), El Salvador (seven times), Indonesia (seven times) and Cambodia (nine times).

Lack of basic items

Approximately one in three of the Brazilian women in physical cells are detained in the state of São Paulo. According to a 2018 study published by the Institute of Applied Economic Research (Ipea), the years following the Drug Law saw an increase in criminalisation for trafficking, with a fall in criminalisation of drug use, in the surroundings of São Paulo's Cracolândia ('Crackland').

This was the case of Helen, when she was a resident of this area which has become an icon of drug consumption in Brazil. Arrested for trafficking in 2013, she was separated from her son, then 15 years old. She preferred not to let him know the reality after the prison walls surrounded her.

Today, she is a researcher and activist for the rights of survivors of Brazilian prison. In the autobiographical book *When they tore off my wings*, she tells of life in cell seven of the Franco da Rocha Women's Provisional Detention Center (CDP).

"We had problems with the lack of adequate food, mental and reproductive health care and access to hygiene products," she explains. "It is the relatives who need to send these items to prisoners. But women are very abandoned by their families."

Often deprived of support networks, women deprived of liberty tend to receive fewer visits than men. Loneliness is one of the most common experiences of being a woman behind bars.

A report by the National Mechanism to Prevent and Combat Torture (NPM) last year described the structure of the prison unit as unhealthy. It also gathered evidence of cruel, inhuman and degrading treatment for pregnant women and babies.

Investments required

At the time of the inspection by the NPM in 2023, two-thirds of the 729 prisoners at the CDP Franco da Rocha were black or brown, and more than 90% were unmarried. Almost half had not completed elementary school.

For Heard, Brazil needs not only to reduce the female prison population, but also to invest more resources in meeting their specific needs when prison is deemed inevitable.

"Unfortunately, women's prisons are designed following models of men's prisons," she says. "We would like to see something very different, including smaller units and more study opportunities for women."

Senappen did not respond to a request for comment by DW on policies in place or planned on the topic.

In December, the Committee on Public Security and Combating Organized Crime of the Chamber of Deputies rejected a bill to make the distribution of hygiene products, such as toilet paper, sanitary pads, disposable diapers, and children's equipment mandatory in women's prisons.

Rapporteur, Deputy Sargento Fahur (PSD), from Paraná, called the proposal a "moral distortion". The text was previously approved by two committees and awaits the consideration of two others and the Plenary.